



Northern Ireland  
Assembly

# OFFICIAL REPORT (Hansard) and JOURNAL OF PROCEEDINGS

Volume 106

(22 June 2015 to 31 August 2015)



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# Assembly Members

Agnew, Steven (North Down)	McCallister, John (South Down)
Allister, Jim (North Antrim)	McCann, Fra (West Belfast)
Anderson, Sydney (Upper Bann)	McCann, Ms Jennifer (West Belfast)
Attwood, Alex (West Belfast)	McCarthy, Kieran (Strangford)
Beggs, Roy (East Antrim)	McCartney, Raymond (Foyle)
Bell, Jonathan (Strangford)	McCausland, Nelson (North Belfast)
Boylan, Cathal (Newry and Armagh)	McCorley, Ms Rosaleen (West Belfast)
Boyle, Ms Michaela (West Tyrone)	McCrea, Basil (Lagan Valley)
Bradley, Dominic (Newry and Armagh)	McCrea, Ian (Mid Ulster)
Bradley, Ms Paula (North Belfast)	McDonnell, Alasdair (South Belfast) ( <i>until 28 June 2015</i> )
Buchanan, Thomas (West Tyrone)	McElduff, Barry (West Tyrone)
Byrne, Joe (West Tyrone)	McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
Cameron, Mrs Pam (South Antrim)	McGimpsey, Michael (South Belfast)
Campbell, Gregory (East Londonderry)	McGlone, Patsy (Mid Ulster)
Clarke, Trevor (South Antrim)	McGuinness, Martin (Mid Ulster)
Cochrane, Mrs Judith (East Belfast)	McIlveen, David (North Antrim)
Cochrane-Watson, Adrian (South Antrim) ( <i>from 29 June 2015</i> )	McIlveen, Miss Michelle (Strangford)
Copeland, Michael (East Belfast)	McKay, Daithí (North Antrim)
Craig, Jonathan (Lagan Valley)	McKevitt, Mrs Karen (South Down)
Cree, Leslie (North Down)	McKinney, Fearghal (South Belfast)
Dallat, John (East Londonderry)	McLaughlin, Ms Maeve (Foyle)
Dickson, Stewart (East Antrim)	McLaughlin, Mitchel (South Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)	McMullan, Oliver (East Antrim)
Douglas, Sammy (East Belfast)	McNarry, David (Strangford)
Dunne, Gordon (North Down)	McQuillan, Adrian (East Londonderry)
Durkan, Mark H (Foyle)	Maginness, Alban (North Belfast)
Easton, Alex (North Down)	Maskey, Alex (West Belfast)
Eastwood, Colum (Foyle)	Middleton, Gary (Foyle)
Elliott, Tom (Fermanagh and South Tyrone) ( <i>until 27 June 2015</i> )	Milne, Ian (Mid Ulster)
Farry, Dr Stephen (North Down)	Morrow, The Lord (Fermanagh and South Tyrone)
Fearon, Ms Megan (Newry and Armagh)	Moutray, Stephen (Upper Bann)
Flanagan, Phil (Fermanagh and South Tyrone)	Murphy, Conor (Newry and Armagh)
Ford, David (South Antrim)	Nesbitt, Mike (Strangford)
Foster, Mrs Arlene (Fermanagh and South Tyrone)	Newton, Robin (East Belfast)
Frew, Paul (North Antrim)	Ní Chuilín, Ms Carál (North Belfast)
Gardiner, Samuel (Upper Bann)	Ó hOisín, Cathal (East Londonderry)
Girvan, Paul (South Antrim)	O'Dowd, John (Upper Bann)
Givan, Paul (Lagan Valley)	Ó Muilleoir, Máirtín (South Belfast)
Hale, Mrs Brenda (Lagan Valley)	O'Neill, Mrs Michelle (Mid Ulster)
Hamilton, Simon (Strangford)	Overend, Mrs Sandra (Mid Ulster)
Hanna, Ms Claire (South Belfast) ( <i>from 29 June 2015</i> )	Poots, Edwin (Lagan Valley)
Hazzard, Christopher (South Down)	Ramsey, Pat (Foyle)
Hilditch, David (East Antrim)	Robinson, George (East Londonderry)
Humphrey, William (North Belfast)	Robinson, Peter (East Belfast)
Hussey, Ross (West Tyrone)	Rogers, Sean (South Down)
Irwin, William (Newry and Armagh)	Ross, Alastair (East Antrim)
Kelly, Mrs Dolores (Upper Bann)	Ruane, Ms Caitriona (South Down)
Kelly, Gerry (North Belfast)	Sheehan, Pat (West Belfast)
Kennedy, Danny (Newry and Armagh)	Somerville, Neil (Fermanagh and South Tyrone)
Kinahan, Danny (South Antrim) ( <i>until 27 June 2015</i> )	( <i>from 29 June 2015</i> )
Lo, Ms Anna (South Belfast)	Spratt, Jimmy (South Belfast)
Lunn, Trevor (Lagan Valley)	Storey, Mervyn (North Antrim)
Lyons, Gordon (East Antrim)	Sugden, Ms Claire (East Londonderry)
Lynch, Seán (Fermanagh and South Tyrone)	Swann, Robin (North Antrim)
Lyttle, Chris (East Belfast)	Weir, Peter (North Down)
McAleer, Declan (West Tyrone)	Wells, Jim (South Down)
	Wilson, Sammy (East Antrim)

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# Ministerial Offices

## The Executive Committee

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Deputy First Minister.....	Mr Martin McGuinness
Minister for Employment and Learning.....	Dr Stephen Farry
Minister for Regional Development .....	Mr Danny Kennedy
Minister for Social Development.....	Mr Mervyn Storey
Minister of Agriculture and Rural Development .....	Mrs Michelle O'Neill
Minister of Culture, Arts and Leisure .....	Ms Carál Ní Chuilín
Minister of Education .....	Mr John O'Dowd
Minister of Enterprise, Trade and Investment.....	Mr Jonathan Bell
Minister of the Environment.....	Mr Mark Durkan
Minister of Finance and Personnel .....	Mrs Arlene Foster
Minister of Health, Social Services and Public Safety .....	Mr Simon Hamilton
Minister of Justice.....	Mr David Ford

## Junior Ministers

Office of the First Minister and deputy First Minister .....	Miss Michelle McIlveen
	Ms Jennifer McCann

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# Official Report (Hansard)



# Assembly Sittings





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# Northern Ireland Assembly

Monday 22 June 2015

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Poots:** On a point of order, Mr Speaker. On exiting the Building last week after the debate on collusion, I was berated, as were other Members of the Assembly, by members of the public. I witnessed Mr Maginness being berated quite badly. I was berated. I went on about my business and did not respond, and then was told to rot in hell. Subsequently, other Members had to actually leave the Great Hall because of the hostility that was being demonstrated towards them, including members of my party and members of the SDLP. I note that, when people are given temporary passes to enter the Building, they are supposed to adhere to a behavioural code. I ask that those matters are looked at and addressed because, when I asked the security folks to look at it, they indicated that this was a public part of the Building and that they had no authority to deal with it.

I do not think that it is acceptable for any Member of the Assembly, whether nationalist, republican, unionist or whatever, to be attacked in the way in which Members were attacked last week. I want to avoid that situation or circumstance happening again. I can identify two of the individuals who were involved. I personally witnessed Mark Thompson from Relatives for Justice being particularly aggressive. It was a lady who launched the assault on me, and I could quite easily identify her were the opportunity to arise. Frankly, it is unacceptable that Members of the Assembly should be treated in that way by members of the public, and we need to have a system in place that deals with that. At this moment, it does not appear that that is the case.

**Mr Speaker:** My initial response is that that is not actually a point of order because it does not refer to issues in the Chamber, but I take seriously the point that you made. I have addressed the significance and importance of Members in this Chamber treating each other with respect because I think that behaviour occasionally oversteps the mark and sets a very poor example indeed. I will refer the matter for investigation to see whether there is anything that we can do, but I will take the opportunity on the issue that you have addressed to remind Members that we can give a lead. We can choose not to, but, in our discourse, discussion and debates, we should act with a considerable sense of responsibility for the image and message that we send from this Chamber. That may or may not be an onus that Members want to take on, but I can tell you that I will address it as Speaker because I take it very seriously indeed.

**Mr Allister:** Further to that point of order, Mr Speaker, you have said that you do not think that it is a point of order because it did not happen in the House, but surely this House should examine the question of whether or not it could amount to a breach of the privilege of this House. That is a matter that I would have thought very much falls within your ambit for reference to the Committee on Standards and Privileges.

**Mr Speaker:** I have already said that I will refer the matter for consideration. I think that will suffice for now. If necessary, I will come back to the House with any findings.

## Committee Chairperson and Deputy Chairperson Appointments

**Mr Speaker:** Before we proceed with today's business, I have some announcements to make. The nominating officer of the Ulster Unionist Party has informed me that Mr Roy Beggs has replaced Mr Danny Kinahan as Chairperson of the Audit Committee with effect from 15 June 2015, and that Mrs Sandra Overend has replaced Mr Danny Kinahan as Deputy Chairperson of the Committee for Education, also with effect from 15 June 2015. I am satisfied that the requirements of Standing Orders have been met.

## Matter of the Day

### Tragic Events in Berkeley, California

**Mr Speaker:** Mr Martin McGuinness has been given leave to make a statement on the tragic events in Berkeley, California, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. All Members called will have up to three minutes to speak. I remind Members that I will not take any points of order on this or any other matter until this item of business is finished.

**Mr M McGuinness:** Go raibh maith agat, a Cheann Comhairle. Thank you very much for accepting the matter of the day on what was a shocking, heartbreaking and catastrophic accident in Berkeley, California, which resulted in the tragic deaths of six Irish students and very serious injuries to many others.

Ireland and the United States of America have enjoyed an unbreakable bond going back many centuries, and Ireland and Berkeley enjoy a special bond as the city is named after the Anglo-Irish Bishop of Cloyne, George Berkeley, who was also, for a period, the Dean of Derry.

Our hearts, thoughts, prayers, condolences and sympathy go out to the families of Olivia Burke, her cousin Ashley Donohoe, who lived in California, Eoghan Culligan, Niccolai Schuster, Lorcán Miller and Eimear Walsh. It has been a shocking experience for their families, and there is deep sadness all over the island of Ireland at the loss of those beautiful young people. Of course, we also send our best wishes for a speedy recovery to Clodagh Cogley, Aoife Beary, Niall Murray, Hannah Waters, Sean Fahey, Jack Halpin and Conor Flynn. They are all aged between 20 and 22 and are all from Dublin, with the exception of one student, who is from Donegal.

The Taoiseach summed it up correctly when he said that, when we look at the photographs of those young people, it is like looking at photographs of our own children. That is how raw this is for all of us on the island of Ireland. I think that it is important to let the families know that all of us, in every part of Ireland, are thinking about them at this time as they are about to lay to rest their children.

It is also important to record our deep appreciation and gratitude for the leadership shown by the Mayor of Berkeley, Tom Bates, all the emergency services and the citizens of Berkeley. I was very pleased to see that, during the Mass for the six young people in California, the nine African-American victims of the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, were remembered. It is a small world, and there is a common humanity, and it was nice to see that, at this time of terrible tragedy in South Carolina and California, people were able to come together to remember the victims.

**Mr Weir:** I join others in the Chamber in expressing sympathy, particularly to the families, after this terribly tragic loss of six young lives. I suspect that all of us in the Chamber have lost loved ones and that is probably particularly poignant for a lot of us as we emerge from Father's Day. Many of us have had family members die and experienced the pain of bereavement, but there is something particularly acute for any family when a parent has to bury their child. It is not simply the bereavement itself; in many ways, it seems to go against the natural

order of things when a child dies ahead of his or her parents. We can only imagine the level of grief amongst the six families.

Similarly, what has exacerbated the situation is that, at the time of this dreadful accident, those children were so far away. All of us have relatives and friends who have gone on holiday, gone on gap years, gone to study or gone to work abroad. Most of us do not have to face the tragedy of the tearful departure at the airport being the last time that we see those people alive. The tragedy is in even greater focus as a result of that, because it brings a sense of helplessness to the family. One can only imagine the pain and frustration of the families, as they endured that long flight to America, from not being able to see their loved ones.

I am Chair of the Education Committee, and we discussed this at our meeting on Wednesday. As a Committee, we have written to Berkeley to express our sorrow at the tragic loss of these young people, and I am sure that that reflects the sentiments of the Assembly. All were aged 21 or 22 and had potentially great lives ahead of them, which were sadly cut short.

It is also right that we recognise the appalling murderous events in Charleston, South Carolina, where someone motivated by racism murdered nine innocent people in their church. Some of the expressions of forgiveness and love that have come from members of that church have been truly heartbreaking. This is a day when we will unite to acknowledge both those tragedies, stand with those who are injured and hope that they make a good recovery and send out a clear message of sympathy, particularly to the families, because, above all else, this is a human tragedy, and it is one for which we have every sympathy with those families.

**Mr Ó Muilleoir:** Go raibh maith agat, a Cheann Comhairle. I want to add to the deputy First Minister's statement about Mayor Tom Bates, who is a great friend of this city and this country. His wife, Senator Loni Hancock, last week proposed the adjournment of the California State Senate in condolence and sympathy with the victims of the Berkeley tragedy. I want to put that on record.

We enjoy a great bond with Berkeley, which is, of course, named after an Anglo-Irish bishop, George Berkeley. I hope and trust that, in the time ahead, that bond with Berkeley will be strengthened by this tragedy.

**Dr McDonnell:** I also add my sympathy and my thoughts, and those of the SDLP, because I share the grief and distress felt by so many across the island of Ireland, the US and much further afield at the awful tragedy in Berkeley. I associate the murderous attack on the church in Charleston with those remarks.

#### 12.15 pm

For me, the Berkeley incident brought back a lot of memories. It was particularly poignant, and I shared it in a very personal and deeper way than most because, some 44 years ago, I was that J1 student: I was that UCD student, like so many of those who died. I was a medical student, who, financially broke, travelled to the US, like many of these young people, to widen my horizons and clear my bank debts. I pay tribute to the very practical expression that the US has given by promoting the J1 visa programme for students and naming it the land of opportunity. It is particularly helpful and particularly useful

and gives all sorts of opportunities to young people. I will leave that at that.

It was awful, unbelievably awful, for many of us and, indeed, awful beyond that for the families that six young people died in such tragic circumstances. It was doubly awful for the families who had bid farewell to them — some a few days, some a couple of weeks, earlier — as they set out on the journey or expedition of a lifetime, full of hope, full of expectation and full of excitement to see the world. It was awful for those who were injured and their families, and I pray to God that they make a rapid and good recovery. I join in sending the very genuine messages of sympathy and support from the Chamber to all concerned: to the families and friends of those killed; and to the injured and their families and friends. I wish and pray that God may bless them and take care of them all in due course at this awful and very sad time for them all.

**Mr Nesbitt:** I extend the heartfelt sympathy of the Ulster Unionist Party to those impacted by what happened in Berkeley last week. For many hundreds of years, people from this place, this little postage stamp on the world map, have been heading to North America. The Ulster Scots, or the Scots Irish, as the Americans like to call them, did so in the early 1600s, as did those fleeing the Irish famine in the 19th century to head up Irish America. All experienced the full range of human emotion, from ecstasy to utter despair.

Collectively, our people have punched well above our weight. We have provided over a dozen presidents, as well as generals, scholars and, of course, a labour force second to none. Indeed, today, as many as 40 million Americans can claim to be descended from this island. The United States is for many a home and, for J1 students, a home from home. I have no doubt that the young people who lost their life in Berkeley felt that they were at home. They had a reasonable expectation that, being at home, they were safe. Their friends shared that reasonable expectation. Their families and parents no doubt felt the reasonable expectation that they were safe, but, sadly and tragically, that was not so.

Given the connections that run so deep through both of our traditional communities, this loss is a loss for all of us: Ulster Scots, Scots Irish and Irish Americans. We are connected in the most human of ways. Who knows what those young people would have gone on to be? Perhaps future leaders, but, certainly, they were most cruelly cut down.

Arthur Miller, the great 20th-century American playwright, spent a lot of his professional career studying the American dream: that fantastic concept that anybody could be anything that they wanted to be in the United States, if they really wanted it. I want to end with the words of Arthur Miller because, as we think of the nightmare that the parents of these young people are enduring today, I think that these words will say it all about the deaths of Niccolai Schuster, Eoghan Culligan, Eimear Walsh, Olivia Burke, Ashley Donohoe and Lorcán Miller. Arthur Miller wrote:

*"I cannot sleep for dreaming; I cannot dream but I wake and walk about the house as though I'd find you comin' through some door."*

Tragically, six doors have been closed, finally and calamitously, as with the dead in the church attack. We wish the injured full and speedy recoveries.

**Mr Lyttle:** As someone who studied at the University of California and spent time in Berkeley in 2001, on behalf of the Alliance Party I extend our deepest and heartfelt sympathy to the families of the students who died in such tragic circumstances in Berkeley, California last week. It is impossible to comprehend the grief and loss that the families are experiencing at this time, but I assure them that the Members of the Assembly extend their thoughts, prayers and support to them at this time. Indeed, the people of Ireland share their arm with those families at this time.

I recognise the professionalism and compassion with which the people of Berkeley have responded to the tragedy. It is consistent with my experience of the people of Berkeley, of California and of America as a peace-loving, welcoming people with a special affection for the people of Ireland. I hope that the same level of compassion and professionalism will be demonstrated in properly investigating the tragedy.

The Alliance Party also supports the Mayor of Belfast and the US consul general, Greg Burton, as they open a book of condolences in Belfast City Hall today. I assure the families and all those affected by the tragedy that the Assembly stands with them and sends out a clear message of sympathy and support to them today.

**Mr Allister:** I join in expressions of sympathy to the afflicted families and in wishing those who have been injured a speedy and full recovery. It has been well said that there is something unnatural and particularly trying for a parent to have to bury their own child. As parents, we can all appreciate that. Indeed, I can think of one Member in the House who has passed through that dark valley and has that burden to bear. The rest of us, in the main, can only imagine the horror and abiding presence of that. When it happens in those sudden circumstances and a young life is snuffed out in that way, it has to be all the more difficult to bear.

In our own small Province, we are all familiar with young lives being lost, whether in the tragic sudden circumstances of a road traffic accident, in farm accidents — it is just about a year since we remembered a young boy from my constituency who lost his life in a sudden farm accident — or, in the history of this Province, through the wicked hand of terrorism, where many young people, as well as older people, lost their lives and had to be buried by their parents. All of that culminates to give us all a sense of the magnitude of the loss that has been inflicted on the families from the Irish Republic who have suffered that great loss. We can all join in that and genuinely empathise with them.

I made reference to the loss of lives in so many different circumstances, sometimes in the circumstances of terrorism. That causes me to say that the one who raised this matter today has not always been so constant in his sympathy for loss of life —

**Mr Speaker:** Will the Member —

**Mr Allister:** — given his role as a godfather —

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr Allister:** — of an organisation that robbed many people of their lives, young and old.

**Mr Agnew:** I rise to add my sympathies and those of the Green Party in Northern Ireland to the families of those

who have so tragically died and to offer our best wishes to those who are injured and to wish them a speedy recovery.

We all look for a way to connect with this tragedy. We will all have different ways, but, like others who spoke, I rise as a father who can only imagine the suffering of anyone who loses a child. It can only be imagined. I know how much I suffer when one of my children stubs their knee. We feel such affection for our children that to lose a child in such a tragic way can bring only unimaginable grief. I am sure that no words that I can offer today can mitigate that grief, but I think that it is important that we offer our condolences and best wishes to those families.

The only thing that I would like to add is that I read one worrying quote from a former city official who said that it was only a “decorative” balcony. I do not know whether there is any legitimacy to that claim, but I hope that, as part of any investigations, the building regulations are examined to see whether there is any way that such tragedies can be prevented through better regulation or better enforcement. It is clear that if a balcony is built it should be built properly, well and to the highest standards to ensure health and safety. We do not want to speak about another such tragedy ever again.

With that, I will conclude. I just hope that those who are injured can recover speedily and fully.

**Mr McNarry:** I thank the Member who brought this matter before the House to allow us to join with the rest of the world in expressing our views on this tragic event. I join with all that has been said in the House this afternoon and have great delight at the united expression of genuine grief. As a father with a daughter and granddaughters in America at this moment in time, this tragedy has struck home, because all sorts of things come into your mind.

The sadness of this tragic event is well measured. I appreciate all that has been said in the House. I ask that it be understood that UKIP conveys its deep condolences to the families in our prayers and thoughts at this time of bereavement. We wish them all strength and fortitude in the days ahead. I trust that the messages that are being genuinely expressed in the House will be conveyed, perhaps through your kind offices, Mr Speaker, to the families and citizens of Berkeley on our behalf.

**Ms Sugden:** I, too, appreciate the opportunity to offer my sincere condolences to the families and friends of those who lost their lives in Berkeley. I wish those who have to recover a speedy recovery.

I spent two summers in Washington DC on a J1 visa. My first trip out to the United States was just over five years ago. It was part of a programme with 30 students from Northern Ireland and Ireland who spent the summer on a leadership and development programme in the capital. I suppose that one of the things that came out of it for me was that it was one of the happiest summers of my life. If it can give any comfort to those who have lost in the past week, I can say that my time in Washington DC on my J1 was one of the happiest summers of my life. It was a fantastic, close-knit group of Irish people, coming together and doing wonderful things. It is very sad that, in this case, those students will now not get to realise the opportunities that that opened.

It is a terrible tragedy right across the world. Whatever part of this island you are from, whether Northern Ireland or the

Republic of Ireland, I think that we are all feeling that pain. Again, I thank you for the opportunity for allowing me to offer my sincere condolences.

**Mr Dunne:** I, too, support of the Matter of the Day on this sombre occasion following the tragedy of Berkeley last week. Approximately this time last year, I visited the Berkeley area as part of a trade delegation with Invest NI and the Committee for Enterprise, Trade and Investment. We were privileged to meet the mayor, Tom Bates, and others. I quickly got a sense of the vibrant, welcoming and diverse city that Berkeley is. I was struck by the mayor's welcoming spirit and how he proudly talked about the close links that the city had developed with young people through its popular university, and its links with this part of the world. I was also impressed by his real interest in the work of the Northern Ireland Assembly and our bid to bring investment to Northern Ireland.

**12.30 pm**

This, as has been said, is a real tragedy. To lose six young people in the prime of their life is a terrible thing. None of us can really begin to imagine the sense of loss for the families affected. Their pain and anguish must be unbearable. Our thoughts and prayers are with them at this sad time.

We must also express our best wishes to those who were injured and are still recovering. It is a fitting tribute that the Assembly is sending its condolences to the bereaved families and the city of Berkeley.

**Mr Speaker:** Thank you very much. That concludes the item of business. I ask Members to take their ease while we change the top Table.

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

## Assembly Business

### Public Petition: Dromore High School: New Build

**Mr Deputy Speaker (Mr Beggs):** Mr Jonathan Craig has sought leave to present a public petition in accordance with Standing Order 22. The Member has up to three minutes in which to speak.

**Mr Craig:** Thank you, Mr Deputy Speaker. I take great pleasure in presenting the petition, which has over 2,500 signatures.

Dromore High School has a very special place in my heart. It is not only the school that I went to but the school that my children are now going to. Thirty-five years ago when I was attending the school, it was heavily oversubscribed. A school built for 500 children, at that time it had 600 pupils. It was on the priority list for new builds in what was then the Southern Education and Library Board.

Since then, the school's population has grown to 940 pupils. One can only imagine how dense and complicated the running of that school now is. It has got so complicated that prefabs are becoming a real problem for planners. The last extension that was to be made to the prefabs on the site was turned down owing to planning considerations.

The school should be one of the top priorities in the area, but, as yet, there has been no real movement on any new build. The site just does not have the capacity to hold the school. There are huge difficulties around special educational needs and how those are delivered. Disability access is practically non-existent, which causes huge problems for the management of the school.

I pay tribute to the Minister of Education, Mr O'Dowd, for last year going ahead with the purchase of a site for a new school building. With this petition, my colleague Mr Edwin Poots and I wish to reinforce the public support that there is in not only Dromore but the wider Lagan valley region for a complete new build to meet the needs of not only one of the largest schools in our constituency but one of the most successful academically.

With that, I wish to hand the petition over.

*Mr Craig moved forward and laid the petition on the Table.*

**Mr Deputy Speaker (Mr Beggs):** I will forward the petition to the Minister of Education and send a copy to the Education Committee.



## **Public Petition: Pedestrian Crossing: Ormeau Road**

**Mr Deputy Speaker (Mr Beggs):** Mr Máirtín Ó Muilleoir has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak on the subject.

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Míle buíochas as an deis an achainí seo a thabhairt duit. I want to present a petition today in relation to the appeal for a pedestrian crossing on the upper Ormeau Road. That pedestrian crossing would be placed opposite, or outside, Holy Rosary Church.

As many Members know, the Ormeau Road is one of the busiest roads in the city of Belfast. In fact, in 2013, the DRD identified the Ormeau Road as the North's worst traffic accident black spot. Therefore, the need for a pedestrian crossing speaks for itself.

The petition has been signed by 794 people, the majority of whom are elderly Holy Rosary parishioners.

I made a formal request to Roads Service in October 2014 to have a pedestrian crossing put in place. It accepts the need for a pedestrian crossing there, but, as yet, no date has been set for providing such a crossing. It is my firm belief that, despite the atmosphere of cuts in which we find ourselves, it would be much more prudent for the DRD to put in a pedestrian crossing at this point than to wait until there is another accident. God forbid that there would be a serious accident at that part of the Ormeau Road, but immediate action to put a pedestrian crossing in place would not only be timely and wise but would be welcomed by those who signed the petition.

This morning, I went through some of the comments of those who signed the petition. They are united in their belief that the pedestrian crossing is badly and seriously needed, and it would be a very welcome decision by the Minister for Regional Development if he proceeded with it.

*Mr Ó Muilleoir moved forward and laid the petition on the Table.*

**Mr Deputy Speaker (Mr Beggs):** I will forward the petition to the Minister for Regional Development and forward a copy to the Committee.

## **Standing Orders 10(2) to 10(4): Suspension**

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

*That Standing Orders 10(2) to 10(4) be suspended for 22 June 2015.*

**Mr Deputy Speaker (Mr Beggs):** Before we proceed to the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 22 June 2015.*

# Executive Committee Business

## Justice Bill: Further Consideration Stage

### New Clause

**Mr Deputy Speaker (Mr Beggs):** Last Tuesday afternoon, a valid petition of concern was tabled to amendment No 7 during the Further Consideration Stage of the Justice Bill. That means that, under Standing Order 28, the Question on amendment No 7 could not be taken at that time and would be required to be taken on a cross-community basis. The amendment stood on the Marshalled List in the name of Edwin Poots, who moved it. Accordingly, we will now move to the Question on amendment No 7.

Amendment No 7 proposed:

After clause 89 insert

*“Sentencing for violent offences against older people*  
89A.—(1) *This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.*

*(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.*

*(3) For the purposes of this section “violent offence” means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).*

*(4) If there are exceptional circumstances which justify—*

*(a) the imposition of a lesser sentence than that provided for under subsection (2), or*

*(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,*

*the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.*

*(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.*

*(6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.*

*(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.*

*(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—*

*“and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.*— [Mr Poots.]

Question put, That amendment No 7 be made.

The Assembly divided:

Ayes 41; Noes 46.

### AYES

#### Unionist

Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson.

### NOES

#### Nationalist

Mr Attwood, Ms Boyle, Mr Byrne, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

#### Unionist

Mr Allister, Mr McCallister, Mr B McCrea, Ms Sugden.

#### Other

Mr Agnew, Mrs Cochrane, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.

Tellers for the Noes: Mr Hazzard and Mr Lynch.

Total Votes	87	Total Ayes	41	[47.1%]
Nationalist Votes	35	Nationalist Ayes	0	[0.0%]
Unionist Votes	45	Unionist Ayes	41	[91.1%]
Other Votes	7	Other Ayes	0	[0.0%]

Question accordingly negated (cross-community vote).

### Clause 90 (General duty to progress criminal proceedings)

Amendment No 8 made:

In page 65, line 7, leave out from beginning to “magistrates’ court” on line 8 and insert

*“In relation to criminal proceedings in the Crown Court or a magistrates’ court, it is the duty of the court, the prosecution and the defence.”— [Mr Ford (The Minister of Justice).]*

**New Clause**

Amendment No 9 made:

After clause 95 insert

*“Domestic violence protection notices and orders****Domestic violence protection notices and orders*****95A.** *Schedule 6A (which makes provision about domestic violence protection notices and orders) has effect.”— [Mr Ford (The Minister of Justice).]*

New clause ordered to stand part of the Bill.

**New Clause**

Amendment No 10 made:

After clause 98 insert

*“Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015****Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*****98A.**—(1) *Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.**(2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—**“(a) be made with a charity;”.**(3) In subsection (11) (definitions) after the definition of “administrative decision” insert—**“ “charity” means an institution which is—**(a) a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;**(b) a charity within the meaning of section 1 of the Charities Act 2011; or**(c) a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;”.*— [Mr Ford (The Minister of Justice).]

New clause ordered to stand part of the Bill.

**Mr Deputy Speaker (Mr Beggs):** We now come to the third group of amendments for debate. With amendment No 11, it will be convenient to debate amendment Nos 12, 15, 17, 20 and 21.**New Clause****Mr Frew:** I beg to move amendment No 11: After clause 98 insert*“Amendments to the Firearms (Northern Ireland) Order 2004****Amendments to the Firearms (Northern Ireland) Order 2004: firearm certificates*****98A.**—(1) *The Firearms (Northern Ireland) Order 2004 is amended as follows.**(2) In Article 11 (variation of firearm certificate), at the end insert—**“(1) If a person—**(a) sells a rifle (“the first rifle”) to the holder of a firearms dealer’s certificate (“the dealer”); and**(b) as part of the same transaction purchases a rifle (“the second rifle”) from him,**the dealer may vary that person’s firearm certificate by substituting the second rifle for the first rifle in accordance with the prescribed bands contained in Schedule 9 to this Order.**(2) The Secretary of State may introduce additional calibres to the bands contained in Schedule 9 if it is considered appropriate to do so for the purposes of improving the variation process.”.**(3) For Schedule 6 (Fees), substitute the Schedule set out in Schedule 6B to this Act.**(4) After Schedule 8, insert as Schedule 9 (Bands) the Schedule set out in Schedule 6C to this Act.”.*

The following amendments stood on the Marshalled List:

No 12: After clause 98 insert

*“Amendments to the Firearms (Northern Ireland) Order 2004: young shooters***98B.** *In the Firearms (Northern Ireland) Order 2004 in Schedule 1 (firearm certificates – exemptions)—**(a) after sub-paragraph (3)(b) of paragraph 9, insert—**“(ba) have an air gun in his possession without a firearm certificate unless he has attained the age of 11 and is, at all times, under the supervision of a person who has attained the age of 25 and who has held a firearm certificate for an airgun of that type for at least five years;”.* and*(b) for sub-paragraph (3) of paragraph 11, substitute—**“(3) Subject to sub-paragraph (4), sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 11.**(4) Persons aged 11 or older but under 18 must, at all times, be supervised by a person who has attained the age of 25 and who has held a firearm certificate for a shotgun of that type for at least five years.”.*— [Mr Frew.]

No 15: In clause 103, page 71, line 9, after “96” insert “to 98 and 98B”.— [Mr Frew.]

No 17: In clause 103, page 71, line 12, at end insert

*“(1A) Section 98A and Schedules 6B and 6C shall come into operation 90 days after this Act receives Royal Assent.”.*— [Mr Frew.]

No 20: After schedule 6 insert

**“SCHEDULE 6B****SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004****“SCHEDULE 6****FEES****Firearm certificate****1. Grant or renewal of firearm certificate £88**



2. Variation by Chief Constable on application of holder (except as mentioned in paragraph 3) £26

3. Variation by Chief Constable to substitute one firearm for another of the same calibre or type £17

4. Duplicate firearm certificate £14

5. Variation by a Registered Firearms Dealer £12

Museum firearms licence

6. Grant of museum firearms licence by the Department of Justice £125

7. Extension of museum firearms licence granted by the Department of Justice to additional premises £75

Visitor's firearm permit

8. Grant of visitor's firearm permit (except where paragraph 8 applies) £18

9. Grant of six or more visitor's firearm permits (taken together) on a group application £60

Firearms dealer's certificate

10. Grant or renewal of firearms dealer's certificate £380

11. Duplicate firearms dealer's certificate £14

Firearms club

12. Grant or renewal of authorisation £95

Game fair permit

13. Grant of game fair permit £15

These fees will not be increased for a period of at least 5 years from the date of commencement.".'— [Mr Frew.]

## New Schedule

No 21: After schedule 6 insert

"SCHEDULE 6C

SCHEDULE INSERTED AS SCHEDULE 9 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004

"SCHEDULE 9

Article 11.

BANDS

Band	Calibre
1. Small quarry air rifles	.177 - .25
2. Small quarry	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. Medium quarry Centre Fire	.17 Centre Fire .22 Hornet .222 .204 Ruger .223/5.56 .220 Swift .22/250

4. Large quarry Centre F	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06
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## Rules for Banded System

1. The banded system applies to firearms conditioned for dual use, eg. field use and for target use in a PSNI approved target club.

2. All handguns are excluded including personal protection weapons.

3. All muzzle loading and black powder firearms are excluded.

4. Any firearm which is "on-loan" can be exchanged under the banded system.

5. A person under a 6 month supervisory condition can still exchange a firearm for another firearm within the same band. The initial supervisory condition will remain in force until the remainder of 6 month supervisory period has been completed.

6. When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.

Any transactions outside of these rules must be carried out under the normal variation process.".'— [Mr Frew.]

**Mr Frew:** Let me say at the outset that it is not preferable to table amendments, and even new clauses, at Further Consideration Stage. We recognise and acknowledge that for the record. However, because the Bill has such a wide scope, we have taken the opportunity to do that. We feel that tabling these amendments and bringing this issue to a head has focused minds. Over the last number of days or the last week, a number of meetings with DOJ officials, PSNI officials, the firearms industry, the shooting fraternity and the sport have taken us to the point at which there is a level of understanding and compromise, and a new level and spirit of cooperation. That has been very heartening, to say the least. I commend the Minister, the DOJ and PSNI officials for, eventually, coming to the table and negotiating with the industry and the sport to the point at which, I believe, a lot has been achieved and agreed over the last number of days. So, I speak in a positive spirit and one of compromise. I believe that we have resolutions to these taxing issues that have been to the forefront of the sport's and the industry's mind for many years.

It is also important to put on record that the British Association for Shooting and Conservation (BASC), the Gun Trade Guild Northern Ireland and the Countryside Alliance completed work with DOJ and PSNI officials. They also worked with us, the MLAs on the Justice Committee, and the DOJ officials to bring this to a compromise position and, hopefully, a future resolution. I commend all three organisations, the sport and the industry for the work that they have done. They worked tirelessly and put in long hours at meetings with officials over the last week to get a resolution. I commend them for that.

**Mr Givan:** I appreciate the Member giving way. In commending the industry, which has been proactive in trying to find a resolution, I express my disappointment

that it has taken MLAs to table amendments and act as the catalyst for the Department to step forward and positively engage in an issue that has dogged the Committee for quite a number of years. Certainly, when I was there, we were going round in circles, and progress was not being made. That is why amendments needed to be tabled. I commend Members for taking the initiative and acting in the spirit that they now do, having, hopefully, reached a resolution. I trust that that will be borne out by the Minister's comments shortly and that the next Justice Bill will properly reflect that. Failing that, I ask the Member, in moving this amendment, to assure us that, if things are not carried through in good faith, we will table amendments to the next Bill, and we will go ahead and vote, and we will take the decisions that should have been taken a long time ago.

**1.00 pm**

**Mr Frew:** I thank the Member for his contribution. I assure him that there is now, I believe, a spirit of people working together. I believe that the DOJ and PSNI officials know the strength of feeling in the Committee, as they always have done, and they know that we are prepared to do as much as we possibly can to bring this issue to the forefront and, more importantly, to resolve it. That is why we tabled these amendments at this stage: we had the courage to do that to bring it to this point. I commend the negotiations and the spirit in which the DOJ, the PSNI and the Minister have brought the compromise forward. I believe that we are so very close. If it is indeed the case that members of the Justice Committee may well have to bring amendments to forthcoming and new Bills, we reserve the right to do so, but I believe that that may not need to happen because of the position that the Minister and his officials have now taken. I commend them on it.

**Mr Elliott:** I thank the Member for giving way. I just want to query the way in which he is speaking, because it sounds as if the amendments will not now be moved. Is that correct?

**Mr Frew:** Again, we will wait to see what the Minister says, but I come before the House in a spirit of compromise and goodwill, and I believe that that goodwill should be replicated throughout the House today.

The amendments in question refer to new clauses, which I will go into some detail on. One of them is on the banded system, which is to do with the calibre and type of firearm. Amendment No 12 refers to young shots. Amendment Nos 15 and 17 concern commencement, with the young shots provision commencing after Royal Assent and that on fees and the banded system commencing 90 days after Royal Assent. Amendment Nos 20 and 21 concern new schedules to be placed in the Firearms Order 2004.

Shooting is worth £2 billion a year to the UK economy and provides significant conservation benefits, according to the results of an independent report conducted by Public and Corporate Economic Consultants (PACEC). The report, which was released in June 2014, found that shooting is worth £28 million annually to the Northern Ireland economy and that shooting influences the management of approximately 69,000 hectares, which is approximately the same hectareage of land owned by Northern Ireland's Forest Service.

Statistics from that report confirm that there are approximately 59,500 firearm certificate holders in Northern Ireland, roughly 2% of whom are female.

Going by the last available statistics, the average age of a firearms certificate holder in Northern Ireland is 53. The minimum age at which a young person can be granted a firearms certificate that will allow them to shoot under supervision is currently 16. The minimum age for supervised shooting without a firearms certificate is 18. There are roughly 35 firearms certificate holders between the ages of 16 and 18.

Those are some of the statistics that show how the sport and industry impact on and are good for Northern Ireland. I want to repeat that the sport itself is worth £28 million annually to the Northern Ireland economy.

I will take Members through the banded system, although I do not intend to speak too much on these, because they are schedules that are, of course, complicated in nature. However, I will give a wee bit of context. At the minute, our system is such that if you want a variation on your firearm, you need to apply for it. That means sending away your firearms certificate along with a four-page application form and possibly even a new land permission letter, depending on how the original land permission was written and granted.

The applicant would have to then wait until his new certificate was returned from the PSNI before collecting his new firearm, and, in most cases, the dealer would also be waiting till that time to receive payment. That would cause problems with cash flow, and it would also cause problems with dealers holding that firearm, because he or she will have roles in the storage and with the number of firearms that he or she can have in stock. So, there are issues. There is also an issue with the length of time that it takes the PSNI to bring forward the new firearms certificates, and, of course, there is a great burden on the firearms and explosives branch of the PSNI to change the certificates and to grant new ones. An awful lot of time and effort is spent on that.

As has been agreed in compromise, if you like, with the DOJ officials and the PSNI, we propose that we move to a banded system. That will mean that all the transactions will need to be carried out by a dealer at the new PSNI fee of £15 — I think that was the figure in the fee structure that it proposed — and the dealer will then fax or email the relevant form. That might be two forms, depending on the outcome of further discussions with the PSNI firearms and explosives branch. It will then send a fax or email to update its records, and the applicant will get his new firearm on the same day, and the dealer will get payment. That will reduce the burden of bureaucracy and the level of work needed to amend certificates.

I believe that is a compromise position and one whereby we will be able to apply common sense. The onus and responsibility will be on the firearms dealer to do that appropriately and correctly. It will save the PSNI time and paperwork and will reduce bureaucracy. Basically, in the banded system, there will be a series of bands with similar-sized calibres of weapons and firearms within each. You will be able to go to your firearms dealer and exchange a weapon of similar calibre, size and scale and not have to then get an amendment on your firearms certificate. That will be vital for the sport and the industry going forward. I do not intend to speak too much on the banded system — I know that my colleagues may want to come in with more detail on that — but the compromise proposal for the banded system is that there will be four bands with similar-sized calibres in each. That is a common-sense approach

that I believe all players have now adopted and agreed to move forward.

The other amendments on fees are about substituting another schedule in the Firearms Order 2004 for a new series of fees. I must say that I commend the industry and the sporting fraternity for coming up with a realistic approach to the fees. It has not been the case that we just do not want to pay; there has been a realistic and holistic approach to all the fees. It includes adding new fees, because they recognise the burden that there may well be on the PSNI in administering some of them. I applaud the industry and the sport for bringing forward the compromise proposals and, of course, the DOJ and the PSNI for agreeing a compromise position on that.

There are still issues to be resolved, one being any imminent review of some of the fees, especially the grant for the firearms dealers. I think £300 or thereabouts is mentioned in there somewhere. There is the issue of cost recovery, and the Minister may well reserve the right to review that. That is OK, but we would be worried about the outcome of that review. If we are talking about full cost recovery to a body like the PSNI, which we know is one of the most expensive, if not the most expensive, constabularies in the UK for administering fees, it would be unfair to burden the industry with full cost recovery. Rather than the fee be kept high, thus allowing the PSNI to rest on its laurels when it comes to full cost recovery, I would much rather see a challenge laid down to the PSNI to make sure that it becomes more efficient at delivering the service and for the Minister to set a fee that will put pressure on the PSNI to reach that level of efficiency. There is an opportunity for the Minister to drive down cost, and I hope that he embraces that with a whole heart.

There is another issue that worries me about fees. When people who use firearms apply for a certificate, they may have to pay a cost for applying, as opposed to paying a fee to get the certificate. That is something that I worry about, and I ask the Minister to address that point, because, if you have already paid for an application for a certificate and it has been refused, that may put a burden on the appeals system. I believe that something like 1·2% or 2% of the population who apply for a certificate are refused. Some will be refused on very good grounds, and we do not want those people who have been refused to appeal and eventually get a certificate. They will, however, have nothing to lose by going through an appeals mechanism. That in itself may put an unnecessary, unexpected burden on the PSNI firearms and explosives branch, which would negate the fact that people have to pay up front for an application for a certificate. That is something that I am concerned about.

I will move on to the third aspect of our amendments, which concerns the young shots. The debate about young people having supervised access to shotguns and airguns has been rumbling on since the mid-1990s. Let me make it clear that not every young person wants to hold or fire a firearm. For some, it will not be of any interest to them at all. Most of our young people will be listening to music and following boy bands. Some may even follow the Spice Girls. I want to put it on the Hansard record that I think that the Justice Committee Chairman's favourite band is the Spice Girls. *[Laughter.]*

**Mr Humphrey:** You should really give way to him.

**Mr Frew:** I will gladly give way if he wants to confirm that rumour.

**Mr Ross:** I will leave it until my contribution.

**Mr Frew:** Most young people will be following boy bands and doing all those sorts of things, but some in our community will be massively interested in the sport of shooting. It is important that those young people be given that opportunity, just as their colleagues and fellow competitors in GB are. They may well be able to go to the Commonwealth Games and the Olympics to compete for their country in shooting, and they may bring back some medals. Of course, if they do, we will be the first to stand up in the Chamber and congratulate them on that.

**Mr Humphrey:** Will the Member give way on that point?

**Mr Frew:** Yes, I will.

**Mr Humphrey:** Does the Member agree with me that one of the most consistent performers from the Northern Ireland team at the Commonwealth Games has been a Mr David Calvert? Over two decades, he has brought a number of medals back to Northern Ireland on behalf of the Northern Ireland Commonwealth Games team. Does he agree that that is a perfect example of the point that he is making?

**Mr Frew:** Yes, and I thank the Member for his contribution. He is quite right. We have a thriving sporting fraternity in this country. We have a good and responsible industry, and it needs to be enhanced and grown. I believe that our amendments will do that, and I hope that the Minister sees fit to do something about them in the next vehicle that he proposes. We await with interest to hear what the Minister has to say.

#### 1.15 pm

In late 2006, many organisations responded to a consultation on young people and licensed firearms. Each responded with an emphasis that reflected its particular area of expertise and interest. However, the main shooting organisations, together with those political parties that responded and many others, were united in their desire to see our young people participate and compete in sporting shooting on a more equal footing. There is a strong body of opinion that says that it is desirable for young people to learn safe firearms use at an early age rather than later in their teens. There is no evidence whatsoever to show that the supervised use of firearms by children and young people of any age poses any detrimental effects to public safety. Young people in Northern Ireland are unreasonably disadvantaged compared with those in Great Britain where no such minimum age exists. Many young shot have gone on to win medals at international events, including the Commonwealth and Olympic Games.

When it comes to the use of licensed shotguns and air rifles, the law in Northern Ireland is not only inconsistent in itself but also when compared with the opportunities afforded to young people in the rest of the UK, where no minimum age exists. The amendments would give young people in Northern Ireland a compromise step towards equality with their peers in Great Britain without having any adverse consequences to public safety.

The objective of the amendment is to make a modest adjustment to the Firearms (Northern Ireland) Order 2004 to allow young people to use shotguns and air guns

under robust supervision in order to ensure public safety. This change is intended to bring to our young people in Northern Ireland a degree of fairness and equality with their peers in GB where no minimum age exists and no problems have been encountered. At the outset, I stress that the BASC, the Gun Trade Guild Northern Ireland and the Countryside Alliance Ireland are at one with the PSNI and the Department in striving to ensure public safety and the integrity of the Northern Ireland firearms licensing system. They are also fully committed to the pursuit of equality that will allow young people in Northern Ireland to be taught safe discipline and respect for firearms under supervision during their formative years.

The Minister and his Department will be aware that, in 2012, a petition run jointly by BASC, the Countryside Alliance Ireland and the Gun Trade Guild Northern Ireland gathered nearly 3,000 signatures in support of a reduction in the age at which young people can be taught to shoot under supervision. Indeed, the Assembly already voted on the issue in March 2011 when it voted for no minimum age for supervised shooting. The amendment introduces a minimum age of 11 for supervised shooting and the robust supervision criteria of 25 years of age with five years' experience. The robust supervision criteria set out in the amendment are over and above the existing supervisory requirements of the Firearms Order, which states that supervisors must have attained the age of 21 and have held a firearms certificate for a firearm of that description for at least three years.

Those enhanced supervision criteria mean that those responsible for supervising the young person at 11 years or older whilst they are shooting must be at least 25 years of age with at least five years' experience with that particular type of firearm. It also means that the supervisor, who must also hold a firearms certificate for a firearm being used, will have been through the PSNI vetting process on at least two occasions; once on initial application and then at the five-year renewal point. The certificate holder may also have been through the vetting process on further occasions if they had submitted any variations to their existing firearms holding. That means that the PSNI's firearms and explosives branch will have been able to scrutinise the certificate holder's ammunition usage to ensure that they have sufficient experience to be a supervisor. That is in contrast to the situation in GB, where there is no requirement for the adult supervisor to be a current firearms certificate holder. Also in GB, the supervisor is required to be 21, not 25 as stated in our amendment.

I have spoken enough on these amendments. I want the House to recognise that we realise that bringing forward amendments and a new section to the Justice Bill would not have been the preferred choice. We tended to give officials and the industry as much time as possible to come to a resolution and a compromise solution. I believe that we have gained that, and I hope to hear from the Minister later on those issues. I also hope that the spirit, which has transformed the talks and negotiations over the last number of weeks, will continue and that we will see the issues resolved once and for all through whatever vehicle the Minister chooses. I hope that it will be through the Justice (No. 2) Bill, and I hope and wish that he speaks on that as much as he can today.

I bring these amendments to the House in the full knowledge that we may well be asking for withdrawal, and I hope that the Members opposite and the parties across this Chamber will see the spirit in which we have brought these amendments, the spirit in which we have helped the industry and DOJ officials come to a conclusion and a resolution and that they embrace that spirit moving forward.

**Mr Ross (The Chairperson of the Committee for Justice):** The Committee first considered proposals by the Department of Justice to increase the firearms licensing fees and make other miscellaneous amendments to the Firearms (Northern Ireland) Order 2004, including the age of young shooters, in May 2012. However, disagreements around firearms go back, under the Committee chairmanship of Lord Morrow, as far as the devolution of policing and justice powers to the Assembly in 2010; and during an intervention, my predecessor Paul Givan mentioned the difficulties there were when he chaired the Committee as well.

Nevertheless, over the last three years, since May 2012, the Committee has taken a wide range of written and oral evidence on the proposals from departmental and Police Service of Northern Ireland officials and from all the key firearms stakeholders, including the following: the British Association for Shooting and Conservation; the Gun Trade Guild Northern Ireland; the Countryside Alliance Ireland; the Deer Society; the Northern Ireland Firearms Dealers and Shooters Association; the Ulster Clay Pigeon Shooting Association; and the Northern Ireland Federation of Shooting Sports.

It is worthwhile to give a brief background and timeline to the issue in order to inform the House and perhaps give it a flavour of why so many members of the Committee have become increasingly frustrated about the lack of progress on the issue. In October 2013, having considered all the evidence it had received, the Committee advised the Minister that it viewed the level of the proposed fee increases to be too high and unrealistic, and, therefore, would not support them. The Committee was also very concerned about the lack of communication between PSNI firearms licensing branch and the key stakeholder groups, and the apparent breakdown in relationships between the two.

The Committee advised the Department to engage with the key stakeholders to achieve a collaborative way forward on fees and on the introduction of a banded system for firearms. The Committee also indicated that, in its view, supervision should be the key element in relation to young shooters, and the criteria should be based on that, and highlighted that the Assembly had already taken a position on the issue in the Justice Act (Northern Ireland) 2011.

Departmental officials returned to the Committee in June 2014 with revised proposals for fees and other firearms issues. The Department proposed to introduce an interim fee for licences, which would be reviewed to secure full cost recovery in about 18 months, with a commitment to involve the shooting associations and other key stakeholders at all stages of the review. Proposals for a banded system had also been developed on which the Department intended to consult the shooting organisations.

Discussions with officials centred around lack of consensus with the key stakeholders on the proposals, the further work undertaken to assess the fee required to



achieve full cost recovery, including the following: the work carried out by DFP consultancy services; the processes carried out by firearms licensing branch on how efficient the firearms licensing process really was, and why the Department did not adopt a consultative model that included proper discussions with the key stakeholders who are involved in the trade and, therefore, understand best how it operates.

After the briefing, the Committee wrote to the Minister expressing its concern and frustration regarding the lack of progress in resolving the issues and requested further information on how the proposed cost of granting or renewing a firearms certificate had been arrived at. The Committee also asked for information on how the Department had engaged with the key stakeholders and planned to engage with them moving forward.

The Minister subsequently responded providing additional information and indicated that the firearms fees proposals were being reassessed by DFP consultancy service, which would include putting the process map in a form similar to that used by the Home Office.

Once that work was completed, it would be the subject of discussion at a fees workshop planned for October 2014.

In March 2015, departmental officials provided an update on the current position, which included the Minister's final proposals on the age of young shooters and the banded system. It was also the first time that I was introduced to Mr McGlone's rather intimidating large book, which is full of information on different calibres, cartridges, muzzle energy and velocity and everything else that one could think of.

With regard to the fees proposals, the officials indicated that, following a workshop with stakeholders, further work on a number of aspects, including the number of visits, travel times and the role of firearms enquiry officers, was being carried out. The work was due to be completed shortly and another workshop would be convened with stakeholders, following which, final-fee proposals would be presented to the Committee.

The Committee received requests from several of the key stakeholders to brief the Committee on the Department's proposals, and those briefings took place on 28 May. During the briefing by the British Association for Shooting and Conservation (BASC), the Gun Trade Guild NI and the Countryside Alliance Ireland, the Committee was presented with alternative proposals on the firearms licensing fees, the banded system and the age of young shooters. The Committee agreed to refer the proposals to the Department of Justice for its consideration.

Whilst I have taken some time to set out the scrutiny that the Committee has undertaken in relation to the firearms issue, as I said, it is worth providing that background for the record. The Committee has spent considerable time on these issues over the last three years without a satisfactory resolution from the Department. The frustration of members with the delay in resolving those issues was clearly apparent, with some taking the opportunity to propose amendments to the Bill in an attempt to bring matters to a conclusion. Following the postponement of the debate on this matter last week, there was a further opportunity for discussion between the main stakeholders before this debate.

And so we arrived at the Justice Committee meeting last Thursday. I had one of those feelings last Thursday: the sun was shining, the birds were singing and Mr Frew entered the Committee room with a skip in his step and a twinkle in his eye. I could have sworn that Mr McGlone was humming along the corridor as he came in — I do not know whether it was a Spice Girls song he was humming, but perhaps something from the Glasgow heavy rock band Gun would have been more appropriate to sing. Although Mr Poots was not there, I had a sense that, no matter where he was, there was a smile on his face. And so it came to be that, when officials took their places to brief the Committee on the latest position, harmony broke out. After years and years of disagreement, departmental officials and the PSNI indicated that, following a further meeting with stakeholders' groups, a way forward on the bands and conditions had been reached and that agreement had also been reached on the firearms licensing fees.

It therefore appears that the amendments in the names of Mr McGlone, Mr Frew and Mr Poots have been successful in focusing minds and getting closer to a conclusion. Given the length of time these matters have been under consideration, the Committee is obviously pleased that a consensus has been reached between the Department and key stakeholders on at least two of the three main issues, and I look forward to the Minister confirming later in the debate that that is the position.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. The Chair has laid out, in very cogent terms, the approach taken by the Committee. It is fair to say that many members of the Committee were frustrated and felt that time could have been better employed — let us not say it was “wasted” — since May 2012, as was pointed out by the Committee Chair.

As he said on Thursday, the Department appeared to put on the table a package that addresses most of the main concerns outlined by the amendments. Certainly, we welcome that part of it. There are obviously some aspects that will return as we go forward, and we will hold our position until then.

I understand well that the proposers of the amendments will feel that, although Further Consideration Stage was not an appropriate time for the amendments, they certainly focused minds. I make the general point to this Minister and all other Ministers that that is not the way we should be conducting business. If there are issues to be addressed, they should be addressed appropriately so that people are not accused of using Further Consideration Stage in an inappropriate way, even if, for them, it is a very legitimate way. That is what we have to do.

It was an interesting issue, even in the earlier debate on the proposal tabled by Edwin Poots and Paul Givan. On that, we expressed our reservations on the proposal itself and on it being tabled at Further Consideration Stage. Whatever your view of the amendments and their content, they required more public scrutiny.

### 1.30 pm

The fear is that the commentary and focus has been on a number of issues that were brought in at Further Consideration Stage. This Justice Bill dates back a long time. The Committee report is three volumes long and contains over 1,000 pages of evidence, so good due

diligence was provided to every aspect and every clause. Last week, I made the point to the Minister in the debate that we accept that the nature of justice Bills is such that they nearly become miscellaneous Bills, so that, at Further Consideration Stage, almost anything can be brought in. People object to the introduction of petitions of concern, but, in this instance, I think that it is a legitimate enough use of Assembly rules to allow us at least to say to people that, when we make law here, it is done in a proper way, notwithstanding, as we saw with Lord Morrow's Bill and the Chair's amendment on early prison release, there are occasions when it is appropriate because we missed something. I do not think that Bills should be used as a catch-all, and we will certainly speak to that in the future.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas as ucht an seans labhairt ar an Bhille seo. Mr Deputy Speaker, I thank you for the opportunity to speak on this legislation.

Mr Frew covered a lot of ground, and I do not intend to go over all that again, other than to say that I have been on the Justice Committee for quite a while, as the Chair said. I have to say that there were times when you felt like going ballistic. Eventually, as he referred to the book, I did.

A number of people have been extremely helpful, which should be publicly placed on the record. The organisations are the Gun Trade Guild, BASC and the Countryside Alliance. I will go as far as naming the individuals: David Robinson, Tommy Mayne, Laura Morrison and, indeed, Lyall Plant. They provided us with invaluable guidance and information throughout and proved very helpful, including more recently, as we move towards a resolution of the issue.

As Mr Frew mentioned, we are dealing with a number of issues, particularly a revised fees structure, to deliver an efficient and effective service, which is very important. Through our constituency offices, many of us pick up on issues, probably because of our association with, and the acknowledged fact that we participate in, country sports. Those could be variations or re-grants and the amount of time taken to do that. When you make further enquiries of some of the staff, whom I always find to be efficient in their dealings with me, sometimes things have been forgotten about or delayed, so efficiency is required. When people pay for something, they expect an efficient service without elongated delays. That is an important factor. If extra fees are to be paid, people will expect a good, efficient service.

The banding system is very important, and, indeed, it is good that we are moving into the realm of common sense because, up until now, a banding system — you could loosely call it that — one-off, one-on existed for shotguns of whatever calibre. That has been extended. So that people understand what that is about, you could have a situation whereby you retained an air rifle of .177 calibre. If you wanted to replace that with an air rifle of .22 calibre, you had to go into a shop, do all the paperwork and apply to PSNI headquarters, firearms and explosives licensing branch, for a variation. A fee was associated with that. Under this set of proposals, we have small quarry air rifles, small quarry rim fire rifles, medium quarry centre fire rifles and large quarry centre fire rifles. The idea is that, within those bands, you can pay your fee and walk out the door with that firearm, and, indeed, air arms are referred to as firearms in the legislation. That, in itself, will make it a lot easier for people. We hear quite often from firearms dealers that the delay in processing that — something

that should be a relatively simple issue — is costing them money because they do not have the turnaround time that they should have. Of course, in all of that, safety and security must be paramount, but, having had discussions with the Minister and, more recently, his officials, I feel that we have come to a conclusion on a methodology of working that system.

An awful lot of time has been expended on this, and Mr McCartney just referred to that. I can understand, at one level, the sheer frustration — we heard some of it — that members of the Committee felt. More importantly, I can understand the frustration of stakeholder groups. I attended a couple of stakeholder meetings at which the penny did not seem to drop with some people that there was a solution. The manifestation of this resolution today is a key example of people working together, arriving at conclusions and using the democratic process to facilitate that.

The provision for young shooters —

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

**Mr McGlone:** Yes, sure.

**Mr Frew:** Before you get off the issue of the banded system and the fee structure, it is important to emphasise that there should be good communication and consultation with stakeholders by DOJ and PSNI. If you look at the past, even the recent past of the firearms dealers' security specification, you see that 17 firearms dealers have gone out of business over the last year — some, undoubtedly, because of that security spec. That is one example of how DOJ and PSNI should not conduct business.

**Mr McGlone:** Yes, and I believe that now, eventually, a more pragmatic approach has been taken to that. I hope that, on the issue of dealers' fees, accommodation can be made for a person who works in firearm repair or sells ammunition but does not retain a significant or substantial stock of firearms. I trust that the Minister will refer to that later, too.

Obviously, we will not pursue the amendment that relates to young shooters. Reference was made to the sporting talent of the many people from the entire island of Ireland who are in the clay pigeon shooting body, and, indeed, those involved in target sports, but, for them to move up and learn, they have to start somewhere. Yes, accommodation is being made for clay pigeon shooting, but let us not forget the many wildfowlers who contribute so much to the economy and the environment through the activities of their clubs. They, too, must be nurtured.

Mr Frew referred to the average age of a person who holds a firearms certificate at the moment. We must encourage more people not only to come along and participate in country sports but, through their participation, to contribute to the environment and the ecology. That is very important and should not go unnoticed.

One other issue — I moved slightly off it, and I realise that the Minister may well clarify it — is the whole question of target shooting, dual use and how that is facilitated in the banding system. I know that it had become an issue, and I require some clarity.

People will be looking to today's debate and will have looked at the contributions made at Committee meetings. They will ask, "Well, that's fine and good, but when can this happen?" Therefore, some detail of what is being

proposed would be most welcome. As well as that, the time frame will be crucial to the industry, to people interested in country sports and, indeed, to us as public representatives who have seen so much of this through.

Despite the earlier and, indeed, justified criticism of the lack of movement — I do not know whether it was through lack of knowledge, lack of comprehension or just an unwillingness to move, for whatever reason — we have moved to a good place.

We have moved to a good place, a position where accommodation and pragmatism have set in and where the feeling is that, through that collaboration and cooperation, we have arrived at a resolution.

I look forward to hearing more from the Minister. I thank him for his more recent cooperation and indeed that of his officials, who, with the focus that was brought to bear, worked with the various stakeholder organisations to bring us to this point.

**Mr Elliott:** Obviously, there is some sort of movement towards a level of resolution on these amendments. I welcome that because, having been on the Committee for some time, I know that this debate has gone on for quite a long time. I had been hoping that we would come to a conclusion with the Department at a much earlier stage than this, simply because I feel that it has rolled on and on. I understand from Mr Frew that, while it is not totally certain yet, there may be withdrawal of these amendments at this stage. I suppose that, for now, I will just look at them as though they are being moved. I have a few issues to raise.

Three main aspects have been outlined. The first is the banding system. I fully support the proposals for the banding system. I think that they are practical and reasonable. I should declare an interest as someone who holds a firearms certificate — for a legally held firearm, I should say as well. I think that the banded system is quite reasonable. We have heard Mr McGlone give a flavour here today of what he has told us in Committee. I can assure the House that it is a very small flavour of what he usually goes through. I think that I have learnt more about banding systems and firearms than I ever knew. I have probably forgotten most of what Mr McGlone told us. He certainly is a world of knowledge on it. He did have quite a good insight into those banding systems. Certainly, from what I have heard and learnt previously, I think that the proposals within this amendment are quite reasonable. I hope that the Department is going towards that.

I had one query about amendment No 11. Paragraph 2 of subsection 2 of the new clause states that:

*“The Secretary of State may introduce additional calibres to the bands contained in Schedule 9”.*

I am just wondering whether it is the role of the Secretary of State or the Department to do that. I am not sure. Maybe Mr Frew or whoever makes the winding-up speech will deal with that.

The second issue is around the fee structure. I have always been quite clear that the level of increase that was being looked for by the Department was unreasonable in the sense that it was saying that there was full cost recovery. I was always keen to hear where efficiencies could be made and whether that had been looked at in real terms in the Department and the Police Service and

they had found enough efficiencies within their service. I can tell you that, a few years ago, I was in the building where the firearms certificates are dealt with. I saw piles upon piles of firearms certificates just sitting there, not really going anywhere or anything being done with them. I just felt that a lot more work could have been done in managing that system. I am not convinced that that was clearly all carried out.

The actual fee that is being proposed in this amendment is a 75% increase. As Mr Frew says, it is not all one way. They are, in fact, looking at a practical and realistic resolution to this by allowing a 75% increase. I do not think that that is an unreasonable amount from the Department's point of view. Indeed, some firearms certificate holders may feel that it is unreasonable to look for a 75% increase, but I have to say that, in real terms, it is probably a good balance.

I was interested in the discussion on the third aspect of these amendments; the young shooters or, as Mr Frew called them, “the young shots”. I have no idea where the reference to or introduction of the Spice Girls came into this. I do not know whether they are planning to rename that band The Young Shooters or something like that, but certainly it seemed slightly out of context in the debate.

#### 1.45 pm

The reality of it is, which was mentioned, is that we need to train our young people in the sport of shooting at a much earlier stage to compete at the very highest level throughout the world. I think that there is a good argument for allowing people in very controlled circumstances to shoot at a much earlier stage.

I note that the amendment is not allowing young people of 11 years old or up to 18 to hold a firearms certificate. It is allowing them to carry out the shooting only under very controlled circumstances with someone aged 25 years and older and with five years' shooting experience. So, they were putting a very high bar on that, of which, in general terms, I am supportive.

I was concerned about the existing legislation, the 2004 Order, which was being captured within that. That order says:

*“A person may, without holding a firearm certificate, use a shotgun at a time and place approved by the Chief Constable for shooting at artificial targets.”*

I would be quite interested to know and to hear from the Minister what the criteria are and how high the bar is for those places approved by the Chief Constable. I am assuming that that may exclude quite a number of rural clay pigeon shooting clubs. I do not know that, but I would be interested to hear about it from either the Minister or whoever is making a winding-up speech on the amendments, just to get an idea of the areas and places that would have allowed young shooters of 11 years and upwards and to see whether it excluded some of those who may want to improve their shooting skills or get into the sport at a young age and, hopefully, into significant competitions.

In general, I agree with and am supportive of the broad principles, or the three aspects, of the three amendments, which are probably not now going to be moved, but I still need clarification, even as we move forward.

**Mr Lyttle:** Thank you, Mr Deputy Speaker, for the opportunity to speak on the final group of amendments. I am substituting for my learned colleague and Justice Committee member Stewart Dickson MLA today although, given that Paul Frew thinks that young people are listening to the Spice Girls, I may be doing so from a slightly more informed position than I thought. Indeed, I was expecting a slightly more contemporary calibre of cultural references, given that the Committee Chairperson also referenced a 1960's heavy metal band. However, that is something that they can consider in the round before taking a more targeted approach at the next stage.

I certainly express concerns on behalf of the Alliance Party about this group. Despite Paul Girvan's protestations about a lack of action on some of these issues, the Justice Committee will be aware that the Department of Justice is working towards the reform of shooting licensing laws in Northern Ireland. Those are issues that will be before the Committee and that can be given full and proper consideration in due course.

It does seem, therefore, that some Members have indeed jumped the gun on this occasion and sought to add amendments to the Further Consideration Stage of the Justice Bill rather than to allow that process to take its course. However, we heard a conciliatory contribution today, so there will be work to be done together on those issues.

Although it is, therefore, premature to go into too much detail on them, the Alliance Party believes that 11 years old is not an appropriate age for a child to be able to operate a firearm, or, indeed, to take part in live targeting, shooting and hunting. It is worth noting that the PSNI also indicated that it would have concerns about that proposition.

What is more appropriate is the departmental proposal, which, I understand, is for young shooters, beginning at the age of 12, to be restricted to inanimate object shooting. I understand that restricting young people to clay disciplines with shotguns can enable them to learn safe firearms handling in a controlled environment with suitable supervision. That would, of course, meet the desire of many people to introduce young people to the sport and permit the development of competitive shooting talent from a reduced age.

Indeed, it may be worth noting that evidence that was given to the Committee by the Deer Society noted:

*"The risk of a mishap with a firearm while moving over rough ground ... is a real possibility especially if a child is carrying a shotgun which would be unwieldy for them and would tend to make recovery from a stumble difficult. The need for muzzle awareness, use of the safety catch and constant attention to safety drills is best learned in a closely supervised and controlled environment such as a clay shooting club over a period of years. These behaviours are likely [to] become embedded in the muscle memory and become automatic before progressing to hunting over open ground."*

The Assembly should carefully consider that type of advice before progressing with such an amendment, and, indeed, it should consider the safety of our young people to be paramount. I therefore have concerns about the amendment and think that it should be given more full and proper consideration in due course.

**Mr Deputy Speaker (Mr Beggs):** I must advise the Minister of Justice, Mr David Ford, that we may have to interrupt him for Question Time, which must occur at 2.00 pm.

**Mr Ford (The Minister of Justice):** Thank you, Mr Deputy Speaker. I will take the hint.

In appreciation of the way in which the amendments were put forward by Mr Frew and spoken to by others, I need to make a few general points about issues on which I am still in slight disagreement, particularly the timing and manner of the amendments and the level of engagement that was already going on between the Department, the Committee and various interests, which go rather beyond the three organisations that were named on several occasions. However, we are where we are, and I will not labour those points.

Further Consideration Stage, at which there is no opportunity to get things right, is not a great point at which to introduce quite complex amendments. Indeed, as highlighted by Tom Elliott, there is a particular inadequacy in one of the amendments, which is an indication that a lot more work needed to be done. As I said, however, we are where we are, and I will proceed on my view, which has been informed by Chief Constable, but seek to reach an accommodation with the Committee and those Members who tabled the amendments. It is really unfortunate that, on aspects of banding and fees, we are very close to agreement but not quite there. Had the amendments been tabled at Consideration Stage, we might have been there by today.

I want to speak first to amendment No 11, the proposed new clause 98A, which covers the new banded exchange system for rifles and proposes a schedule of bands and a schedule of fees. I start by emphasising the point that it is absolutely clear that the banding proposals that we have in Northern Ireland go significantly beyond the practice in any other jurisdiction in these islands to the benefit of those who shoot and firearms dealers. As I said, I believe that we are very close on the banding issue, but it is not quite right. I trust that it will be possible for the amendment to be withdrawn and rectified for a future piece of legislation — ideally, as Mr Frew said, the Justice (No. 2) Bill, which I trust will be before the Assembly in the next week or so. Well, a week or a day.

A number of the shooting groups were content with the banding system that the Department put forward. The three groups that have been highlighted — the Gun Trade Guild, the Countryside Alliance and the BASC — were not happy and have produced their own proposals. I welcome the fact that we have got a realistic look at how bands will work, although my bands were more extensive than those that have been proposed.

I need to look at the flaws in what is proposed. On the point made by Tom Elliott, I can say that there is a specific reference in amendment No 11 to the Secretary of State being responsible for future amendments, yet, in every other respect, other than the issues of national security and prohibited weapons, all the Secretary of State's functions passed to the Department of Justice on devolution five years ago. Therefore, there is a provision for the Secretary of State, who does not actually have the power, and no provision for how it could be done. That is fundamental flaw that I suspect cannot be rectified. There is also a reference to bands being changed by addition



only but not by subtraction, which would mean that it would not be possible to move a particular category from one band to another.

Again, I understand the motivation, but it is just not right when we are talking about legislation, which has to be right.

There was a reference to firearms exchanges being possible to allow somebody to hold two firearms of the same calibre as long as it is not for the same good reason. I accept that that is an attempt to deal realistically with the issue of the Chief Constable being required to assess that somebody has good reason to hold two firearms of a similar calibre. However, it is an issue for the Chief Constable and not a dealer to perform when the exchange is being made. I suspect that that also covers Mr McGlone's point about dual use and how exactly we deal with firearms that are used on ranges and elsewhere.

There are other rules and conditions around on-loan and dual-use firearms exchanges that might have some prospect of moving forward if we deal with the current difficulties surrounding the specific points made. I echo the comments of Mr Frew, the Committee Chair and others that, since the amendments were tabled, there has been helpful engagement between representatives of three of the shooting organisations and my officials. I also met the Members who tabled the amendment. If it does not proceed today, let me place it firmly on record that I will be prepared to modify my proposals, which exclude those aspects. The modification would allow for these categories to be included on the basis of a regime that involves, in effect, the authorisation of dealers to carry out banded work. They and, indeed, club secretaries would need advice and training. In addition, the police would need to be able to remove the permission for dealers to conduct banded transactions if they do not comply with the requirements. I welcome the fact that the dealers have dealt with that. There is a realistic prospect for moving forward in future, but it is not one that we can deal with today.

At this point, Mr Deputy Speaker, you may wish that I break here before going on to speak about fees.

**Mr McGlone:** May I ask for a brief point of clarification, Mr Deputy Speaker? Is it correct that the banding system that has been referred to is the one suggested in annex B of the papers that were presented to the Committee for Justice? That was unclear to me.

**Mr Ford:** No. We would not agree to exactly what is proposed in the amendment, but it will be very similar to it. It has moved on as we have looked at different numbers of bandings from five to four. There was even a typographical error that, simply, does not provide an accurate description. It is in the context of rim fire and it says "rim f" and not "rim fire". There are problems with that from a technical point of view. We would be very close to the amendment that is proposed there, but we need to ensure that the work is done in detail before the next legislative opportunity. It will not very far from the four bands as currently proposed.

With your permission, Mr Deputy Speaker, I will break there and return to fees after Question Time.

**Mr Deputy Speaker (Mr Beggs):** Question Time will commence at 2.00 pm. I suggest that the House briefly take its ease until then. The debate will continue after

Question Time, when the Minister of Justice will finish his contribution.

*The debate stood suspended.*

2.00 pm

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

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Principal Deputy Speaker:** We will start with listed questions. Before I call Mr Patsy McGlone, I welcome Miss Michelle McIlveen to her first Question Time in her role as junior Minister.

I call Mr McIlveen — sorry, Mr McGlone. *[Laughter.]* You are not as pretty.

**Mr McGlone:** I might have changed, but not quite that much yet.

### Childcare Strategy: Update

1. **Mr McGlone** asked the First Minister and deputy First Minister for an update on the childcare strategy. (AQO 8431/11-15)

**Mrs Foster (The Minister of Finance and Personnel):** The first phase of the Executive's childcare strategy was launched in September 2013. It included 15 key first actions designed to address the main childcare needs identified through research and consultation. The greatest area of need identified was for school-age childcare services, breakfast clubs, after-school clubs and summer schemes aimed at the four-to-14 age group. The school-age childcare grant scheme, which former junior Minister Bell and junior Minister McCann launched in March 2014, was developed to address that need. It is creating new, low-cost, quality school-age childcare places and sustaining the places we already have. To date, the grant scheme has held two calls for applications, which have attracted 119 responses. Of those, 79 met the selection criteria and have been allocated £3 million over a three-year period. Those projects will sustain or create approximately 2,200 low-cost, quality childcare places, mostly in disadvantaged areas. A third call for applications will be held in the autumn. That will result in further low-cost childcare places being created.

Other key first actions have enhanced childcare services for children with a disability and improved the information available to parents on the childcare services available locally. Work to develop the full final childcare strategy is at an advanced stage. It has been developed on a co-design basis with full engagement with childcare stakeholders. We aim to issue the strategy for consultation in the coming weeks, with a view to publishing it before the end of the year.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister accept that childcare costs are one of the most fundamental and crippling issues for many working families at the moment? It is an issue that faces many, especially young mums. They have to leave good places of work because it is costing them to pay for childcare. It is an issue for working families especially, and I ask the Minister to look deeply at it.

**Mrs Foster:** I thank the Member for those points. The twin aims of the childcare strategy are to promote child development — I think we all want to see that happening — and to enable parents to join the workforce. I know that he referred to people having to leave the workforce to deal with their childcare needs. The cost — in many cases, the high cost — of childcare is what the strategy has been trying to identify. It is certainly where the key actions have been focused. How do you deal with that? Do you deal with it through free childcare places or as a subsidy? What is the best way to deal with that issue? Those are the issues that the board has been looking at in relation to the full childcare strategy. That will be the key driver moving forward.

As the Member will know, social enterprises have been identified as a way of dealing with the issues in relation to having low-cost, affordable childcare, but there are many small private sector companies providing that as well. We need to ensure that we do not knock those small private sector companies out of the field by using other mechanisms to deliver good childcare. It is certainly the focus of the Department and will very much form part of the basis of the full childcare strategy.

**Mrs Hale:** I thank the Minister for her answers so far. I was wondering whether we were examining the potential for extending the UK Government's plans to increase the hours of free childcare in England and Wales to Northern Ireland.

**Mrs Foster:** I thank the Member for her question. The details of the Prime Minister's proposals are still emerging and are still being developed. The Department will examine those proposals in detail to see if there is merit in having a similar initiative in Northern Ireland. I will say, however — this goes back to the original question — that the Department has been cautious about taking a simple subsidy or top-up approach to childcare here, because the international and national evidence suggests that the market often adjusts within a few years and that largely subsumes the top-up amounts so that, in fact, the price of childcare rises. That is not what we want to see happening; we want to ensure that more children can be accommodated in low-cost quality childcare that is accessible for their parents. That is true whether it is in an urban area or a rural area.

**Mr Lyttle:** Why, in a climate of such scarce resources, has OFMDFM failed to use around £8 million of a £12 million budget set aside for childcare in 2011-15? How will the proposed UK tax-free childcare scheme apply to Northern Ireland?

**Mrs Foster:** On the second point, as I said, the details in relation to the Prime Minister's announcement are still emerging. We will watch carefully to see whether there will be read-across to Northern Ireland or, indeed, there are merits to our adopting a scheme in Northern Ireland that is similar to what will happen in England and Wales. However, we must ensure that whatever we do is fit for purpose in Northern Ireland because, of course, we have a very rural community here. That is not taking away from the urban areas, but we have specific issues in Northern Ireland in relation to our rural community.

Of the money that was ring-fenced to support the development of the childcare strategy, £4.7 million has been allocated and £3.4 million has been spent. The balance will continue to be used to resource the key first actions of the

childcare strategy. I do not think that it is correct to say that the fund has been underspent. We will continue to work through those key first actions and then the development of the full childcare strategy. As I have indicated, cost, in particular, and accessibility will be two of the main issues that we will look at in relation to the full strategy.

**Mrs Overend:** Chris has touched on the question that I wanted to touch on. I am sure that the Minister will agree with me that, to increase the number of the economically active right across Northern Ireland, childcare should be a big priority for the Assembly. Will she assure us of her commitment to that?

**Mrs Foster:** Absolutely. Indeed, parents themselves have identified cost and accessibility as the principal barriers to getting, in particular, school-age childcare at an appropriate level. There seems to be more availability for preschool children but a dearth of childcare places for them once they go to school. That is something that we should be concerned about, because, of course, we need to enable parents, whether they are male or female, to enter the market for work and move ahead in that regard — if they so choose, as, of course, there are some who will want to remain at home with their children. Cost and accessibility are absolutely the key issues.

**Mr Principal Deputy Speaker:** I must inform the House that questions 5, 9 and 13 have been withdrawn.

## Racial Equality Strategy: Update

2. **Mr McElduff** asked the First Minister and deputy First Minister for an update on the racial equality strategy. (AQO 8432/11-15)

**Mrs Foster:** With your permission, Mr Principal Deputy Speaker, I will ask junior Minister Michelle McIlveen to answer the question.

**Miss M McIlveen (Junior Minister, Office of the First Minister and deputy First Minister):** Racial equality and good race relations are key aims for the Department and the Executive. The need for a strategy that not only helps us deliver these key aims but reflects people's aspirations and everyday concerns is an ambitious goal but one that we are determined to get right. Our 16-week public consultation instigated much discussion and elicited many opinions from right across society. Academics, trade unions, pressure groups, political parties, individuals, key stakeholders and church groups, amongst others, provided detailed contributions.

The analysis of those contributions has now been completed, and we are considering a revised draft of the strategy in light of it. The document will be considered by the Executive in due course before publication.

**Mr McElduff:** Go raibh maith agat. I thank junior Minister McIlveen for her answer. Does she believe that reform of the legislation will be a key feature of the racial equality strategy? How does she envisage such reform of the legislation rolling out?

**Miss M McIlveen:** Obviously, I think —

**Mrs Foster:** Go ahead.

**Miss M McIlveen:** I thank the Member for his question. Reform is certainly being looked at. The draft strategy is with Ministers. We are looking at it and hope to publish

it in the not too distant future. Having discussed those issues with a number of the groups, I know that they are concerned that we have a strategy that works. We look forward to seeing such a strategy rolled out.

**Mr Nesbitt:** I thank the junior Minister for her answers to date. Will she tell us what is the current rate of intersectional multiple discrimination, as defined on page 40 of the consultation document to which she referred?

**Miss M McIlveen:** The Member asks a very specific question. If he does not mind, I will write to him with an answer.

**Mr Spratt:** I also welcome the junior Minister to her first Question Time. Will she outline some detail of the crisis fund?

**Miss M McIlveen:** I thank the Member for his question. In the last financial year, the crisis fund provided support to a significant number of minority ethnic individuals, who traditionally have fewer and weaker support networks to help them to avoid destitution in emergency situations. The crisis fund has benefited several vulnerable groups: vulnerable migrants, EU and non-EU nationals, destitute refugees, asylum seekers and other identifiable vulnerable groups, such as Roma.

The Red Cross was the lead administrator of the fund, and responsibility for day-to-day decisions lies with that organisation. There were 12 partners in total delivering funding from the crisis fund. Officials will shortly be meeting again with the Red Cross and others to discuss how the last round of funding went and whether there was scope or need for improvements. They will also consider the reasons why people are falling into crisis and whether any action should be taken to prevent matters getting to crisis point.

**Mrs McKevitt:** I also commend Miss McIlveen on her promotion to the post of junior Minister, and I wish her all the best. Will she confirm that the severe criticism of the draft strategy by organisations such as the Northern Ireland Council for Ethnic Minorities (NICEM) will be fully taken on board?

**Miss M McIlveen:** I thank the Member for her question. Yes, absolutely; NICEM has been critical, but, over the period, much of what has been said is about the delay of the strategy. Having spoken to that organisation, I know that it is very keen that the strategy is well considered and that it makes a difference. The draft strategy is but a draft and requires further discussion, so we are hopeful that what is delivered will be acceptable to all groups.

**Ms Lo:** Like other Members, I congratulate the junior Minister on her appointment and welcome her to her first Question Time. I am sure that she is aware that a very well-attended meeting took place last week of black, minority and ethnic (BME) groups, at which a lot of frustration was expressed at the delay of the strategy. At that meeting, we understood that DFM has signed off the finalised draft strategy and that it now sits with OFM. Will the junior Minister confirm when OFM will sign off the strategy and have it published?

**Miss M McIlveen:** I thank the Member for her question. She is obviously better informed than I am about the deputy First Minister having signed that off. My understanding is that it is still with both Ministers and will then have to go to Executive colleagues for consideration.

It is still at that stage, and I cannot be any more definitive than that, although we would like it to be moved on from the Executive as soon as possible.

2.15 pm

### Children's Services Co-operation Bill: Update

3. **Mr Flanagan** asked the First Minister and deputy First Minister for an update on their Department's consideration of the Children's Services Co-operation Bill (NIA 44/11-16). (AQO 8433/11-15)

**Mrs Foster:** With your permission, Mr Principal Deputy Speaker, I will ask junior Minister McIlveen to answer this question, too.

**Miss M McIlveen:** The Children's Services Co-operation Bill was introduced to the Assembly by Mr Steven Agnew in December 2014 and passed Second Stage in January 2015, after which it was referred to the Committee for the Office of the First Minister and deputy First Minister for scrutiny. The Department supports the general principle of the Bill but holds concerns about its current drafting. Officials have been working with the sponsor of the Bill to address these concerns and consider potential amendments.

We have now shared the potential amendments with the Committee, and officials provided it with an update on 17 June. The Committee is scheduled to complete its scrutiny of the Bill by 3 July. However, we wish to discuss the amendments further, particularly with relevant Departments, to ensure that the Bill is effective, practical and beneficial for our children and young people.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the junior Minister for her answer. Leaving aside the concerns about the potential wording of the Bill, does she accept that there is a need for a statutory duty to cooperate across Departments in the delivery of children's services?

**Miss M McIlveen:** I thank the Member for his questions. Absolutely. The overall intention of the Bill is positive, and any lever that will encourage Departments and agencies to work closely together in this policy area will certainly be welcomed. The breadth of policies and services relating to young people means that cooperation is essential. Throughout my time as a Member of the House, I have been concerned about services for children and young people and about ensuring that policy is right so that they can have a positive future.

**Mr D McIlveen:** I, too, would like to welcome my friend to her role as junior Minister. To the best of my knowledge we are not related, but it is still very encouraging to see a McIlveen on the Front Bench. I will always say "Hear, hear" to that.

The junior Minister mentioned concerns about the current draft of the Bill. Will she go into a little more detail on her specific concerns?

**Miss M McIlveen:** I thank the Member for his question. At this stage, the Bill is quite general, and there is, therefore, a risk that the impact on delivery would be minimal. There is a danger that the Bill could promise much but deliver quite little, with the main result being that it would increase

bureaucracy rather than improving outcomes for children and young people.

The term "cooperation" is not easily defined or measured. The reporting function focuses solely on the cooperation element, and, while this is important, we feel that it would be more beneficial if we reported on service delivery and the impact on children and young people.

Another issue of concern is clause 4, which appears to give the Health and Social Care Board an empowering role in relation to a range of public bodies, including Departments. That could also be seen as inappropriate. In addition, Departments already work closely together, and, given the cross-cutting nature of the policy, much of this work is considered corporately at Executive level. A range of cross-departmental groups operates in this area, and there is regular, ongoing engagement with the sector via a number of different bodies. While we have those concerns, we agree with the principle of the Bill and are looking at further amendments.

**Mr Cree:** I also congratulate the junior Minister on her elevation. Does she regret that the Committee for the Office of the First Minister and deputy First Minister will not have sight of the Department's final recommendations until after the Committee Stage of the Bill has ended?

**Miss M McIlveen:** I thank the Member for his question. That is a concern, and perhaps it might have been useful to extend the time for the Committee Stage further to allow that, but I guess that we are where we are on that.

**Mr Rogers:** I, too, congratulate the new Minister. Given her previous role, she will appreciate that one of the major concerns with special educational needs is the lack of joined-up work and cooperation between the Department of Education and the Department of Health. I firmly believe that the Children's Services Co-operation Bill is an essential part of that new SEN Bill. What is her opinion?

**Miss M McIlveen:** I thank the Member for his comments and his question. I tend to agree with him on that. He will understand that I have long had a concern about cooperation between Health and Education. It is sometimes very much dependent on individuals in either trusts or, as they were formerly, boards who have worked positively together to get positive outcomes for individual children, but we want to make sure that that is the case right across Northern Ireland.

### Welfare Reform: Impact on Victims and Survivors

4. **Mr G Robinson** asked the First Minister and deputy First Minister for their assessment of the impact that the delay in agreeing welfare reform will have on organisations working with victims and survivors. (AQO 8434/11-15)

**Mrs Foster:** The First Minister and deputy First Minister are committed and will continue to remain committed to ensuring that victims and survivors receive the best services possible and that funding is targeted to those most in need. To that end, the Ministers will take whatever steps are necessary to mitigate any impact that the delay in agreeing welfare reform has on organisations working with victims and survivors.

Funding in this financial year has been increased, with over £14 million provided to support the victims sector.



That includes the highest ever opening budget for the Victims and Survivors Service and reflects the continued commitment of the First Minister and deputy First Minister to victims and survivors. The Victims and Survivors Service has already issued letters of offer to victims and survivors groups for this financial year. In addition, the Ministers are continually looking for ways to improve service provision. OFMDFM officials, in collaboration with key stakeholders including the Victims and Survivors Service and the Commission for Victims and Survivors, are in the process of examining the service delivery model that is currently providing services to victims and survivors. That collaborative programme of work will help to design and inform the types of services required for victims and survivors going forward.

The input of stakeholders gleaned through that collaborative programme, coupled with the valuable feedback from the recent reviews of the Victims and Survivors Service on what is working well and the areas that require further analysis, will provide a useful steer to build on the improvement to services that has occurred in recent months.

**Mr G Robinson:** I thank the Minister for her answer. Can she give an update on the victims pension?

**Mrs Foster:** If the Member is referring to the pension for seriously injured people, he will know that that is a commitment in the Stormont House Agreement. That is moving forward as officials have been tasked to bring forward a paper on a possible victims pension for the party-leaders group. That paper will draw on the useful background paper from WAVE and the report commissioned by the Commissioner for Victims and Survivors. There has been much talk about that issue recently and whether it will apply outside Northern Ireland and whether terrorists will be able to avail themselves of the pension. I took heart from the fact that the Secretary of State seems to be moving to a position where she will address the issue of victims residing outside Northern Ireland who have been directly impacted by the Troubles. I fundamentally welcome that because it is in line with paragraph 26 of the Stormont House Agreement, which says:

*"The needs of victims who do not live in Northern Ireland should also be recognised."*

That is to be welcomed.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers thus far. Rather than limit the consideration to issues of welfare, can the Minister say whether the First Minister and deputy First Minister have given any assessment of the impact of Tory austerity cuts on front-line services?

**Mrs Foster:** I noted that the deputy First Minister was in London at the weekend, and we look forward to hearing how much money he was able to achieve by attending that event.

For my part, I went to see the Chief Secretary to the Treasury last week, and he made it very, very clear that there is no more money for welfare reforms for Northern Ireland. Indeed he went further, saying that welfare reform is an essential part of moving forward. It is, of course, a fundamental part of the Stormont House Agreement, and without one part of the Stormont House Agreement, the rest of the Stormont House Agreement does not proceed.

**Mr Lunn:** If we do not agree welfare reform, and if that causes the collapse of these institutions, would she still expect the British Government to honour the agreements made at Stormont House during the negotiations — on the past, of course?

**Mrs Foster:** Well, you know, we came to an agreement on 23 December that brought about £2 billion of spending power for Northern Ireland over a number of years, yet we are going back to the United Kingdom Government and saying that that is not good enough. We want more money at a time when we are dealing with the deficit. As part of the United Kingdom, we have to deal with the deficit, which is currently in and around £75 billion or £76 billion. We cannot ignore those facts. If we are part of the United Kingdom, which we are and which we will be under the consent principle until the people of Northern Ireland decide otherwise, we have to deal with the budget that is allocated to us by the Westminster Government. Wishing it away is not going to do any good. We have to get real and deal with the issues that are in front of us now.

**Mr Allister:** The Minister told Mr George Robinson that the proposition for a pension for seriously injured victims is moving forward. In moving forward, is there a departmental acceptance that such a pension can be only for innocent victims? If there is not that acceptance, will there be any pension?

**Mrs Foster:** All I can do is speak on behalf of the First Minister's side of OFMDFM and make it perfectly clear, as we have done right throughout the issue, that we will not support any pension if it is to be accessed by terrorists. That is very clear, and I cannot be any clearer about it. It then goes to the very heart of the definition of "a victim". We will have to revisit that. As he knows, this party brought forward proposals to try to deal with the issue, but, unfortunately, others on the other side of the House did not feel that they could support it. I hope that, when we bring it forward again, the SDLP in particular will look at the issue and decide to move forward.

## Programme for Government: Target Delivery

6. **Mr McCallister** asked the First Minister and deputy First Minister for an update on their delivery against Programme for Government 11-15 targets. (AQO 8436/11-15)

**Mrs Foster:** The Programme for Government 2011-15 sets out an ambitious programme to deliver real improvement in people's lives. Since then, despite difficult economic conditions, quality of life for people has improved. Data from the Office of National Statistics (ONS) show that people here have greater happiness, satisfaction, sense of purpose and lower anxiety than others in the UK. Those indicators are all improving.

Of the 82 commitments in the Programme for Government, almost 81% has been achieved, which is well in advance of the 70% achieved in the last Programme for Government. OFMDFM led on 14 of the commitments through the Delivering Social Change framework. For example, the First Minister and deputy First Minister have found innovative new approaches to tackling deep-seated, cross-cutting issues. Successes have been notable in areas including numeracy and literacy, as well as support for families and young people. Through the social investment fund, to date, Ministers have committed £53.7 million to projects, which is 67% of the total fund. Engagement with

Europe has increased, exceeding targets by drawing down over £80 million of competitive funds. Under Together: Building a United Community, seven major good relations programmes have been put in place. They represent the largest investment in constructive community relations in our history and are a positive statement of the Ministers' ambition to build a better future.

When the First Minister and deputy First Minister set out their Programme for Government, they never pretended that the achievement of its aims would be straightforward. It was expressly an ambitious programme aimed at transformative change, and their achievements in this period show the benefits of such an approach.

**Mr Principal Deputy Speaker:** That ends the period for listed questions. We now move on to 15 minutes of topical questions.

2.30 pm

### Welfare Cuts: Targeted Benefits

T1. **Mr McKay** asked the First Minister and deputy First Minister which specific benefits will be targeted by the Tory Government's £12 billion welfare cuts announced today. (AQT 2681/11-15)

**Mrs Foster:** As the Member is fully aware, as is his leadership, that question has been asked on numerous occasions, at Stormont House Agreement meetings and, I presume, directly to national Government Ministers. We are unaware of the specific reductions that have been earmarked. However, he will read the same newspapers as I do — or perhaps not, as the case may be — and he will have seen the predicted areas from which the £12 billion will be cut.

**Mr McKay:** Go raibh maith agat. I thank the Minister for her answer. Her party colleague Sammy Wilson has already mooted that he would support cuts to welfare in the Budget, which would result in a reduction in our block grant. Can the Minister be clear and unambiguous in stating whether her party supports those cuts?

**Mrs Foster:** Unlike the Member's party, our party voted against the previous cuts to welfare at Westminster. Our MPs go to and have a voice at Westminster, unlike the party opposite, which is not there to make the case. Yes, you can go to rallies and make the case, but why not go to the House of Commons to make it? If those welfare cuts come, as predicted, the estimated welfare costs to Northern Ireland of a £12 billion reduction will likely be in excess of £350 million. That is the Barnett share for Northern Ireland. It is a matter of grave concern, but I have no doubt that our MPs will raise their voice at Westminster, and the very deep concerns that we have on those issues will be heard at Westminster.

### Budget Recommendations

T2. **Mr McNarry** asked the First Minister and deputy First Minister what recommendations they will bring to the House if a working Budget linked to the Stormont House Agreement is not secured. (AQT 2682/11-15)

**Mr McNarry:** I congratulate junior Minister McIlveen on her handling of questions today.

**Mrs Foster:** As the Member knows, and I think that he was here when I spoke about it last week, the Budget is predicated on the full implementation of the Stormont House Agreement, and that includes welfare reform implementation. Therefore, the matter will have to be dealt with, and it will have to be dealt with sooner rather than later.

**Mr McNarry:** Taking that matter further, I ask at what stage the First Minister will move for the dissolution of the Assembly, or are we to sit here in limbo until May 2016?

**Mrs Foster:** I assure the Member that he will not be sitting in limbo in May 2016.

### FDI: Effect of Political Impasse

T3. **Mr I McCrea** asked the First Minister and deputy First Minister whether they are concerned that the current political impasse could damage the Executive's ability to attract further investment, given that, in the past number of years, they have punched above their weight in their success in attracting FDI to Northern Ireland. (AQT 2683/11-15)

**Mrs Foster:** I thank the Member for his question. There is no doubt that, when we go to sell Northern Ireland as a destination for investment and a destination to bring jobs to, one of our strongest selling points is in and around political stability. I say to those who are putting the political stability of Northern Ireland at risk to think long and hard about that, because we have had tremendous success with job creation. The Programme for Government target for job creation was 25,000. We brought 36,000 jobs to Northern Ireland, and we should be incredibly proud of that. We were able to do that because we had political stability here.

**Mr I McCrea:** Is the Minister concerned that the delay in deciding on a date and a rate for corporation tax will have a negative impact on our ability to bring more jobs to Northern Ireland?

**Mrs Foster:** As the Member is aware, the devolution of corporation tax is something that this whole House, apart from one or two notable exceptions, agreed upon. Indeed, the Westminster Government have stepped up to the plate in relation to that; they have fulfilled the Stormont House Agreement position and brought forward legislation. It received Royal Assent, I think, on 17 March, and now it is a matter for us. Do we want to have this transformative tool in our box to grow the economy in Northern Ireland or do we not?

The reality is that, if we decide to go ahead with the devolution of corporation tax and to lower that rate, the full cost to the block grant does not come until three years after it is brought into position. So, if we were to bring it in for April 2017, which is probably not going to be the case now because time has gone, the full cost to the block would not have happened until 2020-21. So, it is wrong to mix the cost of corporation tax up with welfare reform costs because the Office for Budget Responsibility has indicated that revenue will be more readily available at that time, and we will start coming out of a deficit position. So, there will be more money available in 2020-21 to deal with those issues. I think that we need to have clarity on a lot of these issues, but it is wrong to mix up the cost of corporation tax and the cost of welfare reform.

## Stormont House Agreement: Welfare Reform

T4. **Mr Spratt** asked the First Minister and deputy First Minister whether they believe that the resolution of the welfare reform issue is critical to the full implementation of the Stormont House Agreement. (AQT 2684/11-15)

**Mrs Foster:** I absolutely do believe that. The implementation of welfare reform is critical to implementing the agreement; it unlocks all the other issues that were agreed during the Stormont House Agreement. It was a comprehensive, balanced agreement, which had parts in it that, individually, each party may not have recommended, but it was a compromise agreement that was to move Northern Ireland forward, but, because of the non-implementation of welfare reform, we find ourselves back as if the Stormont House Agreement had not been agreed. What does it say to the wider world that we came to an agreement and then we cannot deliver on it? It is very important that we move forward on welfare reform so that we can move forward on all the issues identified in the Stormont House Agreement.

**Mr Spratt:** I thank the Minister for her answer. Has the deputy First Minister indicated whether, as a result of his attendance at the anti-austerity rally in London at the weekend, there has been any indication that the Executive will receive any additional funding?

**Mrs Foster:** There has been no indication to me or to the Office of the First Minister and deputy First Minister in relation to that matter. The only way that we can move forward on these issues is to get on, agree welfare reform, which, I have to say, in relation to Northern Ireland, we are going to have the most generous welfare package of any part of the United Kingdom and, indeed, any part of these islands, I would say. It is time to get the matter dealt with so that we can move ahead and grow the economy in Northern Ireland.

## Online Safety: OFMDFM Assistance

T5. **Lord Morrow** asked the First Minister and deputy First Minister what steps their Department can take to assist with online safety, especially in light of the tragic events surrounding the death of young Ronan Hughes. (AQT 2685/11-15)

**Mrs Foster:** Mr Principal Deputy Speaker, with your permission, I will ask junior Minister McIlveen to answer that question.

**Miss M McIlveen:** The death of Ronan Hughes was, indeed, tragic, and I would like to extend my deepest sympathy to his parents, Gerard and Teresa Hughes, his wider family and friends and the pupils at St Joseph's Grammar School in Donaghmore.

Actions are being taken forward by the Executive to address Internet safety issues. The Executive agreed at their meeting on 29 January to formally commission the Safeguarding Board to develop an e-safety strategy and an action plan. SBNI has appointed a project manager to work within an 18-month time frame, and it aims to draft the e-safety strategy within that period.

That will then be presented to the Executive.

While OFMDFM does not directly have involvement in an internet safety strategy, junior Minister McCann and I, in our roles as junior Ministers, have central responsibility

for matters relating to children and young people. We have been involved in a number of actions associated with the issue, participating in meetings such as those of the ministerial coordination group on suicide prevention and internet safety. The issue is being considered at that group.

I will continue to pursue opportunities to promote safety awareness, and officials will also be liaising with the UK Safer Internet Centre on developments in the pipeline. For example, that will also include the launch of a new programme for secondary schools by the centre, called the Childnet Digital Leaders Programme, in September. It will offer schools across the UK access to online training and support for pupils.

**Lord Morrow:** I thank the junior Minister for her very comprehensive answer. I too wish her well in her new post. I am sure she would agree that promoting safer use of the internet is very important. Has there been a date set for a day to promote safer use of the internet?

**Miss M McIlveen:** I thank the Member for his question. There is an annual event — Safer Internet Day — and the next one is scheduled for 9 February 2016. That will represent a further opportunity for us to promote internet safety messages.

## Ethnic Minorities: Support Groups

T6. **Mr McElduff** asked the First Minister and deputy First Minister for their assessment of the work carried out by support groups for the ethnic minority members of our community. (AQT 2686/11-15)

**Mrs Foster:** Of course, like many other support groups across Northern Ireland, the support groups that exist to support ethnic minorities are a critical part of the infrastructure — the ecosystem, as it were — to help those who are from an ethnic minority. So, I very much value, as does the Office of the First Minister and deputy First Minister, the work of a number of those groups.

**Mr McElduff:** Go raibh maith agat. Would the Minister consider supporting the notion of funding being made available to ethnic community support groups like the Omagh Ethnic Community Support Group on a multi-annual basis so that they can prepare for the longer term rather than on a year-to-year basis. I join other Members in welcoming junior Minister McIlveen to the House in her new role.

**Mrs Foster:** There will be a number of bids made in relation to a number of sectors and a number of groups. All those bids need to be seen in the context of where we are with the Budget and the non-agreement of welfare reform, because if we do not have welfare reform agreement we will have a £600 million hole in the Budget. Therefore, the Budget in front of this House, and that will come to the Floor again this afternoon, is predicated on welfare reform. I hope that he and others will join me in saying that we need to deal with welfare reform. Then, we can get around to dealing with groups from Omagh and everywhere else.

**Mr Principal Deputy Speaker:** Mr Edwin Poots is not in his place and Mr Cathal Boylan is not in his place; I therefore call Mr Adrian McQuillan.

## Rural Proofing Bill

T9. **Mr McQuillan** asked the First Minister and deputy First Minister how close the Assembly and Executive are to bringing forward a rural proofing Bill. (AQT 2689/11-15)

**Mrs Foster:** The Minister of Agriculture and Rural Development has a paper in front of the Executive in relation to statutory rural proofing, and I understand that that is coming before the Executive in the very near future.

**Mr McQuillan:** I thank the Minister for her answer. Does she agree that almost 35% of people in Northern Ireland live in rural areas and would very much welcome a rural proofing Bill?

**Mrs Foster:** I very much welcome the acknowledgment of those of us who live in rural areas and the needs we have, which may not necessarily be the same for those who live in urban areas. There is always a need to realise that, identify those issues and deal with them in the most appropriate way.

2.45 pm

## Culture, Arts and Leisure

**Mr Principal Deputy Speaker:** I must inform the House that question 15 has been withdrawn.

### Arts: Creativity and Innovation

1. **Mrs Cochrane** asked the Minister of Culture, Arts and Leisure how her Department promotes creativity and innovation in the arts sector. (AQO 8446/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Member for her question. My Department supports creativity and innovation in line with the Executive's innovation strategy. This includes the delivery of the creative industries innovation fund from 2009 to 2015 and my Department's ongoing support for our creative learning centres. A ministerial action group on the creative industries has been established to consider how best to build on this investment. My Department's support has led to success stories such as Dog Ears, whose 'Puffin Rock' series is now shown to a global audience through the Nickelodeon channel.

**Mrs Cochrane:** I thank the Minister for her response. What is she doing to promote examples of innovative partnerships between arts and business sectors working with young people such as CultureTECH and Seagate, or Translink and the Cahoots theatre company?

**Ms Ní Chuilín:** I thank the Member for her question. She mentioned a few, and, through the ministerial action group, there is a coming together of groups that are involved in creative industries, particularly around animation or work for children and that. I mentioned Dog Ears, but there is also the work of Coder Dojo and others. DCAL, DE, DETI and DEL are involved in this; I think that it is a fairly high-level group. It is not only to build on what we have done up to now but to take in the work of performing arts and artists to help to inform children and young people around the STEM subjects. I thank the Member for her question and her supplementary question because that leads on to what

this work is trying to inform, particularly for the next CSR, which is really important.

**Mr Ramsey:** Following on from Ms Cochrane's question, will the Minister acknowledge the major contribution that arts groups, community and otherwise, make across Northern Ireland in the community support that they give? Is the Minister in a frame of mind to review the existing funding arrangements for arts groups to make them more sustainable and viable going forward?

**Ms Ní Chuilín:** First, I totally agree with Pat Ramsey about the work that the arts provide and the work that arts and creative people, even in the business community, provide. It will help towards our sustainability. Currently, an advisory group is looking at a new arts and cultural strategy. Unlike sports, for example, the arts did not have an overarching arts and cultural strategy. Sport has Sport Matters, which is supported by the entire Executive. I think that it is important to do this because we have a great cultural fabric in our community. We have a good partnership between arts and business and arts and the cultural sector. I think that we need to look at what the needs are and to try to agree the best possible way forward. Not only will that help to address need, it will help towards long-term sustainability.

**Ms McCorley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagraí go dtí seo. I thank the Minister for her answers thus far. She will no doubt be aware of the closure of the Tower Street campus. Can she comment on any adverse impacts that that might have on students travelling to north Down?

**Ms Ní Chuilín:** I am aware, as I am sure every Member is, of the imminent closure of Tower Street. I understand that performing arts courses at the Tower Street campus will cease. That will affect new students, who, upon taking those courses, will be accommodated at the South Eastern Regional College in Bangor. To that end, I wrote to Minister Farry in May and again in June because, given my responses to Pat Ramsey and Judith Cochrane, it is really important that we have a joined-up approach.

Big concerns are raised by this issue. I am the lead Minister for creative industries, and I was not informed of it. There has been and will continue to be a substantial lobby around ensuring that Tower Street is successful, because it was and remains successful, particularly to students travelling to the city of Belfast and those who live in the city of Belfast who have articulated that this will cause them hardship. I look forward to the Minister's replies to my correspondence to address exactly those questions and other questions.

### Intercultural Arts Programme: Social Value

2. **Ms Lo** asked the Minister of Culture, Arts and Leisure for her assessment of the social value of the intercultural arts programme. (AQO 8447/11-15)

**Ms Ní Chuilín:** I thank the Member for her question. The impact of the intercultural arts programme is currently being evaluated, and early indications are that the programme was extremely successful. I expect to receive the final evaluation report in the coming weeks, after which I will be able to provide further comment on the social



value of this programme. I hope to have this completed straight after the summer recess.

**Ms Lo:** Perhaps I should first of all declare an interest as the patron of Terra Nova, an intercultural arts organisation, which has received funding in the last few years. I have the report, which is very good. It says that that three-year programme has been very valuable. How will the Minister promote, in the long term, opportunities for ethnic minority artists and audiences, as well as intercultural dialogue and collaboration, to be developed across the whole of the arts infrastructure in Northern Ireland?

**Ms Ní Chuilín:** I thank the Member for her supplementary question. She will certainly have a preliminary report on the evaluation report. Even though the intercultural programme had a certain lifespan, I continued to provide funding after that, not only to allow the evaluation to take place but to ensure that the work, some of which was contracted, was able to be honoured. In addition to that, the Member will be aware that funding, even through cultural partnerships, was awarded to groups like ArtsEkta, for example, and others to provide opportunities to give us the great spectacle of intercultural arts, but also to provide opportunities for building good and better relations, which, at times, come under extreme pressure, particularly within the city of Belfast.

In short, the interim report points to a very successful programme. I am taking that report and preparing a final report, with a view to trying to make an additional bid to potential monitoring rounds and certainly trying to build it into any future funding strands.

**Mr Ó Muilleoir:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers and Ms Lo for bringing the issue up. How was the funding for the intercultural arts programme distributed over the last period?

**Ms Ní Chuilín:** The distribution of £300,000 was made available to the intercultural arts programme over three years. It was done in collaboration with many groups. There have been many successful outcomes from great collaborations. The Arts Council made 34 awards to community organisations. Three organisations did not take up their awards and four organisations received two awards each, so 31 projects and 27 organisations were funded through the Arts Council. In respect of the minority ethnic individual artist award scheme, the Arts Council also made 20 individual artist awards to 18 artists. It is that sort of collaboration with the Arts Council that has helped sustainability. Through the Arts Council and additional moneys that were received through monitoring rounds, that intercultural arts programme has been very successful, and it is that collaboration and distribution that has made it work.

**Mrs McKevitt:** Will the Minister give a breakdown of where the fund has been distributed outside of Belfast and Derry, particularly with reference to the south Down area?

**Ms Ní Chuilín:** The Member may appreciate that I do not have those details to hand. I am certainly aware of how many groups, but not where the groups were located. I know that in the Member's own constituency there is Sticky Fingers, for example, although it was not primarily an intercultural programme, but, through my work and my Department, there have certainly been interventions made in that area where there were not before, or where the

award was not at the power that the organisation felt that it needed to be. I am certainly happy to provide the Member with all of those details.

## Mountain Biking

**3. Mr Rogers** asked the Minister of Culture, Arts and Leisure how her Department is supporting the growth of mountain biking. (AQO 8448/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. In 2014, Sport NI's investment in Outdoor Recreation NI enabled the development and publication of a 10-year mountain bike strategy. That strategy is being further resourced in 2015 with a piece of live research on unmet demand for mountain biking and allied economic activity impact. Sport NI has invested over £70,000 in the provision of this mountain bike skills loop and provided an additional 1,600 metres of dedicated single-track trail, which is suitable for both recreational and competitive mountain bikers, as a training facility. In addition, DCAL, through Sport NI, has invested £150,000 towards mountain-bike skills and challenge trails.

Over the past three years, my Department, through Sport NI has also provided financial assistance to Cycling Ireland and other bodies totalling over £500,000 towards cycling sports generally, inclusive of mountain biking.

**Mr Rogers:** I thank the Minister for her answer. On the back of a very successful Gran Fondo, which came to the Mourne at the weekend, are there any plans for international mountain biking events in the likes of Castlewellan and Kilbroney park?

**Ms Ní Chuilín:** The Member may be aware that sporting events, even though they are sporting, are events, so they are within the gift of DETI. Are the facilities at Kilbroney park fit to host an international event? Absolutely. I think that the work of Sport NI in partnership with the governing body and other partners and colleagues that are involved, including DETI and DARD, will try to ensure that every opportunity is availed of to bring such spectacles not only to the city of Belfast but to surrounding areas.

**Mr Campbell:** Will the Minister liaise with her colleague the Minister of Agriculture and Rural Development so that a more strategic approach is adopted not only to mountain biking but other leisure pursuits in forests and mountains right across Northern Ireland to ensure that a strategic promotional aspect can be taken forward across the whole of Northern Ireland?

**Ms Ní Chuilín:** In short, absolutely. We will liaise with Michelle O'Neill, the Minister of Agriculture and Rural Development. I have actually started that process already to ensure that our outdoor facilities are not just used for mountain walking and climbing as they have been traditionally. Young people, scouts and youth movements have all used the forests and mountains as part of an outdoor leisure package. Indeed, Michelle O'Neill and I have started work to look at tracking and mountain biking as part of the package. I am also liaising with colleagues in DOE, for example, to ensure that local government, through the super-councils, is involved in this as well. It has been shown in the past — I think that this is where the Member is trying to point — that, where there is a joined-up approach, particularly at central government level,

not only do you have a better outcome but there is more sustainability.

**Mr Cree:** The Committee for Culture, Arts and Leisure was at Kilbroney last week. We were able to see at first hand the excellent course there. You have touched on this, but it seems to me that there is great scope for other mountain bike trails that are perhaps more geared to amateurs. Do you have any formal relationship with the Agriculture Minister to use the forest parks for that purpose?

**Ms Ní Chuilín:** The answer is yes, as I said to Gregory Campbell. We have started a formal process to explore opportunities from forests, hills and mountains. I am trying to encourage local government and some of the governing bodies to get a better joined-up approach to leisure, sport and physical activity. I was tempted to ask whether you availed yourself of some of the mountain biking facilities. After the summer, hopefully, I will make it my business to go down and see the facilities at first hand. I have seen others in the past, particularly looking at how young people can use mountain biking, orienteering and the mountains and forests for activities such as team building. These are our natural resources, and we need to protect them, not just so that people can enjoy them for the view and spectacle that they are but so that we can have better outcomes for leisure, sport and physical activity.

### Public-sector Jobs: Decentralisation

4. **Mr Dallat** asked the Minister of Culture, Arts and Leisure what plans she has to decentralise public-sector jobs within her Department prior to the restructuring of Executive Departments. (AQO 8449/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. I have no plans to decentralise any jobs in DCAL prior to the restructuring of Departments. Out of a workforce of almost 300, 54 DCAL staff, just under 20%, are in posts that are located outside Belfast. These staff are based in satellite locations in five counties across the North.

With regard to the Member's constituency in the north-west, I remain committed to taking forward actions to build on the success of the City of Culture and drive a proactive approach to tackling poverty, social exclusion and inequality in that area, which continues to suffer from high levels of deprivation. A north-west office was established by my Department in April last year. The team coordinates grant distribution actions across the north-west, including Derry, Strabane, Coleraine, Limavady and the surrounding rural areas.

### 3.00 pm

**Mr Dallat:** I was sure for a moment there that the Minister was whistling my tune when she referred to the north-west. I am sure that she would agree with me that the wealth of culture and music shared by the whole community in the north-west deserves recognition. Does she agree, before her Department goes in different directions, that she should establish a prominent presence in the Maiden City, Derry?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. You just need to be careful about whistling and certainly about whistling tunes in this place. However, I accept what the Member says, and I anticipate questions about tunes, music, marching bands and all the rest.

I already have a presence in Orchard House, albeit a very small presence. I hope that that will grow, but it is more than that. That should be a base to look at areas such as Limavady, Coleraine, Strabane and even as far as south Derry and the surrounding areas. When we look at the success of the City of Culture and, indeed, the legacy programme, it is easy to say, "That's me done", and walk away. Through my Department and the team and staff that have been working there, that is not where they are pointing. The needs are there and will continue to be there, as will DCAL.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. Will the Minister provide details of what engagement she has had with trade union and staff representatives on the restructuring of Departments?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. The Civil Service-wide steps that have taken place to ensure regular engagement, certainly with the central trade union side and staff side representatives, will continue. It is essential that that happens, particularly on the departmental restructuring programme. My officials have met staff across the Department and had successful meetings with representatives of local trade union and staff side representatives. That will continue until the formal restructuring programme is completed and brought forward.

**Mr Swann:** On the restructuring of Departments, will the Minister provide the House with an update on where she sees inland fisheries finishing up as a joint unit? If there were any restructuring or relocation, could Bushmills be considered as a location for the new Department?

**Ms Ní Chuilín:** All those discussions have yet to be concluded. The Member will be aware from Bushmills and even Ballymoney that DCAL has had a strong presence in his constituency for decades. I am sure that the Member will join me in commending and congratulating staff for the work that they do not just in the conservation of fish stocks but in their outreach and engagement with local communities, particularly children. It is important that those services not only are maintained but are added to in the new Department where they will find their home.

### Casement Park: Safety Concerns

5. **Mr Allister** asked the Minister of Culture, Arts and Leisure to outline the chronology relevant to her knowledge of safety concerns relating to the redevelopment of Casement Park. (AQO 8450/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. Safety is and must be at the heart of all stadium projects, including Casement Park. Given the range of experience and diverse perspectives on each capital project, we can be sure of one thing: people will not agree at all times. However, we need debate and dialogue to forge the best possible project and programme. The governance structures put in place for the stadium programme ensure that the necessary checks and balances are in place and provide the forum for open debate and dialogue before final decisions are approved.

As I have previously stated, I was aware that a project of this nature would have important public safety aspects to be considered throughout the development process. I am aware that the safety technical group was involved

in discussions about safety. However, the first that I was made aware of the allegations that safety concerns had been ignored was when the chair of the safety technical group gave evidence to the CAL Committee on 30 April. I was shocked by that and, as a result, commissioned an independent project assessment review (PAR), which took place between 15 and 19 June. A copy of the final PAR report will be published in due course.

I want to make it clear that I am happy for anyone to look at this programme openly and transparently. My Department is fully cooperating with the CAL Committee's inquiry, which I hope will add some objective, constructive analysis to the whole debate.

**Mr Allister:** Mr Paul Scott was very clear that he had warned the Department, in his words, over many months and years, about the safety risks. It seems that the Minister was either turning a blind eye or was asleep at the wheel. Which was it?

**Ms Ní Chuilín:** Mr Scott's allegations are the subject of two reviews — the Committee's investigation and the independent investigation — in addition to the review that I have asked DFP to come in and do. He made two very serious allegations: one was that he had raised safety concerns, and the other was that he was bullied and gagged when putting those forward. Let me totally clear — the Member is very fond of making accusations about individuals and groups in this place and hiding behind parliamentary privilege — if you or anyone else believes that I deliberately hid safety concerns, they need to bring that forward. In the absence of doing so, the Member needs to put up or shut up.

**Mr Principal Deputy Speaker:** I remind the Minister to address remarks through the Chair.

**Mr Humphrey:** I will not veer into asking questions about the investigation as a member of the Committee; I am doing that in Committee. Has the Minister recently held meetings with the residents immediately around the ground or with the Gaelic Athletic Association on the issue of emergency exiting from Casement?

**Ms Ní Chuilín:** I am due to meet a residents' group. I know that the Member is working with the Mooreland and Owenvarragh Residents' Association (MORA), but there is another residents group called the Andersonstown Regeneration Committee (ARC), which is made up of residents in the immediate vicinity, and I am due to meet them this week.

I await the outcome of the PAR on emergency exiting and all the rest. An absolute wealth of paperwork has gone forward — not just to the Committee inquiry, as it will also come forward as part of any new planning application. I am willing to meet anybody about this. I have said that I would, and I will continue to do so. I look forward to the meeting this week with the Andersonstown Regeneration Committee.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Was the Minister aware that the chair of the safety technical group felt that the Casement Park project had what have been described as showstopping safety concerns? Will she tell us what opportunities he and Sport NI staff and board members had to bring any serious concerns to her attention?

**Ms Ní Chuilín:** I want to use the opportunity to repeat that I was not aware of that. The first that I heard of the

allegations was on 30 April, when Mr Scott was brought before the Committee at the invitation of the Chair of the Committee. I was not aware of any showstopping safety concerns. There was ample opportunity to bring those to me, but I am reluctant to go into any more detail than that. That will be the subject of not just the PAR but the independent investigation that will look into the two serious allegations that were made by Mr Scott on 30 April in front of the CAL Committee.

**Mr Beggs:** Given the degree of public funding involved in the project and the degree of public interest, will the Minister explain why these fundamental design and safety issues, which can be life-or-death issues, were not adequately addressed at the design stage and somehow proceeded to the planning permission stage?

**Ms Ní Chuilín:** The Member is not across the detail of the programme. He has made an assumption that the designs were inadequate, but, if they were inadequate, how did they receive planning permission? At the end of the day, the arbitrary say is with the statutory authority of Belfast City Council, which issues safety certificates.

I am aware that any construction will be done with an eye to ongoing discussion with the statutory body, namely the council, to ensure not only that buildings are compliant as far as safety is concerned but that the design is compliant from start to finish, with a view to gaining a safety certificate at the end. Like other Members, the Member is picking up on sound bites that he has heard in the media and has run with those. You need to get better information.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers to this point. Is she confident that the inquiry being conducted by the CAL Committee will be done in an utterly fair, unbiased and impartial manner?

**Ms Ní Chuilín:** I thank the Member for his question. I know that some members of the Culture, Arts and Leisure Committee will ensure that that happens. They will ensure that it is impartial. I have seen and heard reports, for example, that the Committee Chair made, as I understand it, as a member of the DUP rather than as Chair and which have prompted some speculation about that independence. However, unlike other inquiries that have taken place in the House, I am opening up my Department, my books and my officials, staff and anyone else for investigation to ensure not only that safety concerns were paramount but that they will remain paramount. If there are lessons that can be learned from this, I will accept them in the spirit in which they are meant. I know of other members of the Committee whose personal integrity will ensure that it is fully independent.

## Ulster-Scots/Irish Language Broadcast Funds

6. **Mr McCausland** asked the Minister of Culture, Arts and Leisure what methodology was used in assessing the relative need for future funding for the Ulster-Scots Broadcast Fund and the Irish Language Broadcast Fund. (AQO 8451/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. The most urgent need at the moment is to get a commitment from Ed Vaizey, Minister of State for Culture and the Digital Economy, to continue both funds beyond 2016 and up to 2021 at least. Following the formation of the new British

Government, I wrote to Mr Vaizey to request a renewed and increased commitment to the broadcast funds. I will be arguing for relative funding levels and uplifts to that amount on the basis of need as these discussions develop.

**Mr McCausland:** I asked how the Minister would assess relative need, which is the core issue of the question. I remind her that, on a previous occasion, reference was made to viewing figures as one of the factors that would be taken into account in measuring relative need. What are the factors?

**Ms Ní Chuilín:** I am happy to provide the Member with details, but viewing figures are one aspect and we would need to be careful about them. Some of the criticisms that the Member and other Members, particularly in his party, have made about the content of some of the programmes would not be a good parameter to use, particularly if you are using viewing figures. That would not reflect the needs in the community. It is one measurement, but there are others. Demand is another aspect when it comes, for example, to the Ulster-Scots Broadcast Fund. I know that, when it comes to the Irish Language Broadcast Fund, demand for new funding, if it is realised, is already there. Apprenticeships and training are already there, as are local commissioning producers, for both funds.

I will provide the Member with details about how we assess need, but I would urge him not to use viewing figures as the main way to determine need because that will not ensure that the Ulster-Scots Broadcast Fund will get the funding that the Member feels it needs.

**Mr Swann:** The Minister is aware that I have asked her a number of questions about funding for Ulster-Scots radio broadcasts, especially on fUSE FM 107.5 in Ballymoney. Is any equivalent funding available? Foras na Gaeilge has the community Irish language radio scheme; would there be any similar funding for an Ulster-Scots-based radio station?

**Ms Ní Chuilín:** The money from Foras na Gaeilge and through the broadcast fund is primarily for the development, enhancement and protection of the Irish language. It covers apprenticeships, training and sustainability. It is important that even through the Ulster-Scots community and 107.5 FM, the people in the Member's constituency come forward with plans and open discussions with the Ulster-Scots Agency, which, I believe, has been and will be instrumental in shaping the way in which Ulster-Scots funding is developed in future, and that includes broadcast funds as well.

**Mr Principal Deputy Speaker:** The time for listed questions is up, and we now move on to topical questions.

3.15 pm

### Ulster Museum: Literature Sold

T1. **Mrs Hale** asked the Minister of Culture, Arts and Leisure, pursuant to her previous question about the lack of balance of literature sold at the Ulster Museum, to state what action she has taken to address this. (AQT 2691/11-15)

**Ms Ní Chuilín:** I assume that someone from my Department wrote to Mrs Hale based on the question that she asked previously. If not, I will try to chase that up. I do know that someone went out and looked at the bookshop,

the gift shop and the facilities in the Ulster Museum to try to get to the bottom of the accusation that Mrs Hale made.

**Mrs Hale:** I thank the Minister for her answer and for the numerous lists of book stock that I have received. Sadly, after visiting the Ulster Folk and Transport Museum on 12 June, I see no evidence of balance or of the shop stock relating to the book lists that I have been given. Will the Minister agree with me that it is imperative that a cross-cultural balance always be prioritised, especially when one considers that actions speak louder than words?

**Ms Ní Chuilín:** I certainly agree with the Member that it is important that people see that there is balance and that they see themselves reflected in the services that all Departments provide. I will pursue that with officials and, again, try to get to the bottom of where the Member feels there is an imbalance. I will certainly investigate it.

### Football: DCAL Support

T2. **Mr Frew** asked the Minister of Culture, Arts and Leisure what her Department is doing to support grass-roots football at amateur league and Saturday morning league level and in the lower tiers of the Irish League, given that those leagues help a lot of young people get into sport and are a vehicle for them to keep fit. (AQT 2692/11-15)

**Ms Ní Chuilín:** I totally agree with the Member. I am sure that he will join me in congratulating parents, guardians, families, community groups, sporting clubs and sporting bodies across the board on the work that they put into our assisting our children and young people every Saturday and weekend, and even during the night. It is important that that work not only be recognised but invested in.

In addition to the funding that the IFA receives, we put in £1.5 million to reach out, particularly to hard-pressed communities, to ensure that social inclusion was enhanced and to try to attract more people to the sport. The same was done for rugby and the GAA. Sport NI has done a great job of coaching. We need to get that investment continued, and we need to work with local government to ensure that there is a joined-up approach. We need to support parents and the communities who do car-runs and give up their time at night and at weekends, particularly in miserable weather, to ensure that our kids enjoy themselves and that they are fit and well.

**Mr Frew:** The Minister will be aware, as I am, that, even in my constituency of North Antrim, many football clubs are applying for planning permission and funding to enhance their sports grounds and get them up to a certain level. There is a certain fear out there that not all the clubs spending money at present will be able to see out their development and get planning permission and funding to push forward their plans. Will the Minister give an update on that? Does she have any fear about funding for the various schemes?

**Ms Ní Chuilín:** I, as an MLA, have met, along with my colleague Gerry Kelly, a lot of groups in north Belfast, but that is something that I have heard across the board as an MLA and as Minister. Indeed, I have had representations from councillors right across the political spectrum. There is a big concern that expectations and hopes have been raised. Grass-roots clubs in particular but also some of the bigger clubs in the Irish League have been encouraged



to spend money, which many of them do not have, out of their own pockets to develop their plans to try to access Sport NI lottery money. I am concerned about that. If that process has happened, it will stand groups in good stead in future, but I am concerned about the level to which expectation has been raised.

### MAC: Disrepair Costs

T3. **Mr Clarke** asked the Minister of Culture, Arts and Leisure how she will find the money to assist the MAC, which is falling into disrepair, and bring it into good repair again. (AQT 2693/11-15)

**Ms Ní Chuilín:** The Member will be aware that almost £18 million was spent on building the MAC. As a result of some stones being loose in the facade, almost £8,000 was spend on netting to secure it. One million pounds is needed to complete that work. I will be making a bid for £1 million of capital moneys and £150,000 for legal and professional fees from revenue moneys in the June monitoring round.

**Mr Clarke:** I thank the Minister for that. I am also aware, Minister, that how the cost of that project overran from the initial estimate was subject to a PAC report. Will your departmental officials pursue those involved in that contract, given that something that has only been open for three years has fallen into disrepair and that so much more was spent on it than was originally estimated?

**Ms Ní Chuilín:** I agree with the Member's sentiments. Vast sums of public money have been spent on this. We would not expect to be running into these difficulties within three years of the building being developed. That is a concern and a point well made. My officials, in conjunction with the Arts Council, are working with the MAC to find out what happened, how it happened and what lessons we can learn for the future. When you spend that amount of public money, people expect a better return, particularly in these times. If the perception is that that money has been spent and the building is crumbling, I can assure the Member that, while some of the stonework has come loose, a net has been put around the whole building as a precaution to make sure that that does not happen any further. However, I agree with the Member that we need to get to the bottom of what happened.

### Arts Funding: Per Head of Population

T4. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure whether she is concerned, embarrassed or even ashamed to be the head of a Department that continues to allow Northern Ireland to have the lowest per head of population funding for the arts of anywhere in these islands. (AQT 2694/11-15)

**Ms Ní Chuilín:** I understand that there is a lobby saying that we are the lowest funded. I can assure the Member that we are not. I am happy to share that information and the figures with the Member. I appreciate that groups lobby MLAs trying to get additional money, and rightly so. However, at times, the full information is not given. Out of regard for the Member, I will furnish him with those figures. I am very proud to be in this Department; I think that I have the best job in the Executive. I have said that, and I will continue to say it. I want to ensure that the arts, creativity and culture get additional money. I also want to ensure that people have the facts and the right information.

**Mr McCarthy:** I am grateful to the Minister for her response. I am delighted to hear that she rejects the accusation that her Department is the lowest funded in these islands. When I served on the Culture, Arts and Leisure Committee some time ago, that was the case and it was quite an embarrassment to us all. Does the Minister accept that investment in the arts, and particularly new talent, can be a driver for change and that her party's irresponsibility over the Budget is simply undermining all the good work that is being done throughout Northern Ireland?

**Ms Ní Chuilín:** I place the blame for the situation that we are in firmly at the feet of the British Tory party. I am not getting into the argument about raising revenue. I have been through this with the Member before, and it is a tired old argument. However, additional money is needed for arts and culture. That is why we ask people in the sectors to come together to try to provide a robust overarching strategy in the same way as, as the Member will be aware, we have the Sport Matters strategy, which other Departments have signed up to and committed money to. That is the future for arts and culture. However, in where we are with our Budget, I think that it is unhelpful that parties here are divided. It would be much better if we were united and went to 10 Downing Street to argue for this place instead of pointing fingers across the Chamber, because that is unhelpful.

### Performing Arts and Theatre Productions: Ministerial Attendance

T5. **Mr Lyttle** asked the Minister of Culture, Arts and Leisure to list the performing arts and theatre productions she has attended and supported this year and to state how her Department has invested in the performing arts. (AQT 2695/11-15)

**Ms Ní Chuilín:** There is a perception that I do not go to plays or films or to see groups, and that is not the case. I have been to quite a lot. As recently as last Thursday, I was in the QFT. Before that I went to a children's cross-community choir. I was also at an event that looked at the power of performing arts in helping people to recover from conflict. I am happy to provide the Member with details of all that. As I said in response to his colleague Kieran McCarthy, I recognise the fact that performing arts and the arts sector need to have leadership and some value placed on them by the Executive.

My concern and fear is that, unless people see the power of the arts and the regeneration opportunities they have, this will remain one of those Departments which people think is a luxury rather than a right.

**Mr Lyttle:** I thank the Minister for her response and absolutely agree that the performing arts are to be supported, not least for the sector's potential for economic growth. What more leadership can the Minister and her Department show to support, and invest in, the performing arts in Northern Ireland?

**Ms Ní Chuilín:** Not to sound repetitive, but I think it is about ensuring that there is an overarching strategy. In the absence of a fully-funded Executive strategy for arts and culture, funding for groups, particularly those in the performing arts sector but not exclusively, will be subject to cuts. The cuts that the British Tory Government are trying to inflict on this community, including our artists, are eye-watering. It is better that we should not only resist those

but join up and set out our stall for arts and creativity for at least the next 10 years.

### Limavady Library: Opening Hours

T6. **Mr G Robinson** asked the Minister of Culture, Arts and Leisure why Limavady library has had its opening hours reduced despite Limavady containing some of the worst areas of deprivation in Northern Ireland. (AQT 2696/11-15)

**Ms Ní Chuilín:** The reduction in opening hours went out for consultation. Some reductions were decided on the basis of users, people who used the library and its facilities, not exclusively for library purposes but even as community spaces or facilities. Libraries NI, and I, regret that, but it is important that in the January 2015-16 Budget we protected libraries with cuts of 7.5% when the rest were given cuts of 11.2%. It is down to you to use your library often, to ensure its sustainability. In that way, opening hours will not just remain the same but may, where possible, increase.

**Mr G Robinson:** Does the decision to reduce the library's opening hours not go against the stated criteria of the consultation that the Minister's Department carried out?

**Ms Ní Chuilín:** Libraries NI carried out the consultation. It was done to ascertain exactly what library opening hours were being used for, and how often libraries were being used. The consultation was carried out and, in fairness to Libraries NI, it got feedback and analysis from that and made reductions which, in some cases, were minimal, based on the usage. I think that that is the fairest and most transparent way of doing it, regrettable as it is.

**Mr Principal Deputy Speaker:** Mr Paul Givan is not in his place.

### Orangefest/Twelfth: DCAL Funding

T8. **Mr Moutray** asked the Minister of Culture, Arts and Leisure to outline her Department's financial commitment to Orangefest, not only in Belfast but across Northern Ireland, and to the 12 July celebrations this year. (AQT 2698/11-15)

**Ms Ní Chuilín:** The Member knows that the community festivals fund is administered by local councils. Our funding, not just for Orangefest but for other festivals throughout the year, is administered by local councils.

**Mr Moutray:** Will the Minister outline how much funding is allocated to Orangefest across Northern Ireland? Given that hundreds of thousands of people attend Orange events annually, what more can the Minister do to allocate proportionate and appropriate levels of funding?

**Ms Ní Chuilín:** I give councils the levels of funding, and it is down to them and the councillors to ensure that there are appropriate levels of funding across the board. The Member is a seasoned councillor and he should be more than aware of the funding that goes into his own council. Other than that, there is no indication that additional funds are coming. Even if they were, that would not necessarily dictate that they should be spent on Orangefest.

**Mr Principal Deputy Speaker:** Time is up and Members may take their ease while we change the Table.

**Mr McCausland:** On a point of order, Mr Principal Deputy Speaker. In response to question 5 of the ordinary questions for oral answer, the Minister made what could be

perceived to be some criticisms or attacks on my integrity as Chair of the Culture, Arts and Leisure Committee. I ask you, Principal Deputy Speaker, to look at the comments that were made and decide whether they were appropriate. I assure you, and the House, that the Committee will retain its role of thoroughly scrutinising the work of the Department and the Minister. I ask you to look at the comments that the Minister made.

**Mr Principal Deputy Speaker:** The Member has put it on the record. We will look at Hansard and come back to the Member on the matter.

Members will take their ease while we change the Table.

3.30 pm

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

## Executive Committee Business

### Justice Bill: Further Consideration Stage

#### Clause 98 (Salary of Lands Tribunal members)

Debate resumed on amendment Nos 11, 12, 15, 17, 20 and 21, which amendments were:

No 11: After clause 98 insert

*"Amendments to the Firearms (Northern Ireland) Order 2004*

#### **Amendments to the Firearms (Northern Ireland) Order 2004: firearm certificates**

**98A.**—(1) *The Firearms (Northern Ireland) Order 2004 is amended as follows.*

(2) *In Article 11 (variation of firearm certificate), at the end insert—*

*"(1) If a person—*

*(a) sells a rifle ("the first rifle") to the holder of a firearms dealer's certificate ("the dealer"); and*

*(b) as part of the same transaction purchases a rifle ("the second rifle") from him,*

*the dealer may vary that person's firearm certificate by substituting the second rifle for the first rifle in accordance with the prescribed bands contained in Schedule 9 to this Order.*

*(2) The Secretary of State may introduce additional calibres to the bands contained in Schedule 9 if it is considered appropriate to do so for the purposes of improving the variation process."*

*(3) For Schedule 6 (Fees), substitute the Schedule set out in Schedule 6B to this Act.*

*(4) After Schedule 8, insert as Schedule 9 (Bands) the Schedule set out in Schedule 6C to this Act."*— [Mr Frew.]

No 12: After clause 98 insert

*"Amendments to the Firearms (Northern Ireland) Order 2004: young shooters*

**98B.** *In the Firearms (Northern Ireland) Order 2004 in Schedule 1 (firearm certificates – exemptions)—*

*(a) after sub-paragraph (3)(b) of paragraph 9, insert—*

*"(ba) have an air gun in his possession without a firearm certificate unless he has attained the age of 11 and is, at all times, under the supervision of a person who has attained the age of 25 and who has held a firearm certificate for an airgun of that type for at least five years;" and*

*(b) for sub-paragraph (3) of paragraph 11, substitute—*

*"(3) Subject to sub-paragraph (4), sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 11.*

*(4) Persons aged 11 or older but under 18 must, at all times, be supervised by a person who has attained the age of 25 and who has held a firearm certificate*

*for a shotgun of that type for at least five years."*— [Mr Frew.]

No 15: In clause 103, page 71, line 9, after "96" insert "to 98 and 98B".— [Mr Frew.]

No 17: In clause 103, page 71, line 12, at end insert

*"(1A) Section 98A and Schedules 6B and 6C shall come into operation 90 days after this Act receives Royal Assent."*— [Mr Frew.]

No 20: After schedule 6 insert

*"SCHEDULE 6B*

*SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004*

*"SCHEDULE 6*

*FEES*

*Firearm certificate*

*1. Grant or renewal of firearm certificate £88*

*2. Variation by Chief Constable on application of holder (except as mentioned in paragraph 3) £26*

*3. Variation by Chief Constable to substitute one firearm for another of the same calibre or type £17*

*4. Duplicate firearm certificate £14*

*5. Variation by a Registered Firearms Dealer £12*

*Museum firearms licence*

*6. Grant of museum firearms licence by the Department of Justice £125*

*7. Extension of museum firearms licence granted by the Department of Justice to additional premises £75*

*Visitor's firearm permit*

*8. Grant of visitor's firearm permit (except where paragraph 8 applies) £18*

*9. Grant of six or more visitor's firearm permits (taken together) on a group application £60*

*Firearms dealer's certificate*

*10. Grant or renewal of firearms dealer's certificate £380*

*11. Duplicate firearms dealer's certificate £14*

*Firearms club*

*12. Grant or renewal of authorisation £95*

*Game fair permit*

*13. Grant of game fair permit £15*

*These fees will not be increased for a period of at least 5 years from the date of commencement."*— [Mr Frew.]

No 21: After schedule 6 insert

*"SCHEDULE 6C*

*SCHEDULE INSERTED AS SCHEDULE 9 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004*

*"SCHEDULE 9*

*Article 11.*

*BANDS*

Band	Calibre
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1. <i>Small quarry air rifles</i>	.177 - .25
2. <i>Small quarry</i>	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. <i>Medium quarry Centre Fire</i>	.17 Centre Fire .22 Hornet .222 .204 Ruger .223/5.56 .220 Swift .22/250
4. <i>Large quarry Centre F</i>	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06

#### *Rules for Banded System*

1. *The banded system applies to firearms conditioned for dual use, eg. field use and for target use in a PSNI approved target club.*

2. *All handguns are excluded including personal protection weapons.*

3. *All muzzle loading and black powder firearms are excluded.*

4. *Any firearm which is "on-loan" can be exchanged under the banded system.*

5. *A person under a 6 month supervisory condition can still exchange a firearm for another firearm within the same band. The initial supervisory condition will remain in force until the remainder of 6 month supervisory period has been completed.*

6. *When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.*

*Any transactions outside of these rules must be carried out under the normal variation process."* — [Mr Frew.]

**Mr Deputy Speaker (Mr Dallat):** I call the Minister of Justice to resume his response to the debate.

**Mr Ford (The Minister of Justice):** I was going to speak to fees at this point, but, in light of a slight misunderstanding on my part of what Mr McGlone was saying before we broke for Question Time, I want to make one further point clear on the banding issue. The bands that the Department proposes to introduce are those submitted to the Committee by the three shooting organisations on 28 May, with the one addition, in band 3, of .218 Bee. As far as I know, that would be the only change required to the specific banding, although the issue about the holding of two firearms of the same calibre would, I believe, still have to be varied through the PSNI, given the specific issue of due cause to hold two firearms of a similar nature.

I will give way to Mr McGlone if he wants to clarify that.

**Mr McGlone:** Thanks very much, Minister. To clarify for everyone who is listening to or looking at this, you are

saying that the banding in the table of common calibres, as submitted by your officials to the Justice Committee last Thursday, is what you are referring to in annex B.

**Mr Ford:** Yes. It is my understanding that that one minor modification to what the shooting organisations presented has now been accepted by the Department. We are now at an extremely close position on that point.

I will now speak to the issue of fees, specifically, the proposed new schedule 6 in the Firearms (Northern Ireland) Order 2004. As Members will be aware, all Departments are required to apply cost recovery according to guidance from the Department of Finance and Personnel. That is what the Department has sought to do for some time. I also accept fully that concerns have been expressed by those who hold firearms certificates (FACs) and by dealers about whether the PSNI runs the process as efficiently as it could.

Detailed work was done when my Department employed DFP's business consultancy services to calculate appropriate fees for the future to ensure that those who hold the various licences and certificates should have an appropriate fee charged and so that the public is not required to subsidise those. In engagement last week, I signed off on the latest proposals coming on the basis of that information from DFP, but the amendments proposed to the House today include the figures that were tabled by members of three of the shooting organisations. What we have, then, is a proposal from the Department based on figures supplied by DFP, which closely scrutinised the work done by the PSNI, and, on the other hand, a set of proposals from those who might be described as having a vested interest and fees that are somewhat lower.

The first item proposed relates to:

#### *"1. Grant or renewal of firearm certificate".*

A fee of £88 is proposed for five years. My proposal is £98 for five years. The cost of £2 more per annum for a certificate lasting five years does not seem to me to be a considerable amount for those who hold the FAC, but in terms of the funding from 60,000 certificate holders, that is a loss of £600,000 for the PSNI. Whilst we may talk about ensuring robust good practice on the part of the PSNI, and I believe that one Member said that we should put pressure on it to do that, I am keen to encourage the PSNI to be accurate. I am not sure that the Minister of Justice should, in the current circumstances, seek to put pressure on the PSNI. The police would have to find that money from elsewhere if the money does not come forward from the FAC fees. I will give way to Mr Givan.

**Mr Givan:** I thank the Minister for giving way. Can he indicate how much moneys he has lost in revenue because of his failure to resolve this a number of years ago? Rather than a difference between £98 and £88, we are still on the £50 fee because of the intransigence of the Department.

**Mr Ford:** If it had been intransigence on the part of the Department, that might merit an answer.

On variation fees, the amendment proposes three different charges. My proposals were a little different — less, in one case — but I had proposed two scales to simplify matters. There is also confusion in how fees 3 and 5 would apply to banding. Difficulty in language does not make for good legislation. There is also a reference to a game-fair permit,



though that is not currently covered in the 2004 Order. I certainly welcome the opportunity to look at dealers' fees, and I note the points made by, in particular, Mr McGlone and possibly also by Mr Frew about small dealers and the appropriate fee that they should be charged, particularly somebody who holds only a few firearms because they are effectively operating a repair service rather than a dealership. I am very happy to look at those again. It is reasonable to accept that there will be a potentially lower category of fees for some dealers, but the detail of that needs to be worked out.

**Mr Frew:** I thank the Member for giving way. I hear what the Minister says about the work of DFP and DOJ officials on the cost recovery and also the interested parties, as the Minister puts it, with the vested interest. Does he recognise that the fees that are proposed in the amendments and worked on by the three bodies in particular are an honest, responsible compromise approach to try to bring a resolution to the issue? Whilst I take the Minister's point on the granting of a firearm certificate and the difference that will be multiplied by the 60,000, he should understand that additional new fees have been implemented into this proposal to help recover some of that cost and make it more balanced and more efficient for the PSNI's firearms and explosives branch so that it is remunerated for the work that it undertakes more so than the other areas where there is not as much work.

**Mr Ford:** I accept Mr Frew's point, but the fundamental point is that much the largest amount of work is covered by category 1: the grant or renewal of the 60,000 extant firearm certificates. Whilst I certainly recognise the point about modest changes elsewhere, they do not come anywhere near to recovering the amount of money that would be lost by failing to charge an appropriate figure. Despite what is being suggested in some quarters, they do bear comparison with fees charged in other jurisdictions on these islands, given the variety of different time periods and, in some cases, issues with the number of firearms that can be held on one certificate as opposed to an individual one. There are options there.

I also have a slight concern about the final reference in the proposed schedule that fees would not be increased for a period of at least five years. The concept that we might see fees decreased but not increased, when we know that some of them are already too low, is not going to deal with the financial circumstances that we are in, even with what we are seeking to do to ensure better efficiency on the part of the PSNI by putting those recommendations into practice. Although overall there is a considerable measure of agreement on banding and fees, I cannot support clause 98A because of the points that I have raised before and after Question Time.

I will turn to the proposed clause 98B, amendment No 12, which relates to the age for shooting. I am fully aware of points that were made in the House four years ago during the passage of the Justice Act (Northern Ireland) 2011. I am also well aware of the fact that a range of different proposals were made on the appropriate minimum age for shooting. There were proposals for 10, 11, 12 and for no change whatsoever, maintaining it at 16. The Chief Constable was reluctantly prepared to move to age 12 and I accepted his advice in that respect, but there is also the issue that the amendment goes significantly beyond what was stated in the House previously by enabling 11-

to 15-year-olds to shoot live quarry in entirely different situations from what was highlighted, which was people taking part in clay pigeon shooting on specified ranges under significant supervision in the context of international competition.

That is certainly the issue that I was taking on board, noting what was said by the House on that previous occasion.

That is in line with comments that were made by Lord Morrow on his amendments on 7 March 2011:

*"The combined objective of amendment Nos 14 and 15 is to remove a significant barrier to sporting achievement in shooting sport disciplines at Olympic, Commonwealth, world and European games by facilitating the training of young people in the safe and responsible use of certain sporting firearms while under ... strict supervision".*

He referred specifically to shotgun and airgun shooting sports only:

*"Such supervised coaching and training could take place only at approved shooting ranges or on private property ... Clay pigeon target shooting using shotguns and air rifle shooting are Olympic sports."— [Official Report (Hansard), Bound Volume 63, p95, col 2].*

Mr Humphrey, who again cited Mr Calvert and the series of medals he won over the year, made a similar point.

What is proposed in the amendment is entirely different from what was suggested at that stage or what I was considering in the context of competitive sport and where the Chief Constable was prepared to agree that it was reasonable to remove the age limit of 16 and substitute it with one of 12. The challenge is for us to ensure that young people get the opportunity to participate in sports where there will be international competition. Robust supervision is also much more likely to be seen at an organised clay pigeon shooting club than in the kind of example that was highlighted by Mr Lyttle when he referred to the evidence of the Deer Society about the dangers of young people carrying shotguns in open, rough country. That is an area that we will have to look at particularly, but I will just turn to the technical issues with the amendment.

The proposed amendment to schedule 1, after paragraph 9(3)(b), provides for a young person, aged between 11 and 18, to use an airgun subject to supervision. It is only permissible for an airgun with a kinetic energy of less than one joule. That directly conflicts with schedule 1, paragraph 9(3)(a), as it currently stands. It states that a person under 18 may not:

*"have an airgun in his possession without a firearm certificate unless he has attained the age of 14 or is under the supervision of a person who has attained the age of 21".*

We have conflicting proposals. They are contradictory and therefore flawed. I see what the intention is, but the reality of putting it into legislation means that such a proposal would be inoperable. There is the further point that sub-paragraph 3 disapplies sub-paragraphs 1 and 2 for under-11s, subject to sub-paragraph 4, but sub-paragraph 4 deals only with those who are over 11. There is no connection, it is confusing in legislative terms and it is

probably nonsensical. My legal adviser stated that there is no overlap between sub-paragraph 3 and sub-paragraph 4, which would require sub-paragraph 3 to be subject to sub-paragraph 4.

I must oppose clause 98B in amendment No 12 because of its fundamental drafting flaws. I also oppose it because I believe the age of 11 is wrong, and I believe that the Chief Constable's agreement to the age of 12, by which time young people are at post-primary school, is a significant difference from 11. I also believe that the issue of ensuring the best possible public safety by managing the circumstances in which shotguns and air rifles may be used on ranges and in clay pigeon shooting events is a significant and important point. While I am very happy to continue exploring the potential for compromise with those who proposed the amendment, I believe, in line with advice from the Chief Constable, that I must oppose what is being put forward.

Obviously, I also oppose the commencement clauses, because I am not happy with the detail, but let me summarise that I believe there has been a lot of positive engagement over the last few weeks. Members may disagree on the exact circumstances in which that has come about, but I believe that we have moved forward significantly.

Before us today are a number of amendments that would not work. I remind Members, particularly those who were not here in early 2011, that references have been made to the mood of the House in 2011. However, that produced amendments at Further Consideration Stage that had the effect of rendering the entire Justice Bill incompetent. The House, for the first and, so far, only time, had to introduce an Exceptional Further Consideration Stage to tidy up that problem. Let us please not get into that problem today. Let us accept that the worthwhile and useful discussion that has happened over recent weeks will continue.

### 3.45 pm

I will repeat the undertaking that I made in the first part of my contribution. I believe that we are close, particularly on fees and bands. I repeat my willingness to continue the constructive engagement between the Committee, the shooting organisations — all of them — and my Department with a view to ensuring that we get comprehensive firearms legislation in place as soon as possible. I give my commitment that, if possible, that will be done in the Justice (No. 2) Bill, which I intend, with the Speaker's permission, to introduce to the House next week.

**Mr Poots:** I welcome the opportunity to make the winding-up speech on this issue. It has been a useful debate. Nonetheless, I do not think that we should be in this situation. I think that, if the Department of Justice had had a mind to move things forward, we could have been in a much better place a long time ago, but it has been dragging its feet, and, as a result, it was necessary to bring the issue to the table by lodging the amendments that we are debating this afternoon.

Mr Lyttle took the liberty of speaking for Mr Dickson. Had I brought Hansard with me and read Mr Dickson's questions, which were raised in a very negative way, and the comprehensive answers that were given to Mr Dickson — it would have been useful if Mr Lyttle had read those before he spoke — he would have seen that every

issue that Mr Dickson raised with BASC, the Countryside Alliance and the guild was dealt with comprehensively. Mr Lyttle referred to the Deer Society, as did the Minister, as if that organisation had credibility: it has something like 25 members. The other organisations that we are talking about have a membership of a quarter of a million. So the Alliance Party may hang its hat on some organisation that operates out of a roof space with one man and his dog. We are listening to the people who know the sport and act very responsibly.

Somebody referred to sporting achievements, David Calvert and so forth. I have often heard it said after the Commonwealth Games, "Typical Northern Ireland; they're good at the fighting and the shooting, aren't they?" Normally, boxing and shooting do very well. Both those sports take young people and teach them responsibility at a very early point in life. Both those sports deserve respect for the work that they do with young people. There are few accidents with guns — they can happen, and they can be lethal — because young people are taught responsibility. This is a lethal weapon; this is how you must handle this weapon; and you must always treat it with the outmost respect and care. If we had the same responsibility when our young people are being taught to drive as we have instilled into them when they are taught how to use a firearm, we would be in a better place. I see that the Minister of the Environment, who has responsibility for road safety, is here.

**Mr McGlone:** I thank the Member for giving way. It is an established fact that those who hold firearms are among some of the most law-abiding citizens in our society because they wish to keep it that way; that is how they are.

**Mr Poots:** That is absolutely right. The Alliance Party and the Minister are perfectly entitled to take the position that they have adopted on young people using firearms. Indeed, I believe that Sinn Féin is opposed to reducing the age for young people to use firearms — a somewhat peculiar position for Sinn Féin. Nonetheless, we are perfectly comfortable with the legal use of firearms for hunting, shooting clay pigeons and so forth. They are entitled to take that position, and we are entitled to put forward our position. I understand that there is a technicality. Minister Ford quoted the legislation. The interesting word, when he was referring to 14-year-olds having to be supervised by a person aged at least 21, was "or"; it was not "and/or". The reality is that the two pieces of legislation could run concurrently, and there could be two systems in place. We might not choose to push this to a vote today — that remains to be seen — but, in theory, the two pieces of legislation could run concurrently, and two different standards could be set. It would be awkward and require some tidying up at a later stage, but it could be done. I am glad that there was a degree of qualification on the banded system. I know that Mr McGlone has one further query and might wish to raise it now.

**Mr McGlone:** I thank the Member for giving way. It would be helpful if the Minister clarified the banding system. Forgive me for not raising it earlier, Minister. It was one issue that lacked a wee bit of clarity. At the Committee on Thursday, the officials clarified for us how the banding system will apply to target or dual use, but it is important to have that clarity here today. Until now, that had been excluded, but I think that the officials, working that through with the police, have arrived at a mechanism. Indeed,

Chief Superintendent Cargin was there to advise us that a mechanism had been devised that they were happy with or could be happy with.

**Mr Poots:** I thank Mr McGlone for raising that point. If the Minister wants to respond at some point, I will be happy to take an intervention.

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

**Mr Poots:** I certainly will, yes.

**Mr Ford:** This may be a slightly novel constitutional concept, Mr Deputy Speaker, but I appreciate the Member giving way after inviting me to speak. The point just made by Mr McGlone and made on behalf of the police by Chief Superintendent Cargin is my understanding of the position at this stage.

**Mr Poots:** I thank the Minister for that clarification. I am always willing to act as a go-between for the SDLP and the Alliance Party. In any event, everybody knows me to be a peacemaker.

It has been made clear that the fees can be set through an order, which is probably the best place to do that, and, therefore, we understand that.

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

**Mr Poots:** Yes.

**Mr Frew:** I note what the Minister said previously about the five-year rule. Our amendment proposed a moratorium on any change. That was simply to inject stability into the system, given the new enhanced fees. I believe that, with the fees as they currently are, the police are losing out. The effect of our proposal on the current fees would be as follows: the cost of a firearms certificate would rise by 76%; an RFD licence by 153%; a visitor permit by 50%; a one-off, one-on variation by PSNI by 70%; a duplicate certificate by 55%; and a firearms club licence by 19%.

In addition, the PSNI would receive a new revenue stream for one-off, one-on transactions carried out by the RFDs. It should be noted that the DFP review completed on 24 April 2015 noted that only 14 of the 29 FEOs were required for firearm licensing duties. Therefore, 15 FEOs cannot be charged for that. That, in itself, could and should be looked at. We want everyone to be retained. We do not want anyone to lose their job, but these are things that seriously undermine the productivity of the PSNI.

**Mr Poots:** I thank the Member for his intervention. Representatives from the sporting organisations and the guild have been exceptionally generous in the fee model that they have proposed, in that it proposes higher fees in most instances than is the case across the other constabularies in England, Scotland and Wales. Consequently, it is for DFP and Minister Ford to ask the PSNI why its demands are so much higher and why it cannot achieve the efficiencies that others appear to achieve through full cost recovery.

I believe that it can: the efficiencies exist if they are sought. I hope that the generous offer that has been put on the table will be reciprocated.

This could have been resolved a number of years ago. We have been talking about fees for three or four years, and the fact that we have been arguing about £88 and £98 for three or four years while we continue with £50 does not

make much sense to people outside the Department of Justice and the Minister. I trust that we will get to a position soon where we have a better fees system that is accepted by the sportspeople, by the agricultural community and by the guild, and that, as a consequence, we can move forward.

I welcome where we have got to, and I welcome the good spirit with which people have approached this in people from the Department coming to the Committee. I would have liked to have seen a warmer spirit being demonstrated by the Minister this afternoon. We will move forward to the new Justice Bill and look at the banded system within it. I have no doubt that there will be another amendment drawn up in relation to young shooters, which the Minister will be well entitled to oppose. Nonetheless, we will hopefully arrive at a consistent position.

With your permission, Mr Deputy Speaker, we will beg leave to withdraw amendment Nos 11, 12, 15, 17, 20 and 21. I look forward to real progress being made in the latter days of this Assembly on this issue, which will be to the good of people who participate in sports and of shooters in general, who are good people who want to do their best for Northern Ireland.

**Mr Deputy Speaker (Mr Dallat):** The Member has sought leave to withdraw amendment No 11.

*Amendment No 11, by leave, withdrawn.*

#### **New Clause**

*Amendment No 12 not moved.*

#### **Clause 99 (Regulations, orders and directions)**

*Amendment No 13 made:*

In page 70, line 17, leave out "or 51(12)" and insert

*" , 51(12) or paragraph 10 of Schedule 6A".— [Mr Ford (The Minister of Justice).]*

*Amendment No 14 made:*

In page 70, line 18, after "section" insert "6(2)".— *[Mr Ford (The Minister of Justice).]*

#### **Clause 103 (Commencement)**

**Mr Deputy Speaker (Mr Dallat):** I will not call amendment No 15, as it is consequential to amendment No 11, which has not been made.

*Amendment No 16 made:*

In page 71, line 11, at end insert "( ) paragraph 10 of Schedule 6A and section 95A so far as relating to that paragraph;"— *[Mr Ford (The Minister of Justice).]*

#### **4.00 pm**

**Mr Deputy Speaker (Mr Dallat):** I will not call amendment No 17, as it is consequential to amendment No 11, which has not been made.

#### **Schedule 1 (Amendments: single jurisdiction)**

*Amendment No 18 made:*

In page 87, line 8, after “preliminary inquiry” insert “or a preliminary investigation”.— [Mr Ford (*The Minister of Justice*).]

### **New Schedule**

**Mr Deputy Speaker (Mr Dallat):** Amendment No 19 has already been debated and is consequential to amendment No 9.

*Amendment No 19 made:*

After schedule 6 insert

#### **“SCHEDULE 6A**

#### **DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS**

##### *Power to issue a domestic violence protection notice*

1.—(1) A police officer not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this paragraph.

(2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—

(a) P has been violent towards, or has threatened violence towards, an associated person, and

(b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),

(b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,

(c) any representations made by P as to the issuing of the DVPN, and

(d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

##### *Contents and service of a domestic violence protection notice*

2.—(1) A DVPN must state—

(a) the grounds on which it has been issued,

(b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,

(c) that an application for a domestic violence protection order (“a DVPO”) under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,

(d) that the DVPN continues in effect until that application has been determined, and

(e) the provision that a court of summary jurisdiction may include in a DVPO.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

##### *Breach of a domestic violence protection notice*

3.—(1) A person arrested by virtue of paragraph 2(1)

(b) for a breach of a DVPN must be held in custody and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—

(a) before the end of the period of 24 hours beginning with the time of the arrest, or

(b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.

(3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

##### *Application for a domestic violence protection order*

4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.

(2) The application must be made by complaint to a court of summary jurisdiction.

(3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).

(4) A notice of the hearing of the application must be given to P.

(5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).

(6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the



court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.

(7) The court may adjourn the hearing of the application.

(8) If the court adjourns the hearing, the DVPO continues in effect until the application has been determined.

(9) On the hearing of an application for a DVPO, Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

#### Conditions for and contents of a DVPO

5.—(1) The court may make a DVPO if two conditions are met.

(2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.

(3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.

(4) Before making a DVPO, the court must, in particular, consider—

(a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and

(b) any opinion of which the court is made aware—

(i) of the person for whose protection the DVPO would be made, and

(ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.

(5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.

(6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—

(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.

(9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.

(10) A DVPO may be in force for—

(a) no fewer than 14 days beginning with the day on which it is made, and

(b) no more than 28 days beginning with that day.

(11) A DVPO must state the period for which it is to be in force.

#### Breach of a DVPO

6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.

(2) If the court finds that the person has breached the DVPO, the court may—

(a) order the person to pay a sum not exceeding £5000; or

(b) commit the person to prison for a fixed period not exceeding 2 months.

(3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

(4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.

(5) In section 44(5) of the Judicature (Northern Ireland) Act 1978 (appeals relating to punishment of contempt and other defaults) in paragraph (c) after "Article 112 of the Magistrates' Courts (Northern Ireland) Order 1981" insert "or paragraph 6 of Schedule 6A to the Justice Act (Northern Ireland) 2015".

#### Further provision about remand

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

(a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or

(b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

(a) in case where the person is before the court and consents, 28 days;

(b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

- (a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;
- (b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

- (a) detention at a police station; or
- (b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

- (a) the person shall, as soon as that need ceases, be brought back before the court;
- (b) the person shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and
- (c) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

(13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.

(14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

## Guidance

8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.

(2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.

(3) Before issuing guidance under this paragraph, the Department must consult—

- (a) the Chief Constable,
- (b) the Policing Board, and
- (c) such other persons as the Department thinks fit.

## Interpretation

9.—(1) In this Schedule—

“associated person” means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;

“the authorising officer” has the meaning given by paragraph 1(1);

“a DVPN” has the meaning given by paragraph 1(1);

“a DVPO” has the meaning given by paragraph 2(1)(c);

“P” has the meaning given by paragraph 1(2).

(2) In calculating—

(a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or

(b) when the period of 48 hours mentioned in paragraph 4(3) ends,

Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 are to be disregarded.

(3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

## Pilot schemes

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

(2) Such an order may make different provision for different areas.

(3) More than one order may be made under this paragraph.

(4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 103.— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

## New Schedule

**Mr Deputy Speaker (Mr Dallat):** I will not call amendment No 20, as it is consequential to amendment No 11, which was not made.

**New Schedule**

**Mr Deputy Speaker (Mr Dallat):** I will not call amendment No 21, as it is consequential to amendment No 11, which was not made.

**Schedule 8 (Repeals)**

**Mr Deputy Speaker (Mr Dallat):** Amendment No 22 has already been debated and is consequential to amendment No 2.

*Amendment No 22 made:*

In page 140, line 12, leave out from beginning to end of line 13 on page 142 and insert

“

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	Article 31.
In Article 32—	
(a) in paragraph (1) (b) the words “a copy of that notice together with” and the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;	
(b) paragraph (3).	
The Justice and Security (Northern Ireland) Act 2007 (c. 6)	Section 3.

“.— [Mr Ford (The Minister of Justice).]

**Mr Deputy Speaker (Mr Dallat):** That concludes the Further Consideration Stage of the Justice Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease for a moment.

**Pension Schemes Bill: First Stage**

**Mr Storey (The Minister for Social Development):** I beg to introduce the Pension Schemes Bill [NIA 54/11-16], which is a Bill to make provision about pension schemes, including provision designed to encourage arrangements that offer people different levels of certainty in retirement or that involve different ways of sharing or pooling risk.

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

**Environmental Better Regulation Bill: First Stage**

**Mr Durkan (The Minister of the Environment):** I beg to introduce the Environmental Better Regulation Bill [NIA 55/11-16], which is a Bill to enable provision to be made for protecting and improving the environment; to provide for an integrated environmental permitting system; to provide for a review of powers of entry and associated powers and for the repeal or rewriting of such powers and for safeguards in relation to them; to provide for the repeal or

rewriting of offences connected with the exercise of any such powers and for the preparation of a code of practice in connection with such exercise; to amend the Clean Air (Northern Ireland) Order 1981 to provide for a new method for authorising fuels for use in a smoke control area and for exempting fireplaces from the provisions of Article 17 of that Order; to amend the Environment (Northern Ireland) Order 2002 to remove the requirement on district councils to make an assessment of air quality under Article 13 of that Order; to amend the Water and Sewerage Services (Northern Ireland) Order 2006 to transfer certain functions to the Department of the Environment from the Department for Regional Development; and for connected purposes.

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



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

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

**Mrs Foster (The Minister of Finance and Personnel):** I beg to move

*That the Second Stage of the Budget (No.2) Bill 2015 [NIA 53/11-16] be agreed.*

The Second Stage of the Budget Bill follows the Assembly's approval of the Supply resolutions this time last week. That endorsed the departmental spending plans set out in the 2015-16 Main Estimates.

As Members will be aware, accelerated passage of the Bill is critically important to ensure Royal Assent before the end of July. I said last week that I would attend the Finance and Personnel Committee meeting on 17 June to seek the Committee's agreement. Following that meeting, I am pleased to report that the Committee has now endorsed accelerated passage. The critical issue in arriving at that decision is that the Committee for Finance and Personnel is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill. I am grateful to the Committee for its work in agreeing accelerated passage. That was possible only due to the work of the Committee leading up to agreement of the 2015-16 Budget earlier this year.

The Committee carries out much work on scrutinising the Executive's draft Budget proposals and also plays an important role in coordinating scrutiny across Committees on budgetary matters. I thank the Committee for its ongoing work in that respect and welcome its continuing support in discharging that important role.

I now turn to the Bill itself. The main purpose of the Bill is to provide a further balance of cash and resources in addition to the amounts already authorised through the Vote on Account in February. That balance amounts to over £8.3 billion of cash and more than £9 billion of resources. There is also provision for Departments to utilise £2.4 billion of accruing resources, which are basically resource and capital receipts. When the amount in the Vote on Account of £7.1 billion is included, the total cash provided for in the 2015-16 financial year is £15.4 billion. Likewise, the total amount of resources will be more than £16.7 billion, including the Vote on Account of £7.7 billion. On top of that, as I have said, the Departments will also be authorised to utilise £2.4 billion of accruing resources, taking the total amount of resources available in this financial year to some £19.1 billion.

Those are significant amounts of cash and resources, and we need to ensure that we deliver the best value for the people of Northern Ireland. Those amounts reflect the Executive's 2015-16 Budget, which was approved by the Assembly earlier this year. Also incorporated into the total figures is the demand-led annually managed expenditure (AME) required by our Departments to support public services and to pay benefits and pensions.

As I have already made clear to the Assembly, the Executive's 2015-16 Budget was predicated on agreement to implement welfare reform and the Budget flexibilities secured as part of the Stormont House Agreement. Without those flexibilities, there will need to be significant adjustments to the existing Budget position this year. The issue therefore needs to be dealt with as a matter of urgency.

Turning now to the other aspects of the Bill, clause 2 authorises my Department to borrow up to £4.2 billion in this financial year. It is important to stress that that facility does not provide for additional cash out of the Consolidated Fund or convey additional spending power; it is simply required to allow the Department flexibility to manage cash flows effectively and to minimise drawdown of the Northern Ireland block grant on a daily basis. It is therefore a very important provision to allow cash to flow effectively between the Consolidated Fund and our Departments.

Clause 5 authorises additional resources totalling some £7.4 million for the Department of Health, Social Services and Public Safety and the Department of Education for the 2013-14 financial year, when those Departments registered an Excess Vote.

The Public Accounts Committee has considered the circumstances of these Excess Votes and has recommended that the Assembly approves the additional resources that are now recommended in the Bill.

The figures included in the Budget Bill are substantial. I am sure that Members will agree that it is not always easy to translate them into the delivery of public services on the ground. Nevertheless, the Budget Bill underpins all the public services that Ministers and Departments are tasked with delivering. Whether it be the construction of a new road, hospital or school or the salaries of police officers, nurses, doctors and teachers, this legislation is critical to allow those services to operate and public investment to proceed. Without an agreed Budget Bill, Departments would not have the legal authority to incur expenditure in the delivery of key public services. That is what makes this legislation absolutely essential.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a LeasCheann Comhairle. As already outlined by the Minister, the Bill makes provision for the balance of cash and resources that are required to reflect the departmental spending plans in the 2015-16 Main Estimates. These are based on the Executive's one-year Budget for 2015-16 which was approved by the Assembly in January.

As outlined, the Bill also includes provision for excess cash and resource requirements by the Department of Health, Social Services and Public Safety; the Department of Education, and the Public Prosecution Service which were not anticipated in the spring Supplementary Estimates. The Committee noted that this matter has been considered by the Comptroller and Auditor General and reported on by the Public Accounts Committee, which recommended that the necessary sums be provided by Excess Votes by the Assembly.

As on previous occasions, DFP has highlighted the need for the Bill to progress through the Assembly before the summer recess. In this regard the Committee, at its meeting last week, agreed to grant accelerated passage

to the Bill under Standing Order 42(2) on the basis of having been consulted appropriately on the expenditure provisions in the Bill. I wrote to the Speaker's Office to confirm this decision.

I believe there was positive engagement with the Minister during her first appearance before the Committee last week and I hope that that sets the tone for further meetings. I think that there was a collective sense that ways need to be found to work constructively in moving things forward. Notwithstanding the obvious sticking points, I noted some key issues upon which I think there is some common ground. Not least amongst them is the need to consider the regional economic impact of the British Government's austerity, or deficit-reduction, policy. I think that we all share the view that local needs and circumstances have to be taken into account and respected. I think that there was also recognition of the importance of having a mature debate on budgetary pressures and revenue-raising options, which will also serve to increase the wider public understanding.

A further issue which the Committee has been pressing, and which, I think, the Department also recognises, is the need to maximise the use of financial transactions capital, which is becoming an increasingly important source of investment in infrastructure.

During last week's Supply resolution debate, I highlighted that the Committee had been advised that the voluntary exit scheme estimated a Civil Service pay bill reduction of £26 million for the second half of this financial year and a total saving of £70 million across the wider public sector. During recent briefings from the head of the Civil Service and various senior DFP officials, the Committee sought to establish a precise breakdown of the projected savings within the budgets for each Department for 2015-16. To date, however, the detail on this has not been forthcoming.

I can fully understand that these are projections and are, of course, subject to change. Surely, however, there are specific calculations for the pay bill savings within the administration cost figures in the Estimates that were considered last week and, in more global terms, within the Bill before us today. Given its central coordinating and monitoring role, I would expect that DFP has a handle on this already. I would therefore welcome clarification from the Minister today on the pay bill savings figures that have been factored into each departmental budget and which also cover the arm's-length bodies. The provision of that information is important for the Finance Committee's cross-cutting scrutiny and for the other Statutory Committees in monitoring progress at a departmental level. More generally, the role of the Committees in scrutinising spend and in monitoring savings and service delivery will continue to increase in importance, given the budgetary challenges that are before us.

#### 4.15 pm

On a related issue, which is again connected to the implications of the voluntary exit scheme, the head of the Civil Service advised the Committee that, in downsizing the Civil Service by 10%, it will have to do things differently, including using:

*"more cutting-edge technology to deal with citizens and to make our services interact with them in a different way".*

That is a welcome acknowledgement, because in its inquiry into flexible working, the Committee found that the local public sector appears to lag behind other jurisdictions in adopting new technology. On a recent visit by some of the Committee members to Edinburgh, it was clear that we still have some lessons to learn about public-sector efficiencies. One example was the Smarter Workplaces initiative that the Scottish Government are driving forward to reduce the Government estate by 25% and to achieve significant savings. While I accept that some efforts have been made by our Departments in that area, the Committee's conclusion was that a more strategic and joined-up approach is needed to maximise savings.

I firmly believe that there are areas where more efficiencies and savings can be achieved, including in the current financial year. The scrutiny by the Assembly and its Committees can add real value to the Budget process in that regard. However, for that to occur, the Committees need to be provided with the information and afforded the time to enable them to undertake constructive scrutiny and to exercise influence at the most appropriate stages in the process.

In the context of the immediate business before us today, however, on behalf of the Finance and Personnel Committee, I support the general principles of the Bill.

**Mr Ross:** Thank you, Mr Deputy Speaker. I certainly did not expect to be called quite so early; nevertheless, it gets it out of the way, I suppose.

I have been a Member now since 2007, and I have found that Budget debates often prove to be little more than Members standing up and providing a wish list of spending priorities for their constituencies or issues that they are involved in. Indeed, I have perhaps been guilty of that in the past, although given that the A2 and A8 road projects are now near completion, I could be forgiven for it. If the Supply resolution debate is anything to go by, I think that some Members used it as an opportunity to do little more than ask the Minister to spend more money on this, that and the other without ever actually providing the House with any information on how they would find the money to do that.

I think that today's debate on the Budget must take a different tone if it is to be of any value and if the public are to take us seriously on the issues that we discuss. Over the last five years, the national Government have been reducing public spending at a significant rate. We have seen that the amount of money that we have in our block grant for public spending has also been reduced.

I think that anybody with any insight at all would recognise that, over the next five years, the budgetary situation is going to get more difficult for the local spend here in Northern Ireland and that the national Government will continue to reduce the levels of public spending right across the United Kingdom. Therefore, I think that we have to ensure that, in our discussions today, we recognise that and have our debate in that context. Whilst we would love to have loads more money thrown our way in the block grant, thereby providing us with the opportunity to spend on things that we may wish to, that is just not based on reality. I must say that, having listened to the debate last week, particularly to Members across the way, it did not strike me that they had grasped the economic reality that we are living in.

Therefore, I think that what we need to do, and what would be useful in the debate, is get new thinking and have brave

politicians who come up with new proposals. Ultimately, we need smarter solutions to the issues that we have to deal with.

The last time I spoke in a Budget debate, Mr Alban Maginness, who is not in the House, expressed his disappointment that I had such a conservative approach to the Budget and was not being radical enough. Given that I took over as the Chairman of the Justice Committee in December, I hope that he will see that the approach that I have taken in that Committee is quite innovative, looks to deal with issues differently than we have done in the past and could, at times, be seen as fairly radical. That approach seeks to find reform, do things better and reduce the cost to the public purse. Through the justice seminar series, we have focused on greater collaboration between ourselves and stakeholders, greater innovation within justice and, most importantly, a focus on outcomes. Quite often we have a debate, particularly around justice, on what is seen as being soft on crime or tough on crime, rather than on what works and what does not work. We need to have a focus on outcomes and a smarter justice system.

I am keen to continue the work we are doing on that. Later on this week, members of the Justice Committee will travel to London to meet the Civil Justice Council and the Centre for Justice Innovation, and visit the Supreme Court. I and the Deputy Chair of the Committee will travel to the Netherlands during recess to look at the idea of digital courts, legal aid and how we can speed up the system in that way.

Since I have taken over, and for a much longer time, much of the focus when it comes to budgetary matters within justice has, of course, been around legal aid. There needs to be a recognition that resources are not infinite. We have difficulties in resourcing legal aid, therefore there must be savings found — and savings that have the least impact on access to justice, to ensure that people who need legal aid are still able to get it.

There are other priorities that I am keen to focus on. There is the idea of speeding up justice, getting better outcomes for victims, reducing reoffending and, of course, reducing costs in the system. The reduction in budgets for the Department of Justice — for all Departments — should provide the springboard that is needed for reform. I have said it before, and the Minister will be well aware of this from her previous role, but the private sector had to become far more efficient in what it did when there was a global downturn. When it embraced that efficiency and cut out the fat in its systems, it was in a better place coming out of that recession to capitalise on it. Governments, too, should be looking to use the constraints on public finances to make ourselves leaner and more efficient and to look at doing things differently, ultimately to improve outcomes.

**Dr Farry:** I thank the Member for giving way. Does he agree that, while I accept the point he is making, it is easier for Governments to go through a process of public-sector reform and find efficiencies when Budget savings are being found over longer periods? In the situation that we find ourselves in today, where we have an unstable Budget and the potential for in-year cuts, the scope for Departments to engage in that type of activity, through no fault of their own, is badly constrained by the wider political context.

**Mr Ross:** I totally accept that point. I know from when I was on the Employment and Learning Committee that Ministers often found themselves with reductions in-year when money was already committed or spent, and they found that incredibly difficult. I want to move on to the current position later on, because it does produce particular difficulties for Ministers. The lack of stability that the Member mentioned is very real, but I want to ensure that, at least in our contributions today, we keep our eye on the longer term. We do need to do things differently. There is an opportunity for savings and reform. We must at least get agreement on how we get to that point, even though I accept that in the shorter term it is difficult to do that. Indeed, it is sometimes difficult to shift of focus of funding in the short term, even though in the longer term that is something that people want to do.

When I talk about reform and saving money in the Justice Department, which is something that we are doing at present, it does not mean that we are compromising on outcomes. That is the important point to make. We had a focus in the last three or four months on youth justice. We have to recognise as a House — and I think the figures are publicly available — that it is more expensive to send a young person to a youth justice centre than to Eton. Yet the outcomes are not particularly good, because once a person enters a criminal justice system, it is more likely that they will enter the revolving door of going in and out of prison and the criminal justice system. Unfortunately, that is the way that their life will continue to be. That is not something that we support. It is not cost-effective, and it is not good outcomes.

Prison is, of course, important for repeat or dangerous offenders, sexual predators, terrorists and people like that. For lower-level criminals and first-time offenders, there are alternatives to prison that we must look at, not just from an outcomes-based perspective, because it improves outcomes and lessens the reoffending rate, but because it makes sense economically. For the taxpayer to have to fund people in prison and then fund them when they exit and go on welfare is not a particularly good use of public finance. It would be far better to have some sort of restorative system for low-level offenders so that they enter into community work programmes and pay their debt back to society in a more productive way. Of course, that will help them to move on to find gainful employment after they have repaid their debt. During debate on the Justice Bill, I tabled an amendment that ensured that anybody who was released from prison early had to go into some sort of community work and repay their debt to society in that better way. It makes economic sense, as well as sense if we want to improve outcomes.

We also have to look at areas such as court listings and the delays in the system. Can we move to digital or online courts for the resolution of certain low-level cases, as is happening in the Netherlands and Canada? Let us look at those things and see if we can do them in Northern Ireland. There should also be a greater use of mediation when it is appropriate.

At times, we also need to be innovative and radical in what we do. As a Government as a whole, we need to identify how we deliver services to the public, particularly at times of reduced budgets. The public's expectation of government is incredibly high, and it is perhaps growing at the same time as the amount of money that we

have available to spend on public services is reducing. Therefore, we need to look at delivering services differently and perhaps pushing the delivery of certain services out to the community and voluntary sector or even the independent sector.

I know that the whole concept and idea of the big society is language that has now exited the political discourse in the UK since Steve Hilton left 10 Downing Street. Nevertheless, the big society concept is something that we in Northern Ireland have been doing for a long time and actually do very well. We have a very vibrant community and voluntary sector that is developing services in the community. Very often, it delivers services that have better outcomes than government could provide, and also at significantly less cost. Therefore, we need to look at how we spend money and judge that against the outcomes.

From my experience in the Justice Committee over the last number of months, I have looked at the work of organisations such as NIACRO, which is very involved with ex-offenders and their families and in finding them work programmes or employers when they are released so that they are less likely to reoffend. That type of work is invaluable and it is work that, in many cases, the Government could not do. If the Government tried to do it, it would inevitably go wrong and be much more costly than the way in which some of the voluntary sector organisations are able to do it. Therefore, it is important that we ensure that those organisations are able to sustain their work in the longer term.

As with NIACRO, there are many other organisations out there that we provide a modest amount of funding to that have really good outcomes. Many of them are involved in early intervention. I listened to Mr Farry's comments, and we have difficulty in shifting money away from dealing with the problem and moving it towards early intervention. In health, we say all the time that it is better to spend money on prevention than cure, but it is very difficult to shift that focus to early years. It is much the same in justice.

Time after time, we see examples. It is heartbreaking to see it, but you can identify a young person below the age of 10 and say that that person is more likely than anybody else to enter the criminal justice system and live a life of crime because of their surroundings, their family circumstances and where they grow up. If we allow voluntary organisations out there in the community greater access to early interventions, it could save us money in the longer term by ensuring that those young people do not end up in juvenile centres or in our prisons and do not end up taking up police time or the work of the Probation Board. Early intervention is absolutely key and some of the community and voluntary groups are best placed to deliver that.

It does not always find agreement from everybody, particularly those on the opposite side of the House, but, likewise, we need to look at other services to see how we can get best value for money. Not so long ago, I visited 3fivetwo Healthcare's facilities in Belfast. When you compare the cost of an operation that it provides with one provided by the NHS and the number of operations that it can do in a day compared with the NHS, serious questions need to be asked about why it is that the private sector is so much more efficient in delivering operations than the NHS. That is a real question that we need to focus on.

#### 4.30 pm

I know that there are those with an ideological difficulty with the independent sector delivering healthcare, but, if it is able to do it in a more efficient and cost-effective way, we need to give it serious consideration. Not only would it wipe out the waiting lists but it would save the public purse money. That is a challenge to some Members who have difficulties with private healthcare to examine the issue and explain why they are so opposed to it.

Now that we have had devolution for some time, we also need to examine seriously the role of government in society, not just the public's expectation of us but what we should be delivering to the public and the role that we have in people's lives. If we are pushing stuff out to the voluntary and community sector, the role of government could shrink. Who delivers services? I go back to healthcare. The public do not really care who delivers the service. I will use the example of a bin. Most people like to put their bin out on a Monday, a Tuesday or whenever it is, and, as long as the bin is picked up, emptied and left back to them, they do not care who delivers that service. All they care about is that the service is good, happens routinely, weekly or fortnightly, and they do not have to pay through the nose to get it done. We need to be pragmatic on the issue and look at who delivers services and whether the public really cares who does that. That is something that we need to do.

We also need to be braver about reductions in the size of government here. We have an agreement to reduce the size of the Executive, which is a positive step, but we also need to make real progress on reducing the size of the Assembly and the number of Members. I know that we are talking about fairly modest sums of money in savings, but, when we are making the point that we want to reduce the size of the Civil Service, we should be looking to reduce the size of the Assembly. The public would support that. If we wanted to be really radical, we could examine whether we need to sit all year round. Perhaps we should just concentrate on legislation and meet twice a year. That is really radical; I listened to Members who challenged me previously to be more radical in my suggestions, and that is something that we could do. It seems to work OK in Texas and in other US states that have much greater economies than ours and, perhaps, a better success rate. Do we need to spend so much time on private Member's motions? Perhaps that is also a challenge.

We also need to examine some of the work that we do and some of the legislation that we pass in the Assembly, particularly legislation that has a high price tag attached to it. Earlier today, I chaired a meeting of the Ad Hoc Committee on the Mental Capacity Bill, and I have no doubt that, if we do the Bill right, it will have better outcomes for people who live in Northern Ireland and provide better safeguards, particularly for our older population. However, when we hear some of the figures that are attached to the cost of implementing that legislation or of creating new public bodies, we have to ask ourselves whether that is the best use of money. We have to ask whether it will be implemented at all, given the current constraints on our Budget. We need to be smarter about the types of legislation that we propose and pass in the House.

Mr Farry mentioned the situation that we find ourselves in over the impasse on welfare reform and public finances. Listening to the debate last week, I was frustrated, particularly by SDLP Members, who seemed to make



suggestions only about increasing spending in different areas. I have no doubt that their motivation is right, in that there should be more spending for here, there and somewhere else. We could all find projects if that is the case, but it is detached from reality. We do not have more money to spend. If the SDLP is going to suggest that more money should be spent in one area, at least it needs to say where it is taking money away from or where it is getting money to pay for it.

I listened to the Sinn Féin contributions last week and continually, in that debate and in press and media coverage, it talked about wanting to get more powers for the Assembly. It wants to have more fiscal levers available at Stormont and the full suite of economic powers, but the public will quite rightly ask: if you cannot be responsible with the powers that you have at present, why on earth would anybody support getting additional powers? It is a very real question. How can the public take seriously a party that said — seriously — that it thinks that a way of helping out in austere times is to pay off people's credit card bills? It is absolute madness. If it wants to build up its economic credibility to get public support for devolving more economic powers, I suggest that that is not the best way to go about it.

There needs to be recognition of the level of subvention that we have here at the Assembly. We get £10 billion a year from Treasury and central government because we run at a deficit. There needs to be an economic realisation that the more economic powers we get devolved to the Assembly, the higher the cost to Northern Ireland. Either it comes off, and there is more public spending, or we get tax-raising powers and tax the public more to meet the cost.

**Mr Agnew:** I thank the Member for giving way. Of course, his party supports the devolution of corporation tax and its reduction to 12·5% or 10%. Will he outline how his party would pay for that and where the cuts would be made?

**Mr Ross:** Absolutely. It is not just corporation tax; we also advocated air passenger duty being devolved to the Assembly in order to keep our New York flight, which is good for business and tourism. We were able to pay for that. It is not just our party that advocates a cut in corporation tax; all the main parties, although a few individuals oppose it, are in agreement. Part of the Stormont House Agreement would allow us to pay for that. If we get the loan from Treasury, that would facilitate the Civil Service voluntary exit scheme. We would then make the cost reductions to allow us to afford corporation tax over the next number of years. In doing so, we would attract companies from overseas. It is not just government saying that; independent evaluators are saying that we have the potential to create tens of thousands of jobs in Northern Ireland. That is why corporation tax is something that we should keep our eye on. Looking to get it devolved is still worthwhile.

I am not opposed to devolving individual fiscal levers if they are to our benefit, but we have to be responsible. When you hear parties saying, "We need all of the fiscal levers at the Assembly", they do not tell us how they would use or pay for them. It does not appear that, if they were to pay for them through tax increases, for example, Members opposite would support that either. Even when we talk about the modest rise in prescription fees that would allow us to pay for a cancer drugs fund or an innovative drugs fund, there does not appear to be any support for that.

Are they honestly being fiscally responsible in some of the rhetoric that they come out with?

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

**Mr Ross:** Yes.

**Mr Beggs:** Does the Member agree that raising the issue of corporation tax in terms of this Budget is a bit of a red herring? I am not aware of any funds being taken out of this specific Budget for corporation tax. We can determine the rate of corporation tax in the future, if the ability to do so is granted to us, but this Budget is not taking out funds to be spent on reducing corporation tax. If it is approved, along with the Stormont House Agreement, the ability to decide that in future would exist.

**Mr Ross:** This Budget is predicated on the fact that welfare reform goes through as agreed in the Stormont House Agreement. If agreement is not achieved on the Stormont House Agreement, we lose, by my reckoning, the opportunity to have the Civil Service exit scheme. We will get increased fines from Treasury, if it does not take over the power itself. All that puts at risk the opportunity to lower the level of corporation tax. It is very real in terms of the Budget that we are discussing today, and certainly in the actions that have to be taken by certain parties in the next number of months. Otherwise, we will not have any certainty over corporation tax, and we will certainly not be able to reduce it.

**Mr B McCrea:** Will the Member give way?

**Mr Ross:** I will.

**Mr B McCrea:** This follows on from Mr Beggs's point about corporation tax not being directly relevant to the debate: you mentioned air passenger duty (APD) earlier and asked whether we should be looking at that. I am not sure whether the Member's position is that we are for devolving air passenger duty. I understand that there is quite an expensive price ticket on the block grant for that and that we may be rethinking our position.

**Mr Ross:** There are two types of air passenger duty, of course: one on long-haul flights, which we devolved to keep the flight to New York, and the short-haul air passenger duty. I think that it should be scrapped altogether. It is preferable, of course, to do that UK-wide because we need to have a cost-benefit analysis of whether the increased travel to Northern Ireland would be worth the amount that it would cost the Executive to get short-haul APD, so we would have to keep an eye on that. As I said, the preference is certainly for that to be done on a UK-wide basis.

In the wider debate on corporation tax issues, we really have to consider what not just the public but the business community in Northern Ireland believe is happening in the Assembly. For the last decade, the business community has worked alongside not just the Enterprise Minister and the Finance Minister but the First Minister and deputy First Minister on moving towards a position where we can get corporation tax powers devolved to the Assembly and then lower that rate. Our party would like to see it at 10%, but 12·5% might be more realistic to get a consensus. If we are unable to do that and we lose the support of the business community in Northern Ireland, that would do our credibility a huge amount of damage, not just locally but with the global business community. We need to make sure that we keep a focus on that.

If the Sinn Féin position around welfare is that they want to protect the most vulnerable and they think that that will help their position in the Irish Republic, I really must suggest that voters in the Irish Republic will look at the position of Sinn Féin in Northern Ireland and ask themselves whether they would really want Sinn Féin to be part of a Government in the Republic of Ireland when they cannot take tough decisions, will not take fiscally responsible decisions and could jeopardise some of the progress that we have made here.

I am always keen to finish on a positive. I am also aware that what I am going to say is about spending priorities and areas of spend, but it is somewhere where we could spend a modest amount of money to get a much larger return. It is around our ability to host major events here in Northern Ireland. Not so long ago, we had the announcement that the Open Championship will return to Royal Portrush. We had the successful Irish Open in Royal County Down recently and two years ago in Portrush. Last year, we had the Giro d'Italia, which was a phenomenal success right across Northern Ireland. Yesterday, we had the Gran Fondo, which saw 3,000 riders, including me, take part in a big family event that, again, was a massive opportunity for positive PR about Northern Ireland. This all started back when the current Finance Minister went into DETI. There was the MTV Europe Music Awards, and we will now get the BBC Sports Personality of the Year. The list goes on and on and on.

As I said, it is a modest investment for a major return. It helps us to change global perceptions of what Northern Ireland is all about. It helps to get a positive image out there of what Northern Ireland is and what we are capable of doing. That inevitably helps people who would consider investing in Northern Ireland to see that we are a credible proposition for them. We really need to capitalise on our ability to host big events. We need to capitalise on the ability of our different agencies — the PSNI, our tourism agencies and the Executive — to come together and make those events happen. We need to capitalise on the success that we have had in sport and other areas such as 'Game of Thrones', which gives us recognition across the globe. Changing global perceptions, positive PR images and encouraging investors and tourism in Northern Ireland is hugely important. Our Budget should definitely look to ensure that we continue to be able to host those major events.

**Dr McDonnell:** While I welcome the opportunity to speak in this debate, I must say that I do not welcome the situation that we have arrived at. I take no joy in telling the House that I cannot, at this stage, envisage a situation where we could support this Bill. However, let me be clear — this should not come as any surprise to the Chamber — that the SDLP has consistently opposed austerity Budgets. We voted against this Bill's predecessor last February. We challenged previous Budgets where they fell short.

I and my colleagues in the SDLP are well aware that this is a crucial time in the public expenditure cycle. We do not want to put public services at risk, but we must ensure that public services continue to be funded through 2015-16. We cannot afford to let the public down with inadequate or dysfunctional services. The public have already lost trust in us as politicians. In part, they have also lost trust in public services such as the health service.

#### 4.45 pm

We have been, and continue to be, extremely concerned at the budgetary pressure faced by the Executive and the impact that that has had on front-line services. The Budget settlement is without a doubt the most severe that we have faced in recent times, and the prospect of more in-year cuts will further affect departmental allocations and impact even more severely on our front-line services. There are very significant financial challenges facing every Department. Budgetary restraints all too often cause severe problems, ultimately at the coalface, where front-line services are delivered. We believe that best practice should always be considered and that the focus should be on ensuring genuine efficiency savings are made rather than on simply making red-marker cuts in areas that can, and often do, adversely impact on priority services.

We have a long-standing viewpoint on the 2015-16 Budget. Others — the DUP, Alliance and Sinn Féin — voted for that Budget. We voted against it at its Final Stage in February, and, given that we learnt of £38 million of cuts in the Chancellor's in-year announcement a few weeks ago, as well as further cuts that are expected on 8 July, no one could reasonably expect us to support such a Budget now that the position has been made so much worse. We are not into knee-jerk changes of position. We are not the ones who said that the previous Budget was the best deal possible. We know now that those who did got it wrong.

The SDLP agrees with many out there who believe that brutal and severe austerity measures are not the only way in which to stimulate our economy, an economy that is only just emerging from recession. We strongly believe that, in parallel, and as a belated peace dividend, a prosperity programme is needed. We need a comprehensive analysis of our spending priorities, and, in many cases, a re-engineering of those priorities to ensure that our money is spent in the best way possible and that higher priorities are given the priority that they deserve, with other priorities down the chain.

We also believe that there should be a much greater focus on third-level education and training to take advantage of opportunities that may arise from inward investment. We feel genuinely that —

**Dr Farry:** Will the Member give way?

**Dr McDonnell:** In a moment.

Although we want to work on the corporation tax issue and support it broadly, we feel that it is futile to cut the corporation tax if we are going to cut the supply of graduates and trained operatives to work on those projects.

**Dr Farry:** I am grateful to the Member for giving way. Like a lot of Members, I have been careful not to let frustrations boil over at the comments that he is making, given the clear lack of an alternative being set out. If people vote no, the course that we will be on is one of even steeper cuts that will occur in July. Does the Member recognise that it is my judgement, as the person with direct responsibility for further and higher education, and that of those with whom I work, that the course of action that the Member and other parties are taking is doing more to undermine the points that he is advocating than anything else that is happening in society?

**Dr McDonnell:** I welcome the intervention from the Member. I respect his position as Minister, but it will come as no surprise that I do not entirely agree with him.

**Mrs Foster:** Will the Member give way?

**Dr McDonnell:** Of course I will give way, Minister.

**Mrs Foster:** Before the intervention, the Member made comments about corporation tax. Can he indicate whether the SDLP position on corporation tax has changed? The full cut in the block grant for corporation tax comes only in year 3 of the operation of corporation tax. Given that we have not yet set a date for the devolution of corporation tax, that will be beyond 2020-21. Is the Member saying that the SDLP has changed its position on the devolution of corporation tax?

**Dr McDonnell:** Thank you, Minister, for the intervention. I am sorry, but I do not know how you could have interpreted that from what I said. I said that it made no sense. I emphasised that we still believed in corporation tax reduction. It does not make sense to reduce corporation tax and, at the same time, choke off the stream of potential employees. We need to get things joined up; that is really what the battle and argument is. We believe that we can work with the money that we have and could create a much more efficient and effective process. I have discussed it with the Minister and others, and I raised the issue a number of times. It would require all five parties getting together and coming up with a genuine, coherent response on a number of issues.

**Mr B McCrea:** Will the Member give way?

**Dr McDonnell:** Am I going to get speaking? Am I going to get finished?

**Dr Farry:** Oh, you will.

**Dr McDonnell:** Good.

**Mr B McCrea:** The Member is leading with an argument but has not yet responded to the challenge that has been put forward. On the one hand, you want to cut corporation tax, but you also want to increase spending on skills. The real issue is that it is a liquidity crisis: where will you get the cash from to balance the Budget? It is all spend, spend, spend and no income. You call upon people to have a credible Budget, but I would like to hear a credible proposal from you, sir.

**Dr McDonnell:** Thank you very much for your intervention. I will make the point again that I made earlier: we want to see a comprehensive review and a re-engineering of our spending priorities to ensure that the focus is on the highest priorities. We would like to think that, in that process, third-level education or training would perhaps get a priority. We have not been very good over the years at creating or following through on apprenticeships. My figures tell me that we have only about 60,000 apprentices, and if you calculate that over 40 years — I am talking about people who have come through with proper apprentice qualifications — we produce about 1,500 per year. That is totally inadequate for the opportunities that are out there. We have to take advantage of the opportunities. The point that I want to make is that deep cuts in public spending run the danger of slowing down or reversing whatever small growth or potential growth there is in our economy.

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

**Dr McDonnell:** No, I am going to try to make some progress at this stage. I have given way to a number of people.

Northern Ireland cannot afford to accept the fact that our economy will shrink or that the permanent politics of austerity that come with it will be allowed free rein. We must develop more aggressive, more robust proposals to tackle our economic difficulties on the revenue side by seeking considered political intervention to deal with the structural weaknesses in our economy and to generate meaningful growth. Our private sector is tiny and, to be truthful, not very private since much of it depends indirectly on public contracts anyway. We have over 70,000 registered businesses, but they generate only about £650 million a year in corporation tax. That is falling year after year. It was £924 million in 2007-08.

Most of our devolved politics has revolved around how to spend the Treasury subvention, and recent signals from London are very clear that the fiscal imbalance will be tackled by cutting the expenditure side of the balance sheet. It is clear that the decisions that we make over the next weeks will have profound implications in Northern Ireland. The current impasse did not arise from nothing but, rather, is the result of secretive and exclusive politics, which the SDLP has long tried to open up and break down. We have consistently warned that, to find a solution to these problems, there would have to be a genuine all-party approach. The problems have arisen —

**Mr Wilson:** Will you give way?

**Dr McDonnell:** Sorry, I am trying to make some progress.

**Mr I McCrea:** He is not making sense.

**Dr McDonnell:** OK. Yes, I will give way here first, right, seeing as he is first in the queue.

**Mr Girvan:** I thank the Member for giving way. He made comments earlier about spending. Public spending is being cut because of the lack of implementation of the Stormont House Agreement; it is costing us over £2 million a week. You mentioned earlier that £38 million is being removed from our Budget this year.

Within a few weeks, we will have already passed that £38 million cut for the current year, and we paid back penalties of £87 million last year. So, that is where we stand on it.

**Dr McDonnell:** Sammy, do you want to come in there, and then I will get —

**Mr Wilson:** Yes, thank you. I appreciate the Member giving way. He has now tried to make the excuse that, somehow or other, the impasse is due to a secretive process. What was secretive about the Stormont House Agreement? Not only were all the parties involved, but the outcome was published. Yet now he is trying to put this down to the fact that, somehow or other, everyone was excluded and the SDLP had no alternative but to put us into the kind of financial crisis we are now facing with the Budget.

**Dr McDonnell:** The Member, as a former Minister, always has a simplistic view of the world. The point is this: for four years, we have argued that there were flaws and weaknesses in our budgetary process. We tried to draw attention to these but we did not get anybody much interested in them. It was inevitable, with the budgetary process we have that if things got tight in Britain, our finances would be squeezed. In fact, the Assembly is on a choke lead vis-à-vis the Chancellor of the Exchequer and has permission to do only what the Chancellor agrees to.



There were secretive talks around Stormont House and there were talks that were exclusive. While the Stormont House Agreement was fairly public, there were a lot of other papers and bits and pieces of goings on, which many of us were not involved in. We have consistently warned that we need an all-party process to find a resolution to the problems. The problems that have arisen have come from side-room deals, and whatever, between the two main parties. We remain committed to negotiating on the issues relating to the Budget and welfare reform. We believe, however, that it needs to be a mature negotiation that is not bound by blind deals, side-room deals, side letters or understandings that most of us are not party to.

It is not in our nature to walk away from the negotiating table. We believe that all problems, no matter how large or difficult, can be solved by mature and constructive dialogue. That is why, even at this stage in the process, and extending back to before the Stormont House negotiations, we have engaged constructively, supporting what was good in the Stormont House Agreement. We would be very happy to get the Stormont House Agreement implemented, and get the Bill with the amendments we made to it.

**Mr B McCrea:** The Bill is gone. It is too late. *[Laughter.]*

**Dr McDonnell:** If the Member has an intervention, Mr Speaker, I am quite happy to take it, but sedentary —

**Mr Deputy Speaker (Mr Dallat):** Order, please. Sorry, Dr McDonnell, resume your seat.

I have been extremely tolerant, and I encourage the flow of interaction, but not to the extent that it has happened. I ask the Member in the corner not to make remarks from a sedentary position.

**Dr McDonnell:** We have engaged at every stage of the process, right back to before the Stormont House Agreement. We engaged constructively and supported what was good. We worked to make what was good better, and to salvage and strengthen that which was not so good.

Earlier, I made the point that we cannot offer support to the Bill as it stands, but we urge all the parties involved to re-engage in negotiations aimed at trying to find a responsible and mature way through the current budgetary situation.

**Mr Cree:** I hope that my voice lasts. I think it is starting to break.

It is good to see that we have made it to the Second Reading of the Budget Bill, although, sitting and listening to the wide-ranging discussions, you tend to forget that we are trying to get behind the detail of the Bill this afternoon. This is an important stage, and it is vital that we explore the detail of the Budget Bill and the rationale that lies behind it. I would therefore like to ask the Minister some questions.

## 5.00 pm

The voluntary exit scheme is predicated on reinvestment and reform initiative (RRI) borrowing to pay for severance over the years, commencing with £200 million in the current year 2015-16. Have the Executive commissioned any economic analysis to assess the likely effect on consumer confidence and the economy in general after large-scale, public-sector job losses, considering that approximately 30% of all Northern Ireland jobs are in the public sector? Have the Executive considered the

negative multiplier effect on the economy of public-sector restructuring? Does the Minister think it prudent to fund redundancy in 2015-16 by increasing debt? Northern Ireland's projected level of debt will be £1.7 billion or £948 per capita. That is about twice that of Scotland.

Treasury rules do not usually permit capital expenditure to be used for resource. A major plank in last year's Budget was the sale of assets. I raised that issue before, but, so far, I have not had a definitive answer. Will the Minister advise how much resource has been released from the sale of assets and how that money will be used?

The last Finance Minister — it is good to see him here this evening — announced a review of public governance. That would be undertaken by the OECD and it would be its first sub-national public governance review. It would be conducted in Northern Ireland. Will the Minister update the House on the current position and whether any lessons have been learned?

*(Mr Speaker in the Chair)*

We all know that, in these difficult times of austerity, we have to work harder on our economy. A healthy economy will generate the wealth that, in turn, will fund virtually everything else. I was amused when I reread Sinn Féin's Michaela Boyle's treatise on its vision for the local economy. Apparently, it is better than the Tory's, which has no coherent economic plan. Mr Osborne was to be told to leave the economy to the Assembly and the Executive to shape a better economic future using the limited powers that we have. How ridiculous. What about the £10 billion grant provided under Barnett? What about the multimillion consequentials that come from Westminster as a result of their spending on health and education?

Ms Boyle went on to state that we could do so much more if we had full control of our resources and economic decision-making. The vision now is clearly a dream, or perhaps a nightmare. It assumes that Northern Ireland generates more revenue than those areas where fiscal matters are not devolved. Where is the proof of that? Hopefully, we are all working to a point where Northern Ireland will be a net contributor to the United Kingdom, but it is still a long way off. To be constructive, I would welcome the opportunity to study Sinn Féin's detailed economic strategy, if such a thing exists. In the meantime, we need to be realistic.

The purpose of the Bill is to give legal authority to enable Departments to spend certain sums of money, and that will have to be done one way or another. In the meantime, we have the unreality of a Budget with problems. Agreeing the Budget will not resolve all the financial and political issues that remain. That is why we are here. It is the failure of the nationalist parties and, indeed, the Green Party representative, to honour the Stormont House Agreement that has brought us to this point. It is their fault that welfare reform has not been introduced, and we will be fined — as has been referred to already — £2 million a week because of that. That is £114 million this year.

Finally, we were told just before Christmas by the then Finance Minister that £10.7 million in resource DEL and £8 million in capital DEL would be held at the centre for allocation as part of the final Budget. Perhaps the Minister will update us on how that money will be allocated. Will

it be part of the June monitoring round? If not, how will Departments bid for it and when?

**Mrs Cochrane:** I rise on behalf of the Alliance Party to support the Budget Bill passing its Second Stage because it is the least irresponsible thing to do. It is far from ideal, but we believe that it is the only solution available if Departments are to continue to try to deliver some services to people in Northern Ireland and to pay our public-sector wages. However, we are well aware that it does not resolve this latest mess that we find ourselves in. Passing this Bill will, however, buy some more time for those parties that say that they want to protect the vulnerable to come to their senses.

Of course, most of us have very deep concerns about the cuts made to the Northern Ireland block grant over the past number of years and the very real prospect of further cuts in the immediate years to come, but if we are going to fight that process and join forces with Scotland and Wales, as has been suggested, to present a common front, surely our position will be strengthened if we are able to show that we are capable of acting in a mature and responsible manner now and resolving the financial pressures that we face this year.

The issue is quite simple: failure to deliver on the agreements of Stormont House and Stormont Castle, and the failure to face up to the realities of welfare reform, are plunging us into financial uncertainty. That is making the pressures on our public services even greater and even more acute and, ultimately, it is having a detrimental impact on the most vulnerable.

We have heard over and over from Sinn Féin that it is not here to administer cuts on behalf of the UK Government, and, yes, to some extent it has a point, but it has to recognise the wider constitutional reality. We are part of a UK framework, and that is currently where our finance for public spending comes from. So while I agree that this Assembly is not here to administer cuts, it is because we are not here to simply allocate money in exactly the same way that it is used in other parts of the UK. We are here to add value and make a difference, to make sure that whatever money we have is not being wasted due to duplication of services as a result of division in our society, and to show creativity and innovation in the policies and types of projects that we put in place in order to meet our particular circumstances. It is significant that no other part of the UK has taken the approach of sticking their heads in the sand and deliberately causing further financial uncertainty.

Both the Scottish Parliament and the Welsh Assembly, despite their opposition to austerity measures, have introduced Budgets reflecting the cuts that have been passed on from Westminster. They are making devolution work as best they can in order to grow their economies. By contrast, in Northern Ireland, we have, for instance, Danske Bank's chief economist this morning saying that it is ironic that just as the economy is getting back on its feet, this current political uncertainty is likely to dent any recent progress.

In an ideal world we would spend as much as we like on public services, but in the absence of a magic money tree we can only spend what we are given and what we raise additionally. We have seen before in this House how keen parties are to explore additional revenue-raising. If parties do not like what is being provided to us by the Treasury and they want to spend more, we need to prove that we

are able to grow our tax base to become more self-sufficient. The reality is that, in order to do that, we need to grow the private sector. That means investing in and advancing things like the devolution of corporation tax and other economic levers to create jobs, as well as investing in skills to get people into work. It does not mean sticking our heads in the sand and continually taking more of a hit in our block grant, which prevents us from investing in the things that we need to invest in.

Of course we want to protect the most vulnerable, but not by condemning them to a life on benefits. What the SDLP is doing by not supporting the Budget, and what Sinn Féin and the Greens are doing by not progressing on welfare reform and Stormont House, is taking away the ladder that allows people to move out of the benefit trap. With every week that goes past, another £2 million is wasted and another rung is taken off that ladder.

Perhaps we should look a bit more at how exactly parties are protecting the most vulnerable by wasting £2 million per week on penalties. First, we have heard about the cuts to university places. Many students are being forced to travel to England, Scotland, Wales or down South to find a place and will end up with greater levels of student debt than if they had stayed at home. Furthermore, as the competition for Northern Ireland places becomes even greater, it is likely that those from the most deprived backgrounds will be the ones to miss out on places, because patterns show that those who are coming out of grammar schools tend to achieve better A-level grades and, therefore, get the places, even though those who do not necessarily get the A-grade results at A levels at age 18 are often the ones to flourish at university. Again, there is a disproportionate, negative effect on the most vulnerable, and Sinn Féin, SDLP and the Greens seem content for those young people to be denied that opportunity.

Let us consider the impact of the current financial crisis on early years. Because of the budget cuts, we are seeing the Department locked down on protecting school core budgets. That might be acceptable if we were ridding the system of duplication and waste, but we are not. Instead, we are seeing threats to early years provision, despite the evidence that the nought-to-six age group is critical in changing outcomes for future years.

It has been said that, for every £1 invested in early years education, we save the state £17 in remedial action at a later date. Yet, the early years fund could be cut by £2 million this year, which is almost 80% of its whole budget for Northern Ireland.

That £2 million figure might sound familiar. Oh yes, it is the amount that we are wasting every week by delaying on welfare reform. To be clear, the early years programme is predominantly administered to the top 20 disadvantaged wards across Northern Ireland. So, if Sinn Féin, the SDLP and the Greens really want to protect the most vulnerable, I suggest that blocking welfare reform and the Stormont House Agreement is not the right way to go about it.

**Mr Agnew:** I thank the Member for giving way. Given that the welfare money that is coming in — the £2 million that was referred to — goes directly to the poorest families and that we have 100,000 children living in absolute poverty, surely giving the money to the families of those children is the right thing to do, rather than taking it away from them.

**Mrs Cochrane:** I thank the Member for his intervention. He might want to look at some of the figures that show that, if you implemented welfare reform, whilst there may be some families who are worse off, perhaps by £31 a week, more households would be better off by £37 a week, 90,000 households would have no change whatsoever and there would be households that would be able to benefit from having up to 85% of their childcare costs met, rather than 70%. You might want to look at your figures.

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

**Mrs Cochrane:** No, I will move on, thank you.

Those are just a few of the examples that show how nonsensical the approach is from some parties. If Sinn Féin, the SDLP and the Greens want to truly protect the vulnerable, they need to focus on protecting services rather than trying to protect votes. Yes, they might have some headline-grabbing lines but, when you drill down to reality, they are the ones who are harming the most vulnerable.

We are in a financial hole, and the progress of this Bill today will not get us out of it. We simply cannot leave this issue to drag on over the summer recess. Nor can Ministers continue to spend without due caution to the uncertainty that we face. Parties need to decide now whether they want to continue to be part of the problem or be part of the solution and work towards a resolution to try to recover financial sustainability and restore some faith in the devolved institutions.

**Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure):** The Committee was briefed by the Minister of Culture, Arts and Leisure as far back as October 2014 on potential budget reductions for 2015-16. Subsequently, the Committee has been briefed a number of times by departmental officials. The Committee has also received briefings from each of the DCAL arm's-length bodies on how the current scale of budget reductions will impact on them.

As Members will be aware, DCAL has an extremely complex structure, part of which is a large number of arm's-length bodies. In many cases, those bodies are the guardians of our collective cultural heritage and the very cultural fabric of Northern Ireland. As a Department, DCAL has a relatively small budget and, by virtue of that, the Department's arm's-length bodies have budgets that are very small in relation to the overall Executive Budget. However, it is these small budgets that are often the most vulnerable when it comes to funding reductions. There is little or no fat and there are few large programme budgets. Therefore, budget reductions hit core functions.

The Committee has already expressed concern to the Minister of the possible impact of budget reductions to Disability Sport NI and the Armagh Observatory, for example. Good work that has been done could be lost forever if funding is cut. The Committee is not naive: members understand that there are extreme budget pressures and that cuts must be made. However, the Committee stresses the need for a clear understanding of what those cuts might mean in the longer term.

The Committee has always stressed the need to ensure that budget reductions are applied as part of a strategy that seeks to protect front-line services to our communities and support the Department's stated objective of

promoting equality and tackling poverty and social exclusion. However, the issue is particularly complex and nuanced regarding some of the DCAL arm's-length bodies.

## 5.15 pm

The Committee has previously welcomed the fact that the initial proposed budget reduction was lessened by the Executive funding a further almost £2 million for DCAL, taking the budget reduction from a potential 10% to 8.2%. The Committee has also supported the decision to limit the cut to the Libraries NI budget to 7.5% in the hope that no libraries will have to close. This will, however, mean that the Department and other arm's-length bodies carry a larger cut. With respect to libraries, temporary and relief staff have already gone, and, after a consultation exercise, Libraries NI is examining its options regarding opening hours. The reality is that libraries will be forced to open for fewer hours, and the budget for new stock will see a considerable fall. The Committee is a strong supporter of our libraries; they are at the heart of our communities and offer considerable potential to be developed further as the arts and cultural hubs that help to build community cohesion and offer opportunities for expression to our people.

The Arts Council deserves credit for seeking to take a creative approach to managing budget reductions while still looking forward and innovating. The Committee has heard the rationale behind its funding decisions going forward, and Members appreciate this candour. The council has worked to absorb previous in-year cuts, but budget reductions mean cuts to grants. The Committee remains hopeful that an upcoming Executive arts and culture strategy may see greater cross-departmental funding of the arts and culture, which could see an increase in overall funding for the sector. The reduction in Sport NI's budget has forced decreases in grants and performance and coaching activities. The Committee is understandably concerned about the possible impact on increasing participation levels in sport, particularly participants from the most disadvantaged communities.

I referred to the budget reductions faced by Armagh Observatory. With such a small budget to start with, it is imperative that the impact of the reduction on the observatory's budget is carefully monitored and does not have a disproportionate impact. The Committee places considerable value on the work done by the observatory, and Members want to ensure that the continuous work that has been undertaken there for decades, which feeds into international scientific information gathering, will not be jeopardised. This is a significant and important institution. It is an institution of international standing and is the only one of that nature in Northern Ireland, so its future is important.

Budget reductions must be met with creative solutions, and the Committee has long been an advocate of interdepartmental working as well as cooperation with local government. The reform of public administration and the development of super-councils with enhanced powers provide an excellent opportunity for joint working and taking advantage of economies of scale. The Committee is extremely supportive of this. The Committee is a strong advocate of making better use of the funding that can be drawn down from the European Union. Members agree that greater efforts must be made to look at the opportunities presented by EU funding programmes and to learn from the excellent work already being done by

some councils. The Executive, however, must be careful to ensure that we can provide the necessary match funding required.

The Committee was further briefed by departmental officials on 2 June regarding the current monitoring round. As with most Departments, DCAL is making bids worth millions of pounds. It is most concerning to the Committee that many of the bids are for inescapable capital pressures for the museums estate, the libraries estate and Armagh Observatory. Members are concerned that, if these are not met, there could be an impact on the ability of those bodies to make their estate available for public use. That brings me back to my original plea to ensure that we fully understand the impact of budget reductions to our cultural fabric and our ability to expand participation in sport. We will continue our responsibility to scrutinise the management of the budget in a proper manner.

I want to say just a few words in a personal capacity. It seems to me that much of the blame in all of this is placed on the Conservative Party at Westminster. Much of the pressure on budgets is directed at being the result of austerity. It is true that we face austerity, but the reality is that the SDLP and Sinn Féin cuts will cause far more damage to Northern Ireland, our institutions, communities and the vulnerable in our communities than any damage that may be caused by the austerity that is right across the United Kingdom.

As I listened to the debate, it seemed, at times, unreal and surreal. It seems to me that there are folk here who have lost touch with reality, with financial realities, with fiscal responsibility and with fiscal reality. Some of the views that emanated from the nationalist and republican parties today beggar belief and are, quite frankly, beyond belief.

**Mr M McGuinness:** Debates such as this, as we have seen in the past, usually contain more than a few long-winded speeches, but this will not be one of them. I speak today to give conditional support to the Finance Minister's Budget Bill. The Bill will create the space to resolve outstanding issues so that the Executive have workable and sustainable finances in the time ahead, and to ensure the full implementation of the Stormont House Agreement. Of course, there remains a fundamental challenge for the Executive on welfare protections, but, while we explore a way forward on that, the other important elements of the Stormont House Agreement, including the essential legacy mechanisms, should and must proceed.

The Budget Bill, crucially, does not involve any further reductions to public funding or services. It does not involve any reduction in social security support for the most vulnerable, and it does not contain any in-year reductions as a consequence of the £25 billion of further cuts announced by the Tories. This Budget was agreed by the Assembly in March, despite the enormous challenges and difficulties that the austerity agenda of the previous British Government created for our public finances. The newly elected Tory Government have indicated that the ideologically driven assault on public services will not only continue but will be escalated.

Unlike the Tory millionaires, I live in a working-class community in the heart of the Bogside in Derry. The people whom the Tories are targeting are my friends and neighbours. They are a proud and decent community of fine, hard-working people, just like our people in working-

class unionist communities. They are not, as the Tories claim, parasites or spongers. David Cameron's Cabinet of millionaires has no comprehension of life in unionist and nationalist working-class communities. They are oblivious and indifferent to the devastating effect of these cuts, which affect working-class unionist communities every bit as much as working-class nationalist communities.

Austerity is a politically misguided approach, and it does not work. It impedes economic recovery and punishes the working poor, public-sector workers, the disabled and the vulnerable. The ideologically driven cuts agenda has created a political and financial crisis for our Executive and the Assembly, but the crisis is not between the parties in the Chamber. It is a crisis imposed on the Assembly and, indeed, on the Assembly in Wales and the Parliament in Scotland by the Tory Government in Westminster. None of the parties in the Assembly stood on a pro-austerity platform. The Tories stood on a pro-austerity platform and received a derisory vote in May. I think that, in the 16 constituencies that they stood in, they got fewer than 10,000 votes, so they are really a fringe party here in the North of Ireland.

They are also a fringe party in Scotland and Wales. They are a fringe party that is imposing its failed ideology on societies that voted against this approach. That is fundamentally undemocratic.

Our purpose in agreeing this Budget is to create space to resolve the outstanding issues in relation to the Stormont House Agreement. We need to know that the Executive have the resources to continue to build a peaceful, inclusive and tolerant society. The Executive now have nowhere to go in the context of the further eye-watering cuts planned by the Tories. There is no room to manoeuvre. There are no more savings to be made. Any further cut to our Budget will dramatically impact on front-line services, our economy and our society. That is not sustainable. It is a scenario that is not acceptable to Sinn Féin and is not acceptable to me.

Let us try to come at all of this positively. Let us try to find solutions. Let us, as a united Assembly and a united Executive, engage with the two Governments as a matter of urgency in defence of our political process, in defence of our core public services and in defence of the most marginalised and vulnerable in our society.

**Mr Wilson:** I suppose that this is a rerun of the debate that we have had many times in this Assembly in various guises. Still, the air of unreality that pervaded those debates pervades this one today. It does not matter whether we go down the route of the SDLP, which will vote against the Budget, wants more money to be spent on everything and is ignoring the fact that we work within the limits of the money available to us, or indeed that of the last speech that we heard from the deputy First Minister —

**Mr Allister:** He has run away.

**Mr Wilson:** Well, he has run away, of course. I think that anyone who had put up such an illogical argument would not have wanted to stay to defend it anyway. He may well have had an easy ride in London at the weekend, when he joined people such as Russell Brand the multimillion-pound hypocrite who thinks he is a comedian when the only laughable thing about him is his grasp of economics and indeed politics. I have to say that, if you look at the logic of the people who he was with on Saturday, you can



see why he comes off with the kind of stuff he came off with here today. One of the chief people there, Russell Brand, told people not to vote. The next morning, he said that he was crushed with disappointment at the outcome of the election. What would you expect?

Now, we have the deputy First Minister talking about the need to have a sustainable Budget. He does not even recognise the contradiction in his own objective; on one hand, a sustainable Budget while, on the other hand, doing everything he can to make sure that the Budget is not sustainable and indeed that we pay back money weekly to Westminster, turn our back on the ability to borrow money that could have helped us in the long term to reduce the cost of government in Northern Ireland and refuse the opportunity to have capital expenditure that would of course have benefited his own Education Minister.

By the way, when talking about his own Education Minister, we see once again the hypocrisy of Sinn Féin. It loves to use this headline language and say, "We are against austerity", yet, when it comes to implementing reductions in the education budget, it does not really care too much about the vulnerable. Ms Cochrane is not in the Chamber at the moment. I think that she made an excellent point about the cutting of the early years budget, although she did not point the finger at the Minister responsible. Who is cutting the early years programme, which is the very foundation of the whole education process for many vulnerable youngsters? Who has cut that programme to the tune of £2 million? None other than the Sinn Féin Education Minister. On the one hand, that party comes off with the rhetoric of anti-austerity, but, on the other hand, it knows full well that, when it comes to the reality, this place has to live within its budget.

### 5.30 pm

I could go through an awful lot of areas of expenditure for vulnerable people that he has reduced in the education budget, but I suppose that the real test of whether Sinn Féin is sincere in its rhetoric would be to see whether its Education Minister is prepared to live up to it. For example, those who have learning difficulties and need statements and support are finding that they have less funding from the Department of Education because the Minister, whether he likes it or not, has had to live within his budget. However, globally, Sinn Féin and the SDLP think that we do not need to live within our budget and that we can simply keep on spending money that we do not have and, indeed, turn our back on money that we could have. That is the important thing.

This Budget could be made easier. I know that the Finance Minister has brought forward a Budget that is predicated on the assumption that we will eventually see sense and abide by and implement the Stormont House Agreement. If not, towards the end of this financial year, unless the Treasury turns a blind eye to our overspending, which is very unlikely, we will find that there will be emergency reductions in Departments' budgets that will be much more difficult to implement when squeezed into the last couple of months of the year.

Therefore —

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

**Mr Wilson:** I will give way, yes.

**Mr Allister:** From the Member's experience, is it not the case that, to make those emergency adjustments, the Minister would need the Executive's approval and that those who are very happy to spend other people's money and money that they do not have are in the position of being able to refuse consent to the emergency adjustments? What happens then?

**Mr Wilson:** That is the kind of fantasy world that some of the people who are taking the stance that they are taking on the Budget are living in. They hope that those things will not materialise, but the reality is that, although there are limits to how much money we can spend, the Budget is predicated on the basis that we will have additional funding, either through loans, money from Westminster or savings that we have made. If we cannot obtain that, people are at some stage going to have to face that reality. As I pointed out, despite how they might try to hide it — they hope that this is not highlighted too often — even Sinn Féin Ministers, when faced with the reality of being told, "That is how much you have in your budget", will still make choices. I do not like some of the choices that they make. Indeed, I believe that some of those choices show that they do not really care about the vulnerable, but they still make the choices. When it comes to the choice between political ideology and protecting the vulnerable, political ideology wins every time with Sinn Féin. We have plenty of examples of that in the budgetary decisions that some of its Ministers have made.

There are consequences to the impasse that we are in. I know that the deputy First Minister said that he is supporting the Budget conditionally in order to give us time to work our way through the difficulties. I do not know how much time he needs, but the one thing that I do know is that, coming up to the Stormont House Agreement, we were asked for time. We got the Stormont House Agreement, which was an agreement that we thought everyone had signed up to. People did sign up to it. Indeed, the SDLP was miffed because Sinn Féin would not even support its petition of concern at one stage, yet suddenly Sinn Féin went back on the agreement. Unless there is a change of heart, all we are going to do is work our way more and more towards that deadline.

The consequences of that are twofold. As has been pointed out, the economic uncertainty is not good for business in Northern Ireland. If business is hit with that uncertainty, we are not going to create the jobs that we hoped to create, we are not going to have the growth that we hoped to have, and we are not going to get the tax revenues that we thought we would get. It has all those bad implications.

The second thing is that the political standing of this place sinks further and further in the eyes of the public. I would not mind if it was simply the esteem of the guilty parties that went down in the eyes of the public. Unfortunately, and this is bad for democracy, it is the whole of the political institutions and everybody involved in them.

I can understand the frustration of the public. We on this side are frustrated as well when we see staring us in the face things that need to be done, should be done and are not being done. I can understand the frustration that the general public has, but we have to bear in mind that the decisions that we make here impact on people's lives; they impact on the vulnerable. People in Northern Ireland will be far more vulnerable if we have a shaky economy that

teeters on the edge of low or no economic growth because of bad decisions made in this place. That is the real vulnerability, the real attack on the vulnerable. Let us give people hope, vision and a chance for the future. The way to do that is to behave responsibly and maturely in this place.

Martin McGuinness this weekend joined a lot of other people who were complaining about austerity. Some were in Administrations and local government across England or in regional Assemblies in Scotland and Wales. They may have stood complaining about austerity in London, but they implemented budgets in their own Administrations. That is the difference. They understood their responsibilities as politicians; we should understand ours.

I commend the Minister for bringing forward a Budget and giving the space for public services to continue, but we cannot continue like this, and we have to reach real decisions before too long.

**Ms Boyle (The Chairperson of the Public Accounts Committee):** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the Second Stage of the Budget Bill as Chair of the Public Accounts Committee (PAC).

The PAC strives to work in the public interest to ensure that public money is used in the most efficient way possible so that the greatest value is achieved from every £1 spent. Never has value for money been so important in the stewardship of ever decreasing limited public funds.

This Budget presents real challenges for Departments, given the extent of cuts that they now face. In its efforts to safeguard the public purse, particularly in these austere times, PAC will closely monitor whether Departments achieve value for money.

The Committee strives, with the support of an independent Audit Office, to ensure that high standards of stewardship of public money are achieved, and it adds value by having a bird's-eye view over government spending. Essentially, its role is to consider the accounts and reports on accounts laid in the Assembly. That gives the Committee a scrutiny role over all departmental and public-sector accounts audited by the Audit Office.

Given the critical role that the Audit Office has in this respect, the Committee expressed concerns to the Audit Office in March of this year about the reduced budget, which presents significant challenges to the Audit Office's ability to maintain the current level and quality of services to the PAC and wider Assembly.

While the Committee realises and accepts that budget cuts are severe on all Departments, the PAC considered the Audit Office's estimate for 2015-16, which set out a reduction in its budget of £514,000, or 6.3%, as unacceptable. The reduction seriously compromises the independence of the Audit Office and its ability to fulfil its statutory obligations and deliver its services fully to the Assembly.

The pressures on the Audit Office budget are further compounded by the uncertainty about whether it, like Departments, will be able to access the voluntary exit scheme. Failure to do so will result in the C&AG being unable to achieve the level of savings required to deliver the Audit Office's services to the Assembly and fulfil its statutory obligations. This is a very serious situation

indeed and one that we, as a Committee, will be keeping a close eye on.

It is the role of the PAC, as part of the Assembly's control framework for government spending, to consider reports by the Comptroller and Auditor General on the resource accounts of Departments that have exceeded the limits of expenditure authorised by the Assembly. The Committee recommends whether the Assembly should approve further resources to the Departments concerned in order to regularise the excess expenditure. In 2013-14, three Departments incurred excess expenditure. The specific cases were as follows: the Department of Health, Social Services and Public Safety incurred a resource excess of £1.17 million as it failed to include cover for all its payment obligations within the Spring Supplementary Estimates; the Department of Education incurred a resource excess of £6.28 million as a result of its arm's-length bodies exceeding the cash drawn down amounts authorised within the Spring Supplementary Estimates, and the Public Prosecution Service incurred a resource excess of £6.03 million as a result of a fair employment tribunal ruling in March 2014 in favour of a case taken by its staff. On the basis of the Committee's examination of the reasons why those bodies exceeded their voted provisions, it recommended that the Assembly provide the necessary amounts by means of an Excess Vote.

The PAC, however, acknowledges that the Department of Finance and Personnel disseminated lessons learned from the PAC's previous Excess Vote reports to accounting officers and finance directors. The Committee recommends that the Department continues to do so, particularly now, as we face such challenging budgetary times in the forthcoming financial year.

Moving on, Mr Speaker, if you will allow me —

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

**Ms Boyle:** I will

**Mr A Maginness:** The Member has raised some very interesting points in relation to the Audit Office and the reduction in funding. The points she raised were really, in a way, constitutional points. Should it be that the Executive can curtail the capacity of the Audit Office? Should it not be that the Audit Office's funding is ring-fenced so that it can carry out its functions to its full capacity?

If I may, the further point I would ask the Member is this: if the PAC is so exercised by the reduction in funding to the Audit Office, will it or its members table an amendment to the Budget (No. 2) Bill to try to remedy the situation that it has rightly highlighted?

**Ms Boyle:** I thank the Member for his intervention. That is not up to me, and I would have to take that back to the PAC. Go raibh maith agat.

A Cheann Comhairle, if you allow me a moment of your time, I would like to speak on behalf of the party. Like my party colleagues, I give conditional support to the Budget (No. 2) Bill. While the Executive attempt to find a way forward, the British Government are pressing ahead with their cuts agenda and are reducing the finances available to the Executive. The British Government, with no mandate from the people of the North, have again increased the difficulties of the Executive. The Bill also means that the Executive Ministers can continue to deliver front-line services, and that has to be welcomed.



**5.45 pm**

The Executive's Budget has been under fierce pressure from year-on-year British Government cuts to the block grant. Despite this, Sinn Féin has continued to support the provision of front-line public services while protecting the most vulnerable. As has been stated by previous contributors, this Budget Bill does not involve any further reductions to public funding or services.

Most of the welfare cuts that the Tories are trying to impose on the North have already been implemented in Britain, with devastating consequences. People are caught in an austerity and poverty trap, particularly the sick, the disabled, single parents, those on low incomes and the working poor.

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

**Ms Boyle:** No, I will not, with respect.

Poverty levels here have spiralled out of control, along with homelessness levels and suicide rates. Ever-in-demand food banks and other charitable help are now often the safety net that prevents more people from falling into total destitution and despair. Tory policies threaten to destroy the economy through savage cuts to public funding and welfare. As we have seen, the implementation of these measures in England has been a complete disaster and has plunged thousands into poverty and deprivation already.

The North is a society emerging from decades of conflict, and clearly you cannot apply here that which applies to England and Wales. Here, we can collectively take control of our Budget and welfare policy. Our public deserves much, much better and having direct power over our economy means that we can seize the opportunity to do things here much better.

**Mr Ramsey:** I welcome the opportunity to speak on the Second Stage of the Budget Bill. I want to comment mainly as a member of the Committee for Employment and Learning and to reflect on some of the issues that affect it. I also want to comment on some matters that are relevant to my constituency, particularly economic issues.

I want to make it very clear that the SDLP will not force a Division on the Budget Bill today. We will evaluate and scrutinise the Bill, like other parties, and we hope that the difficulties on a number of the issues can be smoothed over, particularly those that pertain to welfare reform, and that reconciliation can be found. There is absolutely no doubt that the introduction of welfare reform in Northern Ireland will have a hugely detrimental effect on communities that are already struggling.

The SDLP has been extremely concerned about the impact that is already being felt as a result of budget cuts to the Department for Employment and Learning and the further impact that this Budget may have in 2015-16. Judith Cochrane, who has come back to the Chamber, made a valid point about the number of student places that we will not now be able to offer and the effect that that will have on the widening participation strategy, which has been a tremendous success over recent years, enabling people from less-well-off socio-economic areas to participate in third-level education. We are going to lose that, and the young people who may not get the required grades will be subject to selection criteria and they will fall out of the system and perhaps out of education altogether. Investment in third-level education is much higher in the

other devolved regions. Investment per student in England, Wales and Scotland is much greater than it is here.

The Bill makes significant reductions in allocations to funding streams, such as education maintenance allowance (EMA) and student support, and to funding for universities and colleges. All the colleges throughout Northern Ireland play a huge role in better preparing young people who do not make it to third-level education for industry, for the job market and for job opportunities that they would not otherwise have.

The extent of the cuts has already been outlined to the Committee for Employment and Learning by the Minister and the Department. A £30·1 million pressure on the Department's budget will be managed by a reduction to universities of almost £16 million and £12 million reduction to colleges. There will be further departmental efficiencies of over £4 million. The Minister is not here, but I am starting to feel sorry for him. I have sympathy for him in trying to provide an opportunity for our young people. He makes a fairly good job of trying to do that in difficult circumstances.

The practical implications of the cuts do not bode well for students or our young people in general. Take the proposed funding slash to Pathways EMA, for example: that allowance is paid to almost 1,700 young people who are not in employment, education or training. We still have over 40,000 people in that awful NEETs category; they are nowhere at present. Those young people, and the organisations that support them, have been thrown into uncertainty through no fault of their own.

I want now to concentrate on making this region work more economically. We must ensure that we have the skilled workforce to match any job opportunities that the Executive and Assembly manage to create. The reality is that, if we cut the number of places available to young people for further study, many will not be able to study here, even if they want to, and, reluctantly, they will leave. Any reduction in places is simply strategically inconsistent with attempts to support our young people to stay here, work here and contribute to the wealth of ideas and employment opportunities available here.

Another area of concern is apprenticeships. I think that most of the House agrees that, alongside university places, we need to provide adequate work experience and apprenticeships for young people so that they may develop their skills and build a career in their chosen industry. The Employment and Learning Minister has brought forward very creative ideas in senior- and higher-level apprenticeships, but we cannot forget about the traditional apprenticeships that are badly needed in Northern Ireland across the board, such as carpenters, electricians, plumbers and bricklayers. What does the Budget mean for those apprenticeships here? We know that the Minister was unable to commit extra funding from his Department for apprenticeships. I hope that he does not cut the budget for those vital schemes. I hope that, in the June monitoring round, he might find a role for that.

I will also make a point as chair of the all-party group on learning disability. Earlier this year, the House debated the Special Educational Needs and Disability Bill. I raised specific concerns relating to the funding for those with special needs who are pursuing further education. I welcome the fact that the Minister has decided to retain

the higher education support that the Department currently provides for those with learning disabilities, and the fact that he is not cutting the disability employment programme. It is important in all this to say that young people who leave school with a learning disability are four times less likely to secure employment than even those in the NEET category that I talked about. It is a worrying trend, particularly for parents, when they are trying to create an environment of independence for their son or daughter who may have those difficulties. I urge the Minister today once more to continue to provide that vital service for those with learning disabilities throughout all our higher education institutions and colleges and to consider how to best support them in the current period of financial uncertainty.

I will now speak about the role of the Budget in exacerbating regional imbalance. I welcome the creation of the ministerial subgroup aimed at tackling regional inequalities in the economy here. Initially, we were told, it will focus on the north-west, and there is good reason for doing so. I hope that it can create positive outcomes, not just for my constituency of Derry. I hope that it recognises the level of regional inequality in access to education, transport and work. The present Finance Minister is well aware of the high levels of unemployment and the especially high levels of economic inactivity in the north-west. She has endeavoured to work with the Employment and Learning Minister to try to come to a stage of looking at very innovative and creative ways of trying to make a difference to the quality of life for people who find themselves in those unfortunate positions.

Sammy Wilson talked about apathy. The level of apathy and disillusionment among people in my constituency is very strong, and there are justifiable reasons for it. It was announced last week that the north-west gateway initiative is being reinvigorated in trying to make a difference to the quality of people's lives.

The only way that difference can be made is through economic development, infrastructural changes and increases in third-level education places. An economic package is required in the city.

I name Magee as one example. Here we have the most important economic development project that could ever take place in the north-west. It is not just for Derry; it is for the north-west, and the benefit would be for the student population in Northern Ireland. But, with each passing semester, we are losing our young people and their skills and talents to another region or country further afield. This further contributes to our unemployment deficit in Derry and the north-west and the high number of our young people who leave to seek work in the east of the Province.

Ulster University made announcements this week. It is hugely disappointing to learn that it is now not able to proceed with the purchase of land on the old Foyle and Londonderry site on Northland Road. We all endeavoured, through unity of purpose in the city, to ensure that St Mary's College was facilitated on the old Templemore site. Foyle and Londonderry College was facilitated by a new school in the Waterside. The third part of that tripod was the development and retention of land on Northland Road, the old Foyle and Londonderry site, for future generations in the city. Minister, you may want to examine working collaboratively with the university to find a creative way of ensuring that that land is saved, not for this generation or even the next but for future generations of young people

and the economic betterment of not just Derry but the north-west.

We will not be able to attract appropriate investment or stimulate growth until we have better infrastructure in the north-west. The deputy First Minister, in response to my question last week, said that the key elements of the discussions at the North/South Ministerial Council and with the ministerial subgroup were the A5 and A6. As the Minister, who did a fine job as Enterprise Minister, knows fine well, when you are trying to companies to Northern Ireland, the first thing that they look for is adequate infrastructure, but we do not have it. That is the regional imbalance that needs to be resolved once and for all. It is a legacy of so many years of unfairness and wrong decisions taken against the wishes of the people of my area.

I appreciate the immediate difficulties in the finances but we must consider, too, the positive impacts that greater investment in transport links will bring to the city of Derry and the north-west of Ireland in general. Despite continuous hard work carried out over a number of years in the One Plan, the Derry and north-west public still await delivery.

I do not want to sound as though I am whingeing. A lot of good things have happened in the city. The City of Culture year brought a tremendous feeling of self-worth and a greater sense of pride. Everybody was expecting the true legacy of the City of Culture to be a higher level of employment opportunities. However, unfortunately, when the Northern Ireland Statistics and Research Agency (NISRA) team came to give the figures to the Employment and Learning Committee in November of that year, we learned that unemployment rose by 2% in that period. We need to focus our efforts. I do not have the figures here, but I was going over them this afternoon. Derry has almost 8% unemployment. Compared with other parliamentary constituencies, unemployment in the Foyle constituency is twice or three times more or 3%, 4% or 5% higher than in other constituencies. There is something wrong with those figures, and those were for May.

While great efforts are being made to turn things around in a period of recession, unfortunately, the people who I represent do not see them turning around in their context. They do not see the ball bouncing their way at all. I think it is the role of the Finance Minister to ensure that, when funding decisions and the Budget comes around, consideration must be given to those who are already adversely affected are not further marginalised and pushed further away from the centre.

People talk about the welfare reforms. People would not mind the welfare reforms being implemented if there were opportunities for work. I could stand here and defend the position of welfare reform if young people, and not so young people, had access to work, but, in Derry, how many times less likely are you to secure a job than in some other constituencies? Some constituencies have 2% unemployment compared with almost 8% in Foyle.

#### 6.00 pm

I am finishing, Mr Speaker, but I want to acknowledge the serious contribution of the blue light services across Northern Ireland — the Fire and Rescue Service and the Northern Ireland Ambulance Service — and the work that they do for us all at the most important times in saving lives. I will include Foyle Search and Rescue, even though

it is not officially a blue light service, which is at breaking point. I see the crews and speak to some of the people, and I promised that I would raise its situation.

The Minister for Employment and Learning is not here, although he was present for most of the debate. There was a major protest outside one of our jobs and benefits offices in Derry today. The grim reality of the situation is that, at the same time as we are trying to introduce welfare reforms, we are reducing the number of skilled operators who are there to provide a service to those whom we expect to be taken off benefits and put into work. We are removing them and making them redundant; we are forcing them out of work.

I say this genuinely and in good faith to the Minister: the Budget should put investment, in reasonable balance, towards infrastructure and changing the psyche about access to employment opportunities. Unfortunately, my constituency has been failed.

**Mrs Overend:** I speak on behalf of the Ulster Unionist Party on the Budget — “provisional”, “phantom” or otherwise — primarily in relation to the Departments of Education and the Environment. I welcome the new Finance Minister to her post, and I am sure that she wishes that it had happened in more fortuitous circumstances.

Last Monday, the Finance Minister said:

*“The budgetary context that we find ourselves in means that we must take difficult decisions, minimise waste, promote the efficient delivery of public services and seek to protect front-line services. The spending priorities agreed by the Executive in the 2015-16 Budget will allow us to do just that.” [Official Report (Hansard), Bound Volume 105, p310, col 2].*

I agree wholeheartedly with the first part of the Minister’s statement, but the second part is much more arguable. The following questions must be asked of the Department of Education. Has the Minister of Education taken difficult decisions? Has he minimised waste, promoted the efficient delivery of public services and sought to protect front-line services?

In terms of taking difficult decisions, area planning has been a piecemeal and sectoral process, and it has had no joined-up planning, as referenced in the Committee report in debate last week. As for minimising waste and promoting efficiency, we know that, over four years, the Minister of Education has made no attempt even to look at the recommendations of the performance and efficiency delivery unit (PEDU). No firm set proposals have emerged from the home-to-school transport report. As for protecting front-line services, tell that to the schools that, because of the head-in-the-sand approach of Sinn Féin and others to welfare reform, live in a state of complete uncertainty about their budgets for the next financial year.

The Ulster Unionist Party voted against the unbalanced 2015-16 Budget agreed by a majority on the Executive in January. It is worth rewinding to the draft Budget, which was consulted on last December. We remember the doomsday scenario, when senior officials told the Committee that an estimated 2,500 teaching and support staff jobs in schools would have to be cut by April 2015. The Ulster Unionist Party, like many others, responded to the consultation. We made the point that the priority must

be to protect the aggregated schools budget; the money going to front-line teaching needed to be protected.

In January, post the Stormont House Agreement, the final Budget was agreed, chiefly between Sinn Féin and the DUP. Minister O’Dowd announced that his resource budget for 2015-16 was to be £1.9142 billion. That was a reduction of around £30 million from last year’s resource budget, but it is a larger per annum figure than any of the years from 2011 to 2014.

In a press statement issued on 19 January this year, Minister O’Dowd said:

*“there is no reduction to schools’ delegated budgets.”*

He expressed satisfaction with the Budget outcome for his Department. However, at the end of March, with less than a month to go to the start of the new financial year, the Minister briefed the Education Committee and dropped a new bombshell about teacher redundancies. He said:

*“The approximate number of redundancies will be 500 teachers and 1,000 support staff.”*

Since the start of the new financial year, we have seen significant funding cutbacks in education: cuts to early years, cuts to the Sentinus STEM promotion programmes, cuts to the primary school modern languages programme, cuts to the Book Trust Bookstart scheme and cuts to community education initiatives. Where do we stand now, with the Stormont House Agreement on ice and a provisional Budget that ignores the reality of the financial stalemate?

The agreement included a capital investment of £500 million in shared and integrated education to be delivered over 10 years, with individual projects to be agreed between the Executive and the Westminster Government. The fact that that is in abeyance will surely have consequences for the entire education budget, unless the shared education process is being abandoned at birth. We need to have clarity on how much money will be saved by the replacement of the five education and library boards with the new single Education Authority. We have not forgotten about the £16 million that was spent in preparation for the Education and Skills Authority (ESA). Anecdotally, I hear that the top management of the education and library boards have been rebadged and retained in the Education Authority but that the lower-ranked officers have been culled, putting those who remain under considerable pressure. It is a disgrace that, on the verge of the school summer holidays, there is such uncertainty in the Department of Education’s budget for 2015-16.

I will now make a few brief comments on the budget for the Department of the Environment. The initial settlement for 2015-16 proposed a reduction of 500 staff. In the end, I believe that 459 applied under the voluntary exit scheme, and, of those, only 159 will be made a conditional offer. It is worrying that the Department openly admits that it chose those personnel solely on the basis of a value-for-money calculation, with no regard to the subsequent impact.

I support the voluntary exit scheme, but we need to approach it rationally. There is no point letting someone go if their departure will leave a skills gap that someone else will need to be trained to fill. Given the apparent eagerness to reduce the number of staff, suppress posts and reduce overtime, it was peculiar that the Department sought to make no modification to the Budget to reflect that. Even if

staff do not begin to leave the Department until later this year, significant savings could still be made. I believe that, even now, officials in the Department are working towards an in-year saving of approximately £2.2 million.

Following last week's announcement on Exploris, it is essential that the allocation of £700,000 for the current financial year is not squandered. I urge the Department to revisit its engagement with the council to make sure that it can get plans in place to spend that money.

I have a wider concern about the DOE budget, and it is likely a criticism that could be levelled against others as well. I get the impression that the primary consideration in determining where to make reductions is how most quickly to make the most savings, rather than acting with any form of strategic thinking. I fear that, much like the current approach to the voluntary exit scheme, some of the decisions, by showing a disregard to statutory and European obligations, only expose the Department to risk later down the line. We need to be rational about this because a saving from a research fund, for instance, will pale in comparison if we are hit with infraction penalties.

I would like to conclude with a query about my constituency of Mid Ulster, specifically the community safety college at Desertcreat. I hope that the Minister will be able to clarify the current budget position. We heard that Her Majesty's Government at Westminster have withdrawn the £53 million that was earmarked for Desertcreat. I wonder how much is still allocated to the project in the Northern Ireland Budget and whether the £53 million will be allocated elsewhere in Northern Ireland. I look forward to the Minister's response.

Finally, the deputy First Minister referred to the current political stalemate as a problem imposed upon us. He said that it was not the fault of any of the Northern Ireland parties. It was rather big of him to say so, and I think that it was wrong of him to say so. It would be much bigger of him to accept responsibility to resolve the situation in the Northern Ireland Assembly. The people of Northern Ireland will not forgive us if this mess cannot be resolved. It will be a real test of the Northern Ireland Assembly. The First and deputy First Ministers have the responsibility to lead. The ongoing uncertainty serves no one. It serves only Sinn Féin's agenda of breaking down everything that is good about Northern Ireland.

**Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):** I welcome the opportunity to speak, today, as Chairperson of the Committee for Agriculture and Rural Development. As such, I represent the views of that Committee. The views that I will express today on the Budget Bill will be very similar to those I made last week during the debate on the Main Estimates. The Committee last received an oral briefing from the Department on 2 June 2015, on the Main Estimates. During that briefing, a number of concerns were expressed by Committee members, namely about the payment of grants to farmers, the voluntary exit scheme and TB compensation. I will elaborate on these in more detail as I go through my speech.

As I stated on 15 June, DARD has responsibility for the payment of EU grants to farmers, and we do not underestimate the work involved in that. At the briefing with the Department, a figure of £245 million was quoted for CAP. Given the vast amount of money, the Committee

focused on that issue. As a Committee, we want to ensure that the EU money is paid on time to the farmers and rural communities who are eligible to receive it.

This year, the payment of the EU grant is accessed via a system known as the single application form (SAF). The SAF is not new, but the way it is being filled out is. What has complicated the process is that there are now up to five separate sections that a farmer can apply to for payments, each with their own criteria to be met. Given the current impasse with the Budget, Committee members raised concerns that that would have an impact on any payments to farmers, alongside any complexities of the new system. However, the Minister and her officials have given assurances that payments are the number one priority. The Committee was also relieved to hear from the Minister of Finance and Personnel, during Question Time on 9 June, that she would ensure that measures would be in place to safeguard single basic payments to farmers. That will provide some comfort to the payment recipients.

The voluntary exit scheme is expected to make savings of £5.9 million for the Department. Again, the issue of the Budget was raised by Committee members, and questions were asked about the feasibility of the scheme if the Budget were not agreed. What will happen if the money for the scheme is no longer available? How will the Department account for the £5.9 million that it will no longer save if the scheme does not go ahead? Those are questions that we will want to hear answers to. Unfortunately, the officials were unable to provide any further information or clarification on that, other than that letters had been issued to all staff who applied to the scheme.

I now turn to the issue of TB compensation, which is an area that has previously been underfunded, and for which the Department has previously had to seek additional funding in monitoring rounds. TB compensation is a high cost to the public purse and has additional costs associated with it, such as testing and research. It is an ongoing problem, and the Department has a statutory responsibility to test and compensate for TB. At the briefing with DARD officials, we learnt that an additional bid of £4.5 million had been made in the June monitoring round, as the baseline of £12.5 million in the Main Estimates was, in fact, incorrect. The Committee was therefore concerned about what the next steps would be for the Department if the money was not allocated via the monitoring round. We questioned the officials accordingly about what impact it would have on the budget. It came as no surprise to hear that the Department has not yet fully thought it through and is in the process of exploring contingencies, which has left the Committee with very little confidence that the Department is devoting time and effort to finding solutions for major problems.

Finally, there would appear to be a leaning towards rising administrative costs for DARD, from £54 million in 2013-14 to £58 million in 2014-15. Recent estimates show a further increase to just over £60 million for 2015-16. Officials advised that the rise in administrative costs is a result of costs for accommodation and shared services across the Civil Service. The figures quoted are added for completeness. The Committee was not entirely convinced by the explanation and will aim to re-examine it at a future date. The Committee also heard from officials that, if the Department has to operate on a budget of 95%, with a 5% cut, difficult decisions will have to



be made. We await the outcome of those decisions and the impact that they will have.

**6.15 pm**

**Mr Ó Muilleoir:** Go raibh maith agat, a Cheann Comhairle. I want to add my voice to those who are expressing support for the Budget today, even if our support on this side of the Chamber is conditional.

I will explain some of the reasons why we fear for the future of these institutions and for the future and economic well-being of our people if we do not take strong steps against the economic policies and strategies coming out of London. In my view, the policies being pursued by Mr Osborne and the Tories are the policies of the wasteland. They will lay waste to everything that we hold dear, and, in particular, they will make it more difficult for us to drive forward our society.

Occasionally, Mr Speaker, I go into the Library, where I read the 'Financial Times', you will be pleased to hear. I have some statistics and facts from the 'Financial Times' that are very relevant to us concerning policy. In Britain, debt is at its lowest in 300 years as a percentage of GDP. Less than one in five is in public service, and that is the lowest number since the 1930s. It is the intention, as we know, of the Tories to make sure that four fifths of the deficit reduction comes from cutting services and just one fifth from raising taxes. We understand therefore where the pain goes in that process.

Of course, in response to that wasteland policy of the Tories, some of the greatest defence of ordinary people has come from the Churches. We know the resolute position of Pope Francis. However, in February 2015, in response to the then coalition policies on austerity, the Church of England said:

*"the greatest burdens of austerity have not been born [sic] by those with the broadest shoulders."*

That means that the pain is not being shared equally. In fact, those who are better off continue to do well, but those who are at the bottom of the economic ladder have to bear the greatest burden. For me, that is unacceptable. I do not believe that that ideology is shared by parties in the Chamber. Despite our divisions on this matter and other matters over recent weeks, it is my contention that the desire for a fair and prosperous economy unites us.

I want to say something as someone who has had some involvement in small business and in growing businesses over 20 years. The policy of cut, cut, cut does not lead to business development. It is even more important that we invest in our businesses to grow them, that we skill up and that we cherish the employees who work for our businesses. Instead of that, unfortunately, the approach of the Tories is akin to insisting that everything must be a cut and that there is no other way in which to drive growth than to cut. In my experience of small business, that is not the case. I argue that we are now in an era of needless austerity, to use the term that the International Monetary Fund (IMF) used recently in its memo on austerity being carried forward by Western Governments. That needless austerity will certainly set back the British economy, but, for us on the margins, it will be, and is, absolutely devastating.

I want to quote — not the 'Financial Times' this time — Madame Lagarde, the head of the IMF. Speaking recently on inequality and austerity, she said:

*"In too many countries, economic growth has failed to lift these small boats"*

— referring of course to the idiom about a rising tide lifting all boats —

*"while the gorgeous yachts have been riding the waves and enjoying the wind in their sails. In too many cases, poor and middle-class households have come to realize that hard work and determination alone may not be enough to keep them afloat."*

The sources that I am quoting will not perhaps be seen as those of the left in any manner of speaking, yet they, too, are crying halt to this agenda of austerity.

Anyone who has been listening to the media has heard different party spokespersons disagreeing on the way forward, but, despite the divisions today, I want to talk about what unites us. The Finance Minister, speaking at Question Time on behalf of the First Minister, spoke about her belief that if we do not implement the cuts that are coming down the line from the Tory Government, we will be doomed. She estimated that perhaps another £350 million will targeted at welfare, but it could be broader than that, and there will be additional cuts under Mr Osborne — perhaps as much as another £450 million — which will bring us to up to £800 million in cuts between now and 2018. It is my contention —

**Mrs Foster:** Will the Member give way?

**Mr Ó Muilleoir:** Yes, of course.

**Mrs Foster:** That is not exactly what I said. If he looks at Hansard, the Member will see that I said that we were doomed if we do not implement the Stormont House Agreement and welfare reform, as it currently stands and not what is coming in the future.

**Mr Ó Muilleoir:** Thank you for that clarification. Let me put it in a broader sense: what our colleagues in the DUP have been saying is that if we do not accept the agenda from London, if we do not accept that there is no money in the kitty, if we do not accept that there will be no more investment, there could be no future for the institutions. It is my contention that if we accept the agenda from London, the institutions are doomed. If we accept that there has to be another £800 million in cuts between now and 2018, our job becomes unsustainable. What will our purpose be — to deliver those cuts to our constituents and then to come back in 2018 with another raft of cuts? I want to emphasise the common ground in that all of us in the Chamber are united and wish to protect the institutions, but, to save the institutions, I am convinced that we have to stop the austerity agenda from London.

I will finish with this: the message surely has to go to Mr Osborne and his colleagues that they need to invest, that this is a special case, that we have suffered terribly over many years of darkness in this part of the world, that they need to accept that if we want to grow the economy, if they want to see a fair and prosperous society here, they have to invest. That means more expenditure on public services and cannot mean additional cutbacks.

We started with talking about the wasteland politics of the Tory Government. The Minister went over to see the Chief Secretary of the Treasury during the week; she came out with the message that there is no more money there. It is my belief that we need to go back, and we need to fly that flag for all our people again to insist on the investment that we need. If they refuse this week, we will go back next week much stronger, and we will go back united. That has to be the aim of all of us: that we unite around our insistence that we need to invest to grow our economy and to protect our people in the time ahead. None of us will shirk from that obligation.

If we do not do that and if the Tories have their way, I am convinced that the wasteland that they will create here will be more awful than anything that TS Eliot could ever have imagined. Our job is clear. In my view, we need to unite in the time ahead. We need to have a common platform with which to go to London, and we have to insist that they have to find a way to enable us to grow the economy, build our society and build a shared and prosperous future.

**Mr Buchanan:** I support the Minister and the Bill. Most of my remarks will focus on the Department for Employment and Learning, the Committee of which I am Deputy Chair. I heard a number of Sinn Féin Members speak today, and they said that their support for the Bill is conditional, yet none of them has spelt out exactly what they mean by that. What exactly does it mean when they say support for the Bill "is conditional"? Not one of them has spelt out what they actually mean by that statement, but it is not surprising that they make such a statement and then hide behind it.

All Departments must realise that difficult decisions have to be taken but that those decisions should be taken in a way that protects front-line services. It is utterly despicable that Sinn Féin and their shadows in the SDLP are holding our country to ransom by their stubborn resistance and failure to implement welfare reform.

That failure is costing our country dearly and will mean changes being put in place that will undo years upon years of good work in the FE and HE sectors. I am absolutely appalled that we have two parties that are playing with the lives of our future generations and keeping up the facade that they are looking after the needs of the most vulnerable in this country. That is only a smokescreen, because, given the way they are carrying on, the most vulnerable in our society will become worse off. We are really plunging this country into a deep hole.

Sinn Féin and the SDLP are, in effect, flushing £2 million down the drains of Northern Ireland per week. That money could be used to solve budgetary problems and ensure that we were not here today lamenting the future of DEL and other Departments. One of the worst things surrounding this budgetary uncertainty is just that: the uncertainty. It is a logistical nightmare to plan for the future when there is no clarity on budgetary restraints. How are finance departments in FE colleges and HE institutions supposed to plan ahead? Uncertainty hangs over us all like a black cloud looming, and we are never sure when a downpour will occur. It is nigh on impossible to plan for future places and courses if there is such uncertainty regarding budgets.

It is completely irresponsible for the Sinn Féin and SDLP MLAs in the Chamber to continue to stick their heads

in the sand rather than hold up their hands, admit that they are wrong and are going in the wrong direction, and honour their commitments in the Stormont House Agreement. I heard Michaela Boyle say in her speech that poverty levels are spiralling out of control. Where does she think they are going to go to if Sinn Féin continues to fail to sign up to welfare reform and we continue to lose £2 million a week?

In my constituency, the South West College campus in Omagh is already facing a detrimental impact in the full-time HE sector. South West College is a grade one college of excellence. To achieve that status, it provided a service to students for a maximum number of hours per annum, in addition to its virtual learning environment. That provision is in place to combat rural isolation in the west of the Province. At present, it will remain, but if there are future cuts in funding, or no allowance for inflation, the standard of our education could be brought down. It is shameful that the growth in the number of degree courses in the HE sector being offered to local students so that they can study for degrees at home will be threatened again by the failure of some parties in the Chamber to sign up to welfare reform.

The potential implications are alarming. In dealing with the pressures on the DEL budget, the Minister provided details of the £33.2 million reductions to the Committee. These reductions are made up of £18 million from 2014-15 and £3.5 million of efficiency savings from the employment services. One of the issues that causes concern was the impact that this would have on student places in universities and colleges and the knock-on effect for our economy. With our universities and FE colleges having to absorb most of the remaining £30.1 million pressure on the DEL budget, there has been uncertainty on how they will manage that whilst seeking to maximise core teaching and research provision.

With all the additional budgetary restraints leaving DEL's opening budget at £48.3 million, we are already witnessing widespread implications, with Queen's and the Ulster University cutting student places and imposing associated job losses. This comes at a time when the Minister has warned that standing still is not an option. For the future of Northern Ireland as a growing economy, we need an increase in places rather than the reduction in jobs and places we are witnessing.

However, it is of some relief that the universities have committed to protecting the narrow STEM subjects, which play a pivotal role in our economy. Yet, while DEL is trying to protect STEM subjects, adverse STEM cuts by the Department of Education are having an impact on STEM in schools. That will have a knock-on effect on our universities and FE colleges, undoing all the good work that has been built up in the area over the years. An example of this is Sentinus, an organisation that provides core STEM programmes to schools throughout Northern Ireland and makes a huge difference to the choices that young people make on STEM subjects. This year, its budget is being reduced by the Education Minister, and, rather than developing more programmes for the incoming year, Sentinus has to look at other ways to try to piece together the money that it has lost to maintain its programme that is already in place.



**6.30 pm**

Is this short-term thinking really for the good of the young people in Northern Ireland? Where is the political outlook from Sinn Féin and the SDLP towards a sustainable economic future in Northern Ireland? Continually stalling on welfare reform will not only affect the most vulnerable but will be detrimental to the future of our people and to economic stability and growth in Northern Ireland. The proposed shortfall in places at colleges and universities will no doubt create a demand for more vocational skills and apprenticeship programmes, for which the Minister, at this time, cannot give a commitment on providing extra funding. Of course, this will create a further skills gap.

While we do welcome the fact that education support for people with a disability and the disability employment support programme are protected from any funding cuts, it is nevertheless disappointing that other Departments such as DRD have cut their front-line services to community transport. In my constituency, Easilink, which is the largest community transport network, is again facing reductions, and the most vulnerable are not being able to access their specialist courses because of the lack of transport. It is impossible for their families to meet that transport need. What is the point of one Department saving places for disabled members of the community who then have no access to their place of learning because another Department has stepped in and made those cuts? There is a real need for a joined-up approach among all the Departments rather than piecemeal hacking at budgets without due care and consideration for the long-term effects.

I appeal to all Departments today: all Departments have to live within their budget, and they all have to look at cuts that have to be made while protecting the front-line services, and therefore it is vital that all Departments work together, one with the other, to ensure that they are working in harmony and that these types of front-line services are not affected. We heard other people say today that the Education Minister is cutting the front-line services in early years. Those are services that will have an impact on the future. We see it in some of the other Departments, and, therefore, there is that need for the Departments to work more closely together.

I have to say, as I draw my remarks to a close, that the sooner Sinn Féin and the SDLP honour their commitment to sign up to welfare reform as agreed in the Stormont House Agreement, the better it will be for the people, the communities and everyone here in Northern Ireland. I make no apology for saying this over and over again because it seems that Sinn Féin do not actually get that there is no more money and that, therefore, we have to live with what we have. If they continue on the way that they are going, with a loss of £2 million a week, it will be no time until we are standing here and the Departments will be saying, "We have no money left to do any work in our Departments throughout the regions of Northern Ireland". I support the Minister and the Bill.

**Dr Farry:** For the record, Mr Speaker, I am speaking from the Back Benches as an ordinary Member, although it is a pleasure to follow Mr Buchanan, the Deputy Chair of the Committee for Employment and Learning. Although I am not speaking as Minister, I may very indirectly refer to some of the comments made by him and also by Pat Ramsey and, earlier on, Alasdair McDonnell that affect those particular issues.

The proposition before us today is a very simple one. It is about keeping the flow of money in Northern Ireland going while we create the space to resolve the deep political and financial issues that we face. In itself, the Bill does not resolve those, but it does create that time. However, that time will be short. The longer we leave the resolution of those issues, the more difficult it is going to be to find a solution and to manage that solution, bearing in mind that a lot of the pressures that are built up in the system are in-year pressures and are not pressures that we have the luxury of planning around over a longer period of time.

When I intervened on Mr Ross earlier, I made the point that, yes, it is normal for Governments to try to find innovative solutions to problems that are faced, to do things more efficiently and to progress a programme of public-sector reform, but it is interesting to note that, as deep and challenging as the cuts have been in Whitehall over the past number of years, those have been phased over a period of four or five years. What we are doing, have done over the past year and will potentially have to do this year — indeed, there may well be more to come — is of a much greater magnitude and over a shorter period of time than has been the case in Whitehall. That brings its own particular challenges to us.

There are also a number of what are, in essence, to a certain extent, red herrings in the process, and a lot of talk about what is happening in Westminster about wider debates and other things that are coming down the line. That is not to diminish the importance of all of those, but the nature, balance and essential outcome of those do not take away from our central requirement and responsibility as an Executive and an Assembly to have a balanced Budget in place for this year, which we do not currently have.

Let me just turn to those ever so briefly. It is right for us to be critical of the approach that the UK Government, particularly the new UK Government, are taking towards welfare reform and public spending. Indeed, a number of political parties were very clear in opposing what was happening on welfare reform in the appropriate place, which is the Westminster Parliament. Indeed, all political parties, with different degrees of emphasis and in their own different ways, have expressed concerns at the rate at which the UK Government are trying to address the UK deficit. I think most of us take the view that there are differences on a regional basis within the UK and that what may well be in the interests of the south-east of England, and London, indeed, is not in the interests of other parts of the UK. That is a legitimate point to make.

There is also a wider point to make about the best way of trying to address a deficit. Is it through making targeted investments in economic drivers and overcoming those deficits through increased growth, or is it through balancing the books? That has been the subject of an ongoing debate and, indeed, there has been a lot of comment from international organisations over the approach that has been adopted by the UK Government, some of it positive and some of it negative.

The point I will make is that it is right for us — and this is where I concede that other parties have made a valid point — to make common cause with others in these islands to make representations around what is happening in the future of welfare and the future of public spending. However, I diverge from that point on a very important aspect. Our credibility would be so much more enhanced

if we actually manage to balance our books, because all of those issues — notwithstanding the issue of the £38 million passed on in-year — are down the line for future years. We have an urgent requirement in-year to ensure that we have a balanced Budget and, with respect to the £38 million itself, which is an in-year pressure that has arisen from underspends being collected around Whitehall Departments, we have the option of deferring that until next year. Whether that is the right thing to do or the wrong thing to do is an entirely separate issue, but we still have the right as a devolved region to have that particular pressure deferred and accounted for at a different point.

In essence, if we are to make common cause and say that there are differences in the pattern of economic activity, the nature of population and the dependency on the public sector in different parts of these islands, then we should make common cause, but do it from a position of maturity and responsibility. Frankly, if we go into those discussions without having a balanced Budget in place for this year, our credibility will be so much more diminished. I urge Sinn Féin in particular, which is making that argument, to explain to us why we cannot enter that process while at the same time balancing the books in Northern Ireland, and why we have to insist on wrecking our society in Northern Ireland over the coming months in order to make some sort of political point, which, in truth, will actually be a fairly futile gesture.

It should also be noted that our colleagues in Scotland and Wales have balanced Budgets for this current financial year. When we hear this eulogy for the Scottish National Party, the “in” party of the moment, having overtaken Syriza in Greece — we all know how well it is performing at present — we need to put in context that even the SNP has a balanced Budget, notwithstanding its attempts to stand up to the Tories.

The second point that we need to make about the wider context, which is probably even more challenging for both the SDLP and Sinn Féin, and potentially the Green Party, is about the implications of what we are currently doing to the Good Friday Agreement settlement. First, we seem to be turning the principle of consent on its head. The principle of consent is that we recognise the right of the people of Northern Ireland to determine their own future and that our position remains in the UK until or unless the people of Northern Ireland decide otherwise. There is no fine print that says, “Subject to there being a Government in the UK that is not dominated by the Conservative Party.” It is in all circumstances. The UK population as a whole has elected a Conservative Government, albeit on a flawed electoral system. That is the legitimate outcome of the rules as they stand. We in this House may not like that particular outcome — I certainly do not like it — but, nonetheless, that is the outcome of the election.

**Mrs Foster:** Will the Member give way?

**Dr Farry:** Yes.

**Mrs Foster:** I recognise what the Member has said about the current Conservative Government and I do recognise that, I think, around 36% of people in the United Kingdom voted for that Government, but does he acknowledge that, given the comments that were made by the shadow Secretary of State for Northern Ireland, the current welfare position that we find ourselves in would not change fundamentally even if there were a Labour Administration?

**Dr Farry:** Indeed; that is very much the case. I want to make the point as well that, even in some sort of different scenario where there were actually a united Ireland and the northern part of the island had some degree of devolution, it would still be in the context of having to balance the books and we would be subject to transfer payments coming from a national Government. We know that, in the context of what has been happening in Ireland over the past number of years, they have had their own issues with regard to how they would address balancing the Budget. Indeed, parties may well have their own views as to the rights and wrongs of the precise approach that was taken in that regard, but nonetheless that selfsame challenge was there. Frankly, it was there on an even bigger scale in relative proportional terms than has been the case facing the UK Government.

We do not have the luxury of opting out of these big decisions that are taken by national Governments because we are a regional Assembly. If people want to make the case for Northern Ireland going it alone, they can, but bear in mind that the Good Friday Agreement does not make provision for an independent Northern Ireland. The choices are binary: either Northern Ireland is part of the UK or it is part of a united Ireland, albeit with the provision of some degree of autonomy within the context of a united Ireland. Those are the choices that face us. Whatever choice is made, we would be in the situation where we are a devolved Assembly that is dependent on a transfer payment from a national Government — one in London or one in Dublin. That is the fundamental reality and will be the reality for the best part of 10 or 20 years in the best-case scenario while we actually balance our Budgets and create a situation where we have a self-sustaining economy in terms of the level of tax receipts that we have compared with the level of public spending that is required.

In essence, when we hear, from Sinn Féin in particular, comments that the UK Government have no legitimacy in doing what they are doing, they are wrong; not just wrong in a general sense, but actually undermining the principle of consent, which is an integral part of the Good Friday Agreement. We have accepted, for now, subject to the views of the people of Northern Ireland, that we are part of the UK framework, warts and all. That does not mean that we do not challenge what is happening under UK Government policy, in common with Scotland and Wales, but we have to accept, nonetheless, that we are part of a national framework. By implication, if Sinn Féin wants to move away from that and say that they are not prepared to be the people who administer Conservative rule in Northern Ireland, by implication they are saying that they are not prepared to accept the outworkings of the principle of consent. A very big statement is being made. It has not been made explicit but, if you join the dots around all of that, you see that that is the import of what they are saying.

There is a wider issue on the Good Friday Agreement, which relates to the nature of power-sharing itself. Power-sharing works only if parties are prepared to share power and responsibility. If people are determined to dig themselves into holes because of some warped reasoning or, indeed, some extreme ideology, we cannot have functional power-sharing, and Northern Ireland becomes ungovernable. If parties wish to pursue power-sharing, they have to accept that it means working in common with other parties and finding solutions to the issues.

**6.45 pm**

I would like to think that that is what we did, somewhat belatedly, with the Stormont House Agreement. However, that was nonetheless the result that we reached. When we decided basically to abandon the Stormont Castle agreement, which led to the Stormont House Agreement, we set ourselves on a pathway on which power-sharing is being called very seriously into question. To be very clear: if we do not proceed over the coming week or so to pass a Budget, and if we do not follow that up with agreeing a monitoring round that puts in place the balancing of our Budget this year on the back of agreement to continue to deliver the Stormont House Agreement and welfare reform, we are putting these institutions in jeopardy. That means that not only are we abandoning, first and foremost, major planks of the Good Friday Agreement and what some people have fought long and hard for over the past 20 years but we are abandoning devolution and the buffer that it provides by giving some protection against the full force of Conservative Government cuts.

While our options are restricted because we are dependent for our block grant and welfare payments on a transfer payment from the UK Treasury, devolution allows us to put in place different spending profiles and policy innovations. When I hear the deputy First Minister say that we are reduced simply to being the administrators of Tory rule in Northern Ireland, I think that he does not only himself but certainly all the rest of us a huge disservice by not recognising our ability to have policy innovations and to do things differently in line with the particular interests and circumstances we find in Northern Ireland, as well as our ability to spend our money differently.

Amongst the five parties, we have negotiated a different approach to welfare reform. We have put in place flexibilities and modifications that, out of our own resources, will give some protection. All that, of course, comes at an opportunity cost for other investments and schemes that we could put that money into to grow our economy and protect the vulnerable. Those are the choices that we can make, and I thought that we had come to some agreement that that was the route that we were going to go down.

That leads me neatly to make a further point that I think needs to be emphasised. We hear a lot that the approach that we are taking is all about protecting the vulnerable and that we are not going to be party to a process in which the vulnerable in Northern Ireland are hurt. Let me be very clear about this, particularly for the three parties that are responsible for the current phase of our political chaos: Sinn Féin, the SDLP and the Green Party. Their actions are directly hurting the vulnerable, because the fact that we are paying out welfare penalties, are potentially not implementing the Stormont House Agreement, thereby ratcheting up the in-year pressures that we are finding, and have a Budget crisis that will go further and further into the year and is restricting Departments' ability to respond to any in-year pressures in a coherent manner, will all pile more and more pressure on the most vulnerable.

There is more than one way that we can help the vulnerable. It is not purely about transfer payments and the welfare benefits that are paid, important as they may be; it is about what we do to invest in creating opportunities for people and providing them with the ladder to emerge from dependency on welfare. Surely no one in the House wants

a situation in which people are dependent on welfare for their entire lifetime.

We know the evidence; this is all sound public policy on the type of interventions that are important to give assistance to people. Those are early years education, which my colleague Judith Cochrane outlined, and public health interventions, because we know about the impact of poverty on public health for one generation after another. It is also about what we do about training, education and employment opportunities to give people the ability and skills to find and sustain a job, as opposed to being dependent on welfare. All those are areas that are now either being cut, are in serious jeopardy of being cut or, indeed, are in jeopardy of being cut ever further because we do not have a balanced Budget. All will go straight to the heart of undermining people's ability to move on.

From Alasdair McDonnell and Pat Ramsey in particular, we heard a lot of rhetoric about the importance of investing in third-level education: in apprenticeships, colleges and universities. I appreciate very much their sentiments, but their actions are seriously undermining our ability to invest in the future of our people and our economy. There is no point whatsoever talking out one side of your mouth about the importance of the economy and how you want the economy in Northern Ireland to be transformed, while your actions on the Budget and welfare are plunging us into an ever-deeper crisis in which the key economic levers are being cut.

When we cut university places, some people have to leave Northern Ireland and access higher education elsewhere. They may not come back to our economy or, if they do, they will come back laden with further debt because of higher tuition fees. Others may not access higher education at all. When places are restricted locally, those from more deprived backgrounds are more likely to miss out. All the evidence shows that that is the case. Those people, of course, would flourish if they got to university, but they will be denied that opportunity. I hope that people are clear about that and have on their conscience that, as a result of the cuts that are going through and the cuts that have been announced so far this year by Queen's and Ulster University, people will be denied opportunities to build a life and career in Northern Ireland. That is a real, tangible impact on those who are vulnerable.

The same applies to further education and apprenticeships. Let me be clear, however, that I am not cutting apprenticeship places and opportunities. That money is ring-fenced, given that they are so critical to transforming our economy. Apprenticeships are such an important and productive intervention, also in line with all the evidence, that we are not seeking to cut them.

There was talk about how all this welfare stuff is terrible and how we cannot do it because there are no job opportunities for people to access. Frankly, our ability to create jobs is being undermined by the approach that is being taken. My Department's ability to invest in people's skills and in employment programmes is being undermined. Those are the means by which we give people the ability to access jobs.

At the same time, the ability of Invest Northern Ireland to go out to the rest of the world to attract jobs and create job opportunities here in Northern Ireland is being constrained. Beyond that, our credibility as an investment

location is taking a hit due to the fact that we are unable to secure and sustain a Budget. Frankly, no right-minded business will be looking at Greece in the current climate, and Northern Ireland is not that far behind. We know already that investment trips to Northern Ireland are, at best, being postponed and, at worst, being lost due to the fact that we do not have a secure financial framework in place. Those are the very real costs that we are experiencing on the back of this impasse.

The best way to help someone to escape dependency on welfare is to create a job. The actions of those who are blocking welfare and taking an irresponsible view on the Budget are stopping us from creating jobs. Let us be very clear about what is happening.

There was the notion of how can we invest in economic inactivity. Yes, we have a new strategy for economic inactivity, which will help a lot of people who are in the welfare population. This is our approach to helping welfare in Northern Ireland, one that is shaped under devolution and does not exist in any other part of the UK. It is a clear advertisement of the benefit of devolution. Unless we have the resources to implement that strategy, we will not see any tangible results: there will be no proactive, non-coercive approach to assisting people out of welfare — that is another major loss.

A point was made about regional disparities in the Northern Ireland economy. That is another major cause for concern. If we are not able to resource interventions to address subregional imbalances, that situation will not change. If anything, it will get worse: an ever greater concentration of the limited investment that we do get will go into Belfast. People are being utterly counterproductive in the objectives that they are setting out and the means that they are putting in place.

I want to return to those who may be thinking of opposing this Budget. There is some ambiguity about what is happening in that regard.

From Sinn Féin, we have the position that they are supporting the Budget Bill going through, which is the right thing to do, but hinting that, in some shape or form, that support is conditional.

I think that the SDLP has articulated three different positions. Alasdair McDonnell said that he would oppose the Budget Bill at Second Stage; Pat Ramsey then said that they would not block it; and I have just done a radio interview with Mr Attwood, who said that they would not block it at Second Stage but would consider voting against it at Final Stage. If that indeed is their aspiration, I am not quite sure what will change over the course of a week. We have already agreed the Supply resolution, which identified the amount of money that we are talking about in relation to the Budget legislation, so the only changes that we are likely to see at Consideration Stage and Further Consideration Stage are the moving of money from one Department to another — that is all that we can do at this stage. Unless they are prepared to say that we should cut x amount of money from Department A and give it to Department B, there can be no change.

The logic is that you are either for the Budget process or you are against it. My party is approaching the Budget process with a certain degree of reluctance, because we know that, in and of itself, it does not resolve the issues. Nonetheless, it is the responsible thing to do at this time. At the very least,

it creates the space and opportunity for a solution. Whether we get that solution remains to be seen, but at least we have the space and the money will continue to flow. If we go down the line of blocking the Budget — if people are intent on doing that and manage to convince sufficient numbers of others — we will simply cut off the tap. We will not have any authority to spend money and will end up with a situation in which the Civil Service intervenes and even more swingeing cuts will be put in place. Guess what will happen then: it will be those who are most vulnerable in society who will be hurt ever more. The logic of blocking the Budget to protect the vulnerable is utter nonsense. Blocking the Budget means hurting the vulnerable even more; absolutely nailing them to the ground.

It is worth making a comparison between how my party and the SDLP have handled the Budget. Let me be very clear: we have to distinguish between what is Budget policy and what is Supply and authorisation for Departments to spend. My party was very uneasy with the Budget. We did not think that it was sufficiently strategic and felt that there were a lot of missed opportunities. We voted against the Budget at the Executive, and my colleagues in the Assembly voted against it when the Budget resolution was discussed. At that time, there was space for a different Budget resolution to be passed by the Executive. Therefore, that was a responsible response by my colleagues, because there was time to do something different with Budget policy. However, once the Assembly, on a democratic basis, adopts the Budget resolution, we move into a different phase — Budget policy is agreed. The issue then becomes the authorisation of Supply and the granting of the legal authority for Departments to spend that money. That is where we stand today. We are not discussing the grand policy issues of the Budget. Those discussions have happened and the issue has been fought. We fought. We did not win the vote. We will argue that we at least won the argument, although others may choose to differ in that perspective. Nonetheless, we have a duty to proceed in that regard. If people are thinking of voting against the Budget Bill, they are voting for financial chaos. They are not making any productive proposal for an alternative. All that they are doing is punishing the people of Northern Ireland; the people whom we are all here to represent.

If people think that the SDLP is taking some sort of principled stand, let me say that, before the Budget was struck at the Executive, the SDLP Minister came up to me and said, "Um, what are you guys doing in terms of the Budget when it comes to the Executive?". There was not even a clear stance from the party as to what they would do when the Budget came before the Executive. We had a clear view of the approach that we were taking, and that was based on a rational discussion and view of the issue. The SDLP did not. So what is now coming across as some sort of principled opposition was not that principled when the Minister from the SDLP had to get guidance on what others were doing before he could form a view in his own right as to the approach that was going to be taken. That exposes some of the thinking that has been going on behind the scenes in that regard.

#### 7.00 pm

Alasdair McDonnell also made the point that he wanted some sort of engagement across all the political parties to resolve the issue. I, for one, am getting a little bit frustrated by the ongoing rhetoric of, "We want to be mature and



responsible and to engage in dialogue". We have been doing that for the best part of three years on these issues, and it is now time to face up to our responsibilities and to do what is required to balance the books without compromising the ability to negotiate further and make wider points.

The Stormont House Agreement was a five-party agreement, lest anyone is under any illusion that it was something different. There has been a lot of revisionism going on in that regard. In particular, the Stormont Castle agreement was a five-party agreement, with a set of numbers agreed by all five parties. It was not an agreement in principle, nor was it an agreement to come back and look at the numbers down the line at some stage. It was a firm agreement on those numbers.

We have also had, in principle, the potential to have some sort of wider discussion among the parties on how we further the process of rebalancing our economy and planning for the future. Again, that was something that the SDLP talked about in very general terms, and it fell to others behind closed doors with the UK Government to put some meat on the bones of that proposal. There was a proposal for a prosperity panel that could engage international expertise, build on our existing economic strategy and economic pact, see how we might plan ahead around some of the different changes happening around devolution and plan around the potential for a lower level of corporation tax.

The SDLP's point, albeit a weak one, was listened to, and it was turned into something that was a reality. However, at the same time that that proposal was being respected and turned into some sort of coherent reality, the SDLP was off behind closed doors putting down a petition of concern to block the Welfare Reform Bill. That act was a retreat from the negotiations. A party that says that it is always happy to talk walked away from the table and blocked welfare, further spiralling us over the cliff. I hope that that party will reflect in particular on its actions and to where they have led us today.

In closing, let me be very clear: the only route out of this situation is for us to pass the Budget (No. 2) Bill over the coming days and then to move very quickly to committing to the delivery of the Stormont House Agreement and to accepting that we need to proceed with welfare reform with the local modalities that have been adopted. We then need to put in place a June monitoring round to ensure that we have sustainable finances over the course of this year. Let us be very clear: that will contain some pain. Then, we go with our Scottish and Welsh counterparts and others to argue the case from a position of strength, maturity and responsibility for a better resolution of welfare reform, and what that means for further cuts in Northern Ireland, and public spending, making the point about Northern Ireland's particular circumstances.

If we want to do that without putting in place the building blocks, we will be laughed out of court. We know what happened last time when we went to the UK Government with half-baked proposals. How we were laughed out of court back then. Let us learn the lessons and get it right this time.

**Mrs McKevitt:** I welcome the opportunity to speak on the Second Stage of the Budget (No. 2) Bill. The current Budget proposes that an overall amount of just over £45

million be allocated to DCAL to allow it to deliver economic growth and enhance the quality of life in Northern Ireland by unlocking the full potential of the culture, arts and leisure sectors. It is unfortunate, then, that current provisions will not be sufficient to support the Department adequately in the achievement of its aims. Instead, current provisions represent an ongoing decline in arts funding and a serious restriction of the sector's ability to grow and develop.

In 2011, the Assembly recognised that the future of a modern Northern Ireland rested with the development of our creative and artistic industries and that their expansion would naturally bring about a boost in jobs for the region. In the past five years, Northern Ireland has seen tremendous success in attracting investment and jobs in the creative industries, securing major blockbusters such as 'Dracula Untold' and renewed television contracts such as the fantasy series 'Game of Thrones'. The former brought an estimated £13.4 million return to the local economy and the latter has brought about a 65% boost to tourism in County Antrim, over £82 million in direct economic benefit and over 900 full-time jobs. If ever there was an industry in Northern Ireland that needed support and nurturing, it is our booming screen industry. I was, therefore, dismayed to see in the Main Estimates that the net total for Northern Ireland Screen has fallen to £1.38 million, which represents a continued decline in resources for the third year running. I am dismayed because the budget for the Department of Culture, Arts and Leisure is already one of the smallest in Northern Ireland, and yet it continues to be hammered by cuts. Current budget cuts aim at trimming the fat of a Department that had very little fat to begin with. The cuts seriously impede the functions of programmes and arm's-length bodies.

In particular, I worry about funding in regard to the Armagh Planetarium and Armagh Observatory, which have continued to suffer cuts under current proposals. In last week's Main Estimates, I noted that, much like Northern Ireland Screen, their overall resource allocations have declined for the third year running. The planetarium and observatory continue as part of an international network of data-gatherers, carrying out significant, long-term scientific research into monitoring the effects of global warming. I fear that current cuts will seriously impede their ability to function in that regard. The end of decades-long research would be a tragic blow to the Northern Ireland scientific community.

It would be wrong of me to focus only on the negatives of the current proposals, and to do so entirely is not constructive. As such, I recognise and welcome the protection of Northern Ireland libraries. The SDLP and I campaigned vigorously on behalf of local libraries, and we welcome the fact that they are not being devastated by cuts. The current approach of a 7.5% reduction, instead of a broad 11.2% reduction, will mean that library closures will be reduced. Libraries still represent the social and educational hub for our communities, including many rural communities, and I am glad to see that they are being assisted.

I recognise that all Departments are feeling the squeeze in regards their budget and as a consequence of current difficulties on welfare reform. However, the fully supported expansion of Northern Ireland's cultural and artistic sectors represents a real opportunity to bring about economic prosperity. The current proposals do not represent the best possible way to achieve that measure of opportunity.



Mr Speaker, I gave you a commitment that I would not speak for any longer than three minutes to allow for a break in this long Assembly session this evening. Thank you for allowing me the time to speak.

**Mr Speaker:** As there are still a number of Members on the list waiting to contribute to the debate, and some Members and the Minister have already been in the Chamber for some time, I propose, by leave of the House, to suspend the sitting for 10 minutes. The first Member to speak when we resume will be Mr Stephen Moutray. We will resume at 7.20 pm.

*The sitting was suspended at 7.08 pm and resumed at 7.21 pm.*

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

**Mr Moutray:** The Assembly, in the form of the Stormont House Agreement, had a chance to make history and a chance to do what is right by the electorate and not subject it to the types of front-line cuts that it is currently suffering and will suffer as a result of dishonourable politics on the part of a party that knew exactly what it was signing up to in the Stormont House Agreement. Sinn Féin, backed by the SDLP, has, on this occasion, managed to plunge its electorate into what could be the darkest financial crisis that this country will witness, causing people to end up, without question, on the breadline. That is how stark it is.

I believe that it is important, at this juncture, to take stock of the most recent Westminster and council election results, particularly the results experienced by Sinn Féin. Even in my constituency, we can see very clearly that Sinn Féin is starting to haemorrhage support because of its backward-looking tactics. I say to it today: listen to your electorate. It is sick, sore and tired of your disgraceful politics and your attempts to break this country financially. You need to get real and recognise that your actions are causing financial hardship. Your wrecking-ball tactics for Northern Ireland will leave people vulnerable and financially worse off. As a result of your tactics, we will have less money for health, education, childcare, job creation and the lowering of corporation tax — all issues that you and I are elected to take decisions on. Three years of wrangling has resulted in a financial precipice for the Assembly and for the electorate.

From an OFMDFM perspective, we only have to think of the dire effect on T:BUC. Together: Building a United Community was aimed at building a prosperous, peaceful and safe society that is focused on diversity and is welcoming to all, with a focus also on our children and young people. I think of Upper Bann and the fact that a promised new build for the Southern Regional College at Craigavon via T:BUC may be in jeopardy because of the financial situation. That would deny the young people a facility that would create a more united and shared society and an environment and facility where young and older can continue with lifelong learning and obtain skills and qualifications suitable to their capability and to the needs of the businesses locally. It was also planning to focus on post-19 provision and the need that exists around that.

Many of the capital spends were committed, and the outlook is stark without the agreement of this Budget and the honouring of the Stormont House Agreement. If funding is not to be provided, lead Departments may be unable to meet contractual agreements on the

implementation of programmes. The projects therefore cannot proceed beyond preparation of the economic appraisal until capital funding is allocated. So, with the T:BUC commitments hanging in the balance, the work that the Assembly has done to grow the economy, tackle disadvantage and build a shared, inclusive and sustainable community could be a distant pipe dream.

We have only to think of the Delivering Social Change (DSC) fund. Funding of £400,000 is required to fulfil the commitment to co-fund the DSC/Atlantic Philanthropies signature project announced last year: a programme that will attract in excess of £58 million, with some £24 million from Atlantic Philanthropies, £11 million from Departments and £22 million from the Delivering Social Change fund. If it is not funded, OFMDFM will not have honoured their commitment to Atlantic Philanthropies, and they may withdraw funding, impacting on the signature programmes. Lead Departments may be unable to meet contractual commitments associated with the implementation of the programmes. Atlantic Philanthropies have already withheld £400,000 of funding until the bid is met by the Northern Ireland Executive, putting further pressure on the Health budget.

There will also be an impact on the planned services for people with dementia, their families and carers; early intervention services for young people in need of support, with the establishment of 10 family support hubs and the roll-out of the positive parenting programme; expansion of shared education, driving improvements in educational standards with the numeracy and literacy commitments and programme; and the nurture units. I come from the Craigavon area, where we experience high levels of deprivation. Without agreement, those initiatives cannot and will not proceed, and people will be plunged into further deprivation and hardship, with no hope of breaking the trend.

There will also be an impact on the historical abuse inquiry if no agreement is reached. It has done work in my constituency and is aimed at examining whether there were systemic failings by the state or institutions towards children under 18 in care between 1922 and 1995. We are all aware that the inquiry has been extended, with a report expected in January 2017. We believe that the cost of the report will be just under £18 million, with some vital work done and harrowing stories uncovered. If there is no money to complete the process, we will see the victims further traumatised and feeling let down by a Government that pledged to help. That is a harsh reality that lies at the feet of those who are not man enough to honour an agreement.

We are aware of the budgetary requirements for moving on the community-led social investment fund project. We all know the impact for good that the social investment fund can and will have on society. However, it is vital to ensure that work on the ground is not hampered by the grinding to a halt of the Government's financial wheels. The Budget for 2015-16 sets an allocation of £11 million resource and £15 million capital for the social investment fund. That is required.

Childcare is an issue that goes to the heart of our constituents. I listen day and daily to complaints from families about the cost of childcare and the difficulties in obtaining it. We, as a Government, must step up to the mark. Clearly, the Budget for 2011-15 did that, with over £12 million allocated. The 2015-16 Budget seeks to allocate £3 million, which will go to much-needed childcare and will allow for schemes such as Bright Start.

Without childcare, our working population may not be able to continue furthering their careers and there will be no chance of using childcare as a catalyst to get people back to work and out of the benefits trap in some of the most disadvantaged areas.

All of those OFMDFM initiatives work towards the Executive's Programme for Government and the need to economically and socially enhance and improve the Northern Ireland economy. A £600 million gap exists. It is time for some politicians to get real, swallow their pride and think about the people they represent. If the Budget does not complete its legislative passage by the end of July, a senior civil servant may take over the control of Stormont's purse strings. It is a move that could trigger the collapse of this institution, stripping us all of a chance to make a real difference to our constituents.

This Budget is based on the Stormont House deal being implemented. Welfare reform has to happen to make the Budget balance. On that basis, I commend the Budget to the House and ask that common sense prevail. I support the Minister.

### 7.30 pm

**Mrs Dobson:** I welcome the opportunity to speak on the Budget Bill, and I wish the Minister well in her relatively new role as she tries to get her public finances back under some modicum of control.

Much has been said about the precarious state of our public finances. The Health Minister would probably use a word such as "challenging" to describe the situation in our hospitals, but, from the patients' perspective, it is certainly a lot worse than that. The word "crisis" is used maybe too often in politics in Northern Ireland, especially considering that far too many so-called emergencies are often artificially created, but, in this circumstance, the word is more than pertinent. The spiralling waiting times not only in non-elective surgeries but in key services such as cancer diagnostics and treatments are indicative, and, as every month passes, the situation worsens.

I was working through constituency cases last night and wrote to the Health Minister on behalf of a mother of three children who is waiting for a hip operation. In an emotional letter, she wrote to me about the agonising pain. She told me that, with each step, she can hear the bones in her knee grinding and grating against each other. Her GP cannot prescribe her any more painkillers, as she is already taking the maximum dose. She is the carer of her son and waiting in pain is having an impact on her entire family. She fears that it may be a year before she can get her hip replaced, when, a few years ago, it was a five-month wait. That is just one example of the human impact of budgets failing. I am sure that all Members in the House could recount similar stories. We are sent here to represent those constituents and do our very best for them. Members, the situation is worsening, especially in health. As a leaked document from the Health and Social Care Board recently revealed, increasing waiting times for assessment may result in a delayed diagnosis of a serious or life-threatening condition, with the reduced likelihood of a successful outcome. Those are the words of the board, not mine.

It is shameful that people's lives are now being put at risk simply because of budgets being bungled. There can be

no bigger failure of a Health Minister than one who sits idly by for three years knowing full well that the numbers simply do not add up and then only speaking out after it is too late to do anything meaningful about it. That, however, is exactly what happened last summer when the then Minister finally decided to break ranks.

I know that the Budget Bill relates to the remainder of this financial year, but it is important that we do not forget its context. Even before the 2014-15 year, the Health Department ended with a £13 million deficit in 2013-14, despite receiving a further £100 million in monitoring rounds that year. Of course, we all remember that that was an outcome that the current Health Minister, in his previous role as Finance and Personnel Minister, blasted as poor budget management and said that it was hugely disappointing. I wonder whether the new Health Minister will be as keen to accept criticism this year as he was to give it out last year. On that point, I ask the Finance Minister to provide an update to the House on the additional scrutiny of our health expenditure that has recently been introduced. I ask that because I have very strong concerns as to whether this year's Budget will add up either.

Whilst the final 2015-16 settlement included an additional allocation of over £150 million, that was entirely offset by £220 million of pressures being carried forward from 2014-15. In fact, the Health Department is forecasting that its pressures for this year will increase to £317 million, up again from £305 million last year. The Health Department also believes that it has identified saving opportunities and cost reductions of £164 million. Of that, the vast majority — £113 million — will come in the form of cash-releasing efficiencies and productivity gains in trusts.

Considering that Transforming Your Care is still little more than a document in many aspects of the health service, I suspect that some of the savings from the trusts will be attainable. That means that the current £30 million to £40 million funding black hole that officials recently warned the Health Committee about will, quite possibly, be much higher at year end. Given the ridiculous state of our finances, we cannot even consider the Bill in the broader context of June monitoring. The Finance Minister will know that her colleague the Health Minister is bidding for £89 million of additional resources, despite being well aware that it is likely that only a small fraction of that will become available.

In the absence of any new approaches, Transforming Your Care is stalling. A £30 million to £40 million black hole already exists, hundreds of millions of pounds of pressures were carried over from last year and savings that are, quite possibly, undeliverable, are expected from our trusts. I simply cannot see how the health service will get through this year without a major and detrimental impact on the quality of care that patients receive.

Standing here today, I do not see the leadership required to get our health service through its current problems. Having visited hospitals, I can clearly see that staff in all departments, while working to their limits, are totally demoralised. What were previously considered unacceptably dangerous delays are becoming the norm, and, even still, the work of organisations such as the Northern Ireland Fire and Rescue Service is, bizarrely, not even considered front line, a statement that I understand was attributed to the current Health Minister when he was Finance Minister.

Despite the very obvious deterioration in primary and secondary care, the Finance Minister and the Health Minister seem to want to carry on as though it were business as usual. If their attitudes were not so devastating, they would be derisible.

I fully agree that the welfare impasse needs to be resolved, but, equally, last year's welfare penalties accounted for only £87 million of an overall £200 million black hole. Yet, in the likely event of further in-year reductions in October, I have no doubt that some fig leaf will be sought to try to cover the fact that the final 2015-16 Budget was a fundamentally flawed arrangement. The lack of transparency behind the allocations and subsequent savings plans lost whatever little trust people had in the financial accountability of this place.

The Finance Minister may think that her concocted £604 million Budget shortfall would have helped her over the line with the so-called fantasy Budget, but even she should know that it is does nothing but kick the can a little further down the road. The problem that this hypothetical can represents is that more lives are lost as key opportunities are missed, and tens of thousands more are forced to wait in excruciating pain, just like my constituent last night, as procedures are delayed and, ultimately, cancelled.

**Mr Dunne:** I, too, welcome the opportunity to speak on the Budget Bill 2015-16 as a member of the Enterprise, Trade and Investment Committee. It is very important that Northern Ireland continues to be positive about being open for business and a place that is welcoming and supportive of new businesses. We recognise the need to support Invest NI, which will continue to target inward investment, promote domestic growth, provide trade support and support private sector investment in research and development.

Invest Northern Ireland's strategy to grow the Northern Ireland economy depends on having a stable political environment underpinned by a strong economy supporting indigenous businesses and inward investors. It must be recognised that Invest NI has had a record year, with record-breaking job support and job creation for Northern Ireland in 2014-15. The House must pay tribute to the chief executive, Alastair Hamilton, and his excellent staff for the work that they have done in promoting Northern Ireland across the world, and to the former Enterprise, Trade and Investment Minister Arlene Foster and current Minister Jonathan Bell for their work.

Research and development must continue to be a priority as we support existing businesses to innovate and develop new products through funding streams such as the European regional development fund. We must encourage a greater drawdown of the Horizon 2020 funding, with greater collaboration and support from our universities.

Last Friday, a number of us saw a prime example of a successful research and development project at Bombardier with the first visit to the UK of the CSeries aircraft. That is a modern aircraft with composite wings, designed and built in Northern Ireland with the support of Invest NI, the European regional development fund and framework programme 7. That is a very real success story, and it shows how Northern Ireland can, with the right support, lead the way in engineering and manufacturing in the 21st century.

As Northern Ireland continues to attract new business, more new skills are required, especially within the IT and software engineering sectors. During a recent ETI Committee evidence session, many organisations and businesses were concerned about the need to develop the STEM subjects from primary school right through to university. There was also a desire for more to be done through more targeted career advice to encourage young people to take careers in engineering, IT and manufacturing: professional careers and well-paid jobs that lead to good career prospects. There is room for greater work between DETI and DEL to support that, and there is a need to develop our telecoms and energy infrastructure.

A recent report in 'The Daily Telegraph' highlighted how successful Northern Ireland is today. The article, published last week, stated that more small firms in Northern Ireland hit the magic milestone of £1 million in revenues within their first three years in business than anywhere else in the UK. The article went on to state that Northern Ireland's 10% average for firms reaching £1 million in three years compares with 7.9% in London and 6.2% in England overall. Those figures confirm that Northern Ireland is a great place to do business and we must build on that momentum. However, we cannot be complacent: we must always seek to grow and develop our economy at every opportunity.

The long campaign to secure the devolution of tax powers was won by local politicians who listened to businesses. It is important that the business community distinguishes between those who want to make it happen and those who are shirking away, are unable to face economic realities and have no ability to think innovatively about growing our economy. The ability to vary the rate of corporation tax would only strengthen our hand as we seek to make this place more attractive for investors. There is no use in representatives from many other parties going to America, giving all the good PR and pretending to be the friends of business and then returning to Northern Ireland and supporting their parties in blocking the very progress that they claim to be champions of. They can work it both ways for a while, but eventually everyone recognises the hollow nature of their arguments.

The recent successes of MoneyConf and EnterConf, which were held in Belfast last week, should not be underestimated and are a reflection of what is being achieved and of how the global perceptions of Northern Ireland are so positive. Those are the reasons why it is essential that agreement is reached on the Budget. Politics can be left behind, as it could become a hindrance to economic progress. If we are doing well now, just think what could be achieved with agreement on corporation tax rates and a more stable political and economic environment.

The Budget rightly places long-term economic growth as its main priority along with a need to build a larger and more export driven private sector, and it rightly recognises the key issues and challenges for the future. Tourism is another growth area for Northern Ireland, and we have seen how we can host top-level international events in recent years. It is important that we keep this positive momentum going and continue to invest in this growing sector.

**Mr Attwood:** First of all, I congratulate the Minister on her appointment, because I have not had the opportunity to do so for various reasons. I acknowledge that Minister Foster is one of those Ministers who, in my view, most demonstrated that she did know the difference between being in government and being in power. That is not something that I would so generously state about all her colleagues, but I will certainly state it about her.

**7.45 pm**

As Minister Foster will know from attending meetings of parties and Governments, the Secretary of State spends quite a lot of time lauding the Alliance Party. That happened only a couple of Tuesdays ago, and it only confirmed to me that the Alliance Party has now gone back to its historical role in Northern Ireland politics, which is to be the spokesperson for the Northern Ireland Office. Time after time after time in our history, that is what the Alliance Party has been. As we can conclude from the contributions of Mrs Cochrane, Mr Dickson and Mr Farry, not only are they the spokespersons for the NIO but they are now the spokespersons for the Tory party. When you analyse what Mr Farry, Mrs Cochrane and Mr Dickson say in the Chamber on issues of the Budget and welfare, you see that the Alliance Party is as close to the Tories as it is to anybody.

Arlene Foster interrupted Mr Farry's contribution to mention what the shadow Secretary of State said in his interview in 'The Irish Times' last week. I stand to be corrected on this, but I think that it was about there being people "threatening the Stormont institutions". When I heard about that contribution, I remembered what then Prime Minister Tony Blair said to the SDLP on not one but two occasions. In quoting that, I urge people to be vigilant about what some in the Labour Party say when it comes to threatening the situation in Northern Ireland. As people know, then Prime Minister Blair said to the SDLP on two occasions:

*"the problem with you is you don't have guns."*

I am a bit cautious about relying on some analysis that emanates from the Labour Party when it comes to the politics of this place, both now and in the past.

Mr Farry, of course, got into a very muddled place, because he relies on the principle of consent that is in the Good Friday Agreement on the constitutional position of Northern Ireland and elevates that principle of consent so that, somehow, as a consequence of the Good Friday Agreement, we have to consent to every chapter and word that emanates from any British Government and any British Government Minister when it comes to policies, practice and funding in the North. I cannot understand why we entered into so many years of political discourse only for somebody to take the principle of consent, as Mr Farry did in his contribution, mangle it and move it away from the principle of consent when it comes to the constitutional position and somehow make it mean that it is an absolute, and that we have to consent to that which London requires when London insists and imposes its will on us. If I were a supporter of the Alliance Party, when it comes to the issue of consent, I would begin to worry about its politics, because, unfortunately, this Chamber has yet to consent to equal marriage. Based on Mr Farry's understanding of the issue of consent, because we do not agree, we have to not

continue the argument for marriage equality. If I were in the Alliance Party's shoes and those of its supporters tonight, I would begin to wonder what precisely its understanding of core concepts and core values is when it comes to the politics of the North and the institutions of government that we share.

He was also really quite missing the wood for the trees when he made the argument that power-sharing could be in jeopardy because of the Budget and welfare situation that we face. That does miss the wood for the trees, because the fundamental problem that we are working through at the moment is that the Good Friday Agreement is an agreement about radical middle politics.

If Northern Ireland, in all its forms, is to prosper in respect of welfare, the economy or any other matter, radical middle politics have to prosper. If there is any risk to our politics — I think that that risk is exaggerated, and I will come back to that later — it is because middle politics are in jeopardy. In my view, they are in jeopardy because the DUP wants Northern Ireland on its terms, and that is not middle politics, and it may be that there are elements in Sinn Féin, perhaps not in this Chamber, who want to prove that Northern Ireland does not work at all. That is the fundamental fault line in our politics, and all the disputes that we have, be it on the past, parades, flags, the Budget or any other significant aspect of political policy, are because there is a middle-ground agreement, now led and populated by two parties, one of which wants Northern Ireland on its own terms, which, too often, are the terms of the past, and elements in Sinn Féin do not want Northern Ireland to work at all and have a project to try to prove that.

If we are to get through all the multiple problems that we have, be it flags, parades, the past or any other significant area of public policy, and if we are to have the transformative politics that a DUP Member referred to earlier, it will be by people coming back to radical middle politics, because that is the way in which we will be able to sustain and change this place in a fundamental way.

It was, frankly, a comment that was as preposterous as it was ludicrous as it was ill-judged when, somehow, Mr Farry compared Northern Ireland to Greece. He said:

*"Northern Ireland is not that far behind"*

Greece in the international understanding of what was going on.

I wonder whether the Minister has a reply to that. Does the Minister, who seemed to be generous in her praise of what Mr Farry said, believe that Northern Ireland is not far behind Greece when it comes to the politics and the issues that we face?

**Mr B McCrea:** What about you? Do you think that it is?

**Mr Attwood:** No, it certainly is not far behind Greece. We are not, unfortunately —

**Mr Deputy Speaker (Mr Dallat):** Order, please. Members have repeatedly been told not to make remarks from a sedentary position. I am sure that, if they want an intervention and they ask Mr Attwood politely, he will agree.

**Mr Attwood:** I hope that, in the fullness of time, one of the grounds on which we might differentiate ourselves from Greece will be that we will not get close to exiting the



European Union and that we will get closer to joining the euro in order to —

**Mr Allister:** Joining the euro?

**Mr Attwood:** Yes, joining the euro. If that comes in the context of the democratic reunification of our country, in which circumstances we may all be part of the euro, I think that it would be to the benefit of our businesses, our farmers, our trade and the growth of our economy.

The fundamental flaw in Mr Farry's contribution was that, somehow, the Budget and welfare are the cause of every child in poverty and every person without a job. That was the essence of Mr Farry's analysis: that, because of the current situation, we face "financial chaos" and "punishing the people". Those are all his words.

As a consequence, in my words, every child in poverty and every person without a job is a consequence of the Budget debate that we are having. What a flawed and false analysis. Go and tell people in the west of the city of Belfast or in the north-west of Northern Ireland that the circumstances that they face in respect of poverty, lack of work, or the fact that Catholic male long-term unemployment is virtually unchanged in 20 or 30 years and that Protestant male long-term unemployment is now beginning to get to the levels experienced by the Catholic male long-term unemployed people. Is that the consequence of this current Budget debate or is it the consequence of the failure of politics to do what is necessary for those who are most in need, whether they are Catholic or Protestant, unionist or nationalist or in west Belfast or the north-west? Do not tell people that somehow the consequences of this Budget debate are the reasons why children are in poverty and people are out of work. That is playing upon people's worst fears, when what is needed is responsible leadership. That is the ultimate indictment of the contribution that was made by Mr Farry in this debate. Could I also just correct him? I remember the meeting we had with our Minister in the moments, and in the hour, before the Executive meeting last November at which the draft Budget, that Mr McGuinness said was the best deal possible, was forced through. I remember the conversation we had with Minister Durkan. Any suggestion that nothing other than opposing that draft Budget was the approach taken by Minister Durkan and the party is inconsistent with that meeting and those facts.

I want, however, to try to map some way through the current difficulty we have. In this regard, I want to go back to, I think, the very first speech after the Minister's, which was from Alastair Ross. There are always moments in debates when a thoughtful contribution is made and when concepts are raised that actually deserve a response and are worth exploring further. He chided Mr McGuinness for suggesting that he was conservative in his approach to other matters. Then, he began to talk about new thinking and brave politicians. He said it with regard to the justice system and he mentioned the fact that he and the Deputy Chair of the Committee for Justice will be going to the Netherlands to look at, I presume, models of new thinking and brave politics. I thought it was an interesting contribution, because I think that new thinking and brave politics are required.

This is my question to the Minister: given that it seems to be the DUP's position that the will of London will prevail, that there is worse austerity to come, and that we will just

have to pull down the shutters and deal with it the best way we can — part of which is to accept welfare and do the Budget — then I ask the Minister to listen to the new thinking and brave politics to which her colleague Alastair Ross refers. This is where we now have to think outside the box even though we have lost multiple opportunities over the years to scope out all this.

**Mr I McCrea:** The Member referred to the new thinking that is required, as cited by my colleague, although maybe not necessarily in the same context. Can the Member give the House and indeed the people of Northern Ireland a reason as to why no thinking whatsoever, never mind new thinking, was given when the Finance Minister asked for amendments or people's views on how we could find our way out of this? No one from any of the other parties came up with any type of thinking to help the Minister out to try to overcome these difficulties.

**Mr Attwood:** I thank the Member for his question, but I think that we must be sitting in different Chambers. I remember the SDLP, the Green Party and the Ulster Unionists proposing a series of amendments at Consideration Stage and Further Consideration Stage of the Welfare Reform Bill in January and February. I remember your party signing a petition of concern — and you would probably have had to sign it, if I could recall that for you — to block all the new thinking. Before they were even debated in the Chamber, or before any of us — Steven Agnew, Dolores Kelly, me or anybody — had opened our mouths, you and your colleagues had signed a petition of concern the previous day to block them all. You asked me this: where is the new thinking? You and your party blocked all the new thinking even before a word was uttered.

8.00 pm

**Mrs Foster:** Will the Member give way?

**Mr Attwood:** Yes, I will.

**Mrs Foster:** The Member is being very mischievous, if you do not mind me saying so, because he knows full well that, when he was asked the question, it was referring to the Final Stage of the Welfare Reform Bill when proposals were put forward very clearly and the First Minister indicated that he was ready, willing and wanting to deal with any amendments that came forward that were within the financial envelope of the Stormont House Agreement, legally doable and operationally within the remit of the Department for Social Development. Those are the amendments that, as I understand it, my friend is referring to.

**Mr Attwood:** Far from me being mischievous, I think that the Minister is being selective and partial. New thinking does not always require new money. Indeed, in the circumstances that we face, a lot of new thinking might have very little money to follow it. Some of our amendments had no financial consequences, but still that new thinking was blocked by petitions of concern and votes from Sinn Féin on each and all of them. Even as a minimum, that which costs nothing or which is moderate in its cost is new thinking, never mind the broader proposals from the Greens and ourselves.

Without breaking any great confidences, because I do not think that there are any, we have gone back to those. I went back to them last week with Minister Storey to try to narrow the difference on welfare reform. It needs to be narrowed, but it needs to be narrowed around three pillars.



Those three pillars are: the best amendments that came out of the Consideration Stage and Further Consideration Stage, honourable implementation of what was agreed before and at Stormont House, and recognising, which I will outline further, that 8 July is a shadow on the Chamber and the lives of people of Northern Ireland that it is negligent to disregard. It seems to be the DUP's intent to disregard it, but I will come back to that.

I have a question for the Minister. She knows that the Irish Government are producing a capital investment plan stretching from, I think, 2016 to 2022, but I will stand corrected on that. The Minister might also be aware that, in a previous version of the capital investment plan, which was then known as the national development plan, Mark Durkan and Brian Cowen negotiated a dedicated chapter on infrastructure development in the North. The consequence of that negotiation between Mark Durkan and Brian Cowen is the road that crosses the border south of Newry and north of Dundalk and over other places. So my question is this: given that Dublin is now, for want of a better phrase, trying to reinvest in its economy and people because of the state of the national finances, is it not time to have the full conversation with it on the national development plan, or the capital investment plan? Minister, it is quite a simple point. If you insist that Mr Hands told you last week, as you advised the House, that there is no more money from London, there is an obligation to scope out all the opportunities that there are or might be for new money. If the Irish Government, in advance of the next election and of the next Irish Government, are beginning to scope out a capital investment plan, do we not learn from the past and draw conclusions from what London is saying and look innovatively and creatively at where that takes us?

I know where Peter Robinson wants to take North/South issues, because he once infamously said that, if he wants to do stuff on a North/South basis, he makes a phone call. Mark Durkan did not make a phone call; he sat down with Brian Cowen and negotiated a dedicated chapter — I think it was chapter 16 — of the national development plan back then.

**Mrs Foster:** Will the Member give way?

**Mr Attwood:** Yes.

**Mrs Foster:** This is just incredible stuff. The national development plan and the road that he is speaking about came about at a time when the finances of the Republic of Ireland were in a completely different place to where they have been over these past couple of years. Need I remind him of the A5 — and the A8, actually, as well?

So, as for all this talk about going and looking for money to the Republic of Ireland, let me assure the Member that we will be looking for our fair share, as Dr Paisley always used to say, out of Europe to make sure that we do get some money back out of Europe given the amount that the United Kingdom Government put into Europe. We will be looking for our fair share out of Europe, but that is nothing to do with this Budget that is in front of the House today.

**Mr Attwood:** To borrow a phrase, I think the Minister is bowling the ball short, because the circumstances in the South are clearly in transition from where they were even a year or two ago to where they might be over the next two or three years. At the same time, London is about to announce on 8 July the scale of the next phase of austerity, and then more of it in the autumn statement.

Irrespective of Europe — and I will come back to that in a second — is it not as obvious as the nose on your face that we should now try more and more to tie down the Dublin Government on their commitments? Those are commitments that they had before, that they say they have now, and that will potentially increase in terms of the needs of the island of Ireland in the north-west — in Northern Ireland, Donegal and neighbouring counties.

Surely that should be exhausted as an opportunity and a potential. Otherwise, we are saying that we have to accept what London is doing in respect of budgets, even though we do not know the scale of it and even though it is going to be immense. The consequences of that will be felt over the next three or four years, yet we are not going to exhaust the possibility of what Dublin might do. If I were the Minister, I would be pretty hard-nosed about it.

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

**Mr Attwood:** Yes.

**Mr Allister:** The Member seems to fondly think that the Irish Republic is going to bail someone out. It sets one's mind thinking that maybe he should suggest to the Irish Republic that they pay back the £7 billion that the United Kingdom bailed them out with, and then there might be some spare cash within the United Kingdom. Will he make that suggestion to his friends in Dublin?

**Mr Attwood:** It is curious that the Minister relies on someone speaking from the Back Benches in that regard. I will make two points in respect of that.

The first is that you would get no dispute from me that you should be hard-nosed with the Irish Government when it comes to financial commitments to the people of Northern Ireland. That is what Mark Durkan did with Brian Cowen. For the first time ever in a national development plan, he built into its architecture a commitment to capital investment in the North. That was a pretty hard-nosed negotiation, because it had not happened before, and we should have it again now so that it gets tied down and in a positive and constructive way we make it difficult for the South to say no. They are beginning to scope out where they go over the next decade in capital investment. If we do not draw the conclusion from what Mark Durkan did in 2006 or whenever it was, and try to do the same for 2016 and beyond, then we are missing something.

There is an arrangement between Dublin and London in respect of the bailout. I am sure there are contractual and other treaty obligations. Let us remember that one of the reasons why London did it was because their biggest trading partner is the Republic, that our biggest trading partner is the Republic, and that their biggest trading partner is us. If that totality of relationships — where have we heard that phrase before? — does not drive an agenda when we are in this space at the moment, then we are missing something.

I go further: there is a meeting on Thursday, chaired by the two Governments, with the parties to review the Stormont House Agreement. Let us put this on the agenda. I ask the Minister to support the SDLP in putting a specific item on the agenda in respect of the capital investment plan. No more meaningless phrases about North/South being taken forward post-Stormont House review, which was never published, never mind finished. Let us have some hard, concrete outcomes and develop that conversation.

If the Minister is prepared to look at them — I am only suggesting it, because people are asking for remedies — I refer her to some documents. I will send her those documents, because I will not have time to read them into the record now. Those are a series of documents that scoped out North/South. I have read them into the record previously, and they are a 2010 Irish Academy of Engineering study, a 2012 report by John Bradley on cross-border economic renewal, and a document by Michael D'Arcy on significant possibilities for North/South synergy. All those documents are in the public domain, all of them have been published and all are a pathway to shape this island in the context of what London says it will do. I will come back to that. There is fertile ground if we just open up our minds to go there, rather than sticking to the dogma that London has a mandate, which is to do what they will do in the autumn and on 8 July, and that we have to swallow that. If we do not think laterally, irrespective of the issue of London, we are letting our people down.

I want to deal with a second issue, which is to suggest that the context of what is happening on the Budget and welfare has changed even in the last number of days. There were reports over the weekend in anticipation of a document being published by London in respect of child poverty. The Minister is a mother with a young family, and I am an older father with a young family, one of whom was nine yesterday — my older daughter was nine yesterday. The reason why we do all of this is, ultimately, because of our own and other children. That is why we do this. Maybe some others are driven by ambition and careerism or whatever, but I think that, around the Chamber, we do this because of our children and we try to make better or make gentle the life of the world in respect of what they might inherit from us. That is why the issue of children should be front and centre in our consideration of the Budget and welfare and where we are. I say all that because it seems that, on Thursday, London is going to publish its latest child poverty assessment, and some of that started coming out over the weekend.

The Institute for Fiscal Studies is, by and large, pretty well regarded. It is so well regarded that, when it comes to child poverty in Northern Ireland, it is the organisation that OFMDFM rely on to choose its statistics, some of which have suggested, as I have said before, that absolute and relative child poverty in Northern Ireland, far from being down to 10% by 2020, will be 31% and 34% respectively by 2020. The parallel is happening in Britain, where the Child Poverty Action Group and the Institute for Fiscal Studies are agreed that progress in reducing child poverty in Britain is now going into reverse and that the cause of that is the bedroom tax and benefit cuts. That is in advance of what is expected to happen on 8 July and thereafter over the next number of years with welfare, benefits and budgets.

The number of families in Britain whose income is below 60% of the UK average — the definition of relative poverty — has increased between 2013 and last year, and it is because of the bedroom tax and cuts. If that is the case in Britain, there are probably multiples of that in Northern Ireland. Here we are, in a situation in which we are being told that we should do welfare and do a Budget in the context in which it is the children who are beginning to suffer most because of doing a Budget and welfare on Tory terms.

**Mr B McCrea:** Will the Member give way?

**Mr Attwood:** In a second. That should require us all to reboot our thinking when it comes to the issues of welfare and the Budget over the next number of days. I will give way.

**8.15 pm**

**Mr B McCrea:** I listened to the Member talk about statistics, but, when he got to relative poverty, I felt that somebody needed to challenge him. Relative poverty is an arithmetic working-out. Were you to talk about absolute poverty or look at the work that has been done on it in this place, you have to say that the general increase in well-being is demonstrable. That is what I worry about when people talk about statistics. They pluck them out of the air without qualifying them.

There is an issue about how you rely on information to reach the correct decisions. I did not intervene when the Member was talking about the improvement in the Irish economy. I have to ask him whether he knows what the absolute level of debt is for the Irish economy. Does he seriously think that there is a bucket of money there, and, because people in Ireland do not know what to do with it, they will give it to Northern Ireland? This is the issue: if you want to fix Northern Ireland, you have a Budget within which you have to work. I would like to hear about how we will work constructively within the fiscal limits to make life better for everybody. Plucking figures out of the air does not do it for me.

**Mr Attwood:** I am not plucking figures out of the air. I am relying on an analysis that was produced by the Institute for Fiscal Studies (IFS), which happens to be the organisation that is employed by the Office of the First Minister and deputy First Minister to do the exact same analysis of child poverty in Northern Ireland. You might think that the IFS plucks figures out of the air. I think that, in the general world, including the insider world of analysing what is going on in the economy, the Institute for Fiscal Studies is well regarded. I would suggest to the Member that, to portray me or the IFS, which I rely on, as plucking figures out of the air, is stretching a point and is bound to be stretching the evidence base that the IFS deals with.

**Mr B McCrea:** Will the Member give way?

**Mr Attwood:** I will in a second. Earlier in the debate, someone read into the record how people in Northern Ireland were feeling better; their general well-being — I think that that is the phrase that was used — was better.

**Mrs Foster:** It was me.

**Mr Attwood:** I am sorry; it was the Minister of Finance and Personnel. However, she was curiously silent about the figures that have been produced by the OFMDFM and IFS study about absolute poverty and the fact that absolute poverty in Northern Ireland will be at 30-4% by 2020. That is before George Osborne, the Chancellor of the Exchequer, and Iain Duncan Smith do their worst, as they were advertising in 'The Sunday Times' yesterday in a joint article in which they made up over their recent dispute about the scale, timing and speed of welfare reform. I will come back to that point, but I will give way to Mr McCrea.

**Mr B McCrea:** I did not accuse the IFS of plucking figures out of the air. I said that you were using statistics in a way

that I found to be incompatible with my understanding of matters. Let me explain and see if you can come back on it.

**Mr Deputy Speaker (Mr Dallat):** Order. I remind the Member that interventions should be short and relevant. Mr McCrea, you are down to speak later on, but, in the meantime, please make sure that your intervention is relevant. We do not want to develop a two-way debate between you and Mr Attwood.

**Mr B McCrea:** Mr Deputy Speaker, I am, as ever, grateful for your guidance on these matters, but the Member made a point, and I wished to pursue it with him. I am happy to leave it; I can deal with the issue in my speech. The point that I wanted to make is that statistics can be used to try to prove almost anything. Perhaps we need to have a proper debate in Committee or at other stages. I will leave it at that.

**Mr Attwood:** To conclude that matter, let us step back from what Mr McCrea or I say. The director of evidence and impact at the National Children's Bureau said:

*"Over the next five years, as austerity bites, we risk creating a country where poverty is so stark that children grow up in parallel worlds where rich and poor families have entirely different lifestyles that are poles apart."*

Matthew Reed, the chief executive of the Children's Society, said:

*"It is a scandal that by 2020, in one of the richest countries in the world, hundreds of thousands more children are expected to be dragged into poverty, even without further cuts to welfare support."*

That is not plucking figures out of the air: those are the comments and narrative of accepted experts. Whether we agree with them or not, we should at least listen to them because they are anticipating the world that is about to dawn after 8 July, and that leads me to the next point that I want to make. I met the Minister for Social Development in the corridor earlier. I do not want to misquote him, so I need to be careful, but, basically, he said, "Well, you called that one right when it came to what the London Government were about to do in respect of austerity". If you check the record, you will find that the SDLP, over a series of debates last year and this year, said that, post-election, the London Government would replay what they did following the May 2010 election, with the emergency Budget in June 2010, which was the first and immediate phase of austerity. We said that that was going to happen again. I think that what Minister Storey was saying was that what we then anticipated happening, as the Hansard record will show, is what has come to pass.

The Minister of Finance and Personnel will remember that, at the last meeting of parties and Governments, when the Secretary of State was asked, on a Tuesday at about 5.00 pm, whether there would be in-year cuts, she said, "I don't know". Less than two days later, when the Chancellor of the Exchequer announced what he was going to do, we did know. Similarly, he is not being coy about what he plans to do in the emergency Budget on 8 July and thereafter.

**Mrs D Kelly:** Will the Member give way on that point?

**Mr Attwood:** I will in a second.

He told the Institute of Directors (IOD) that he would cut early to make it smoother later, and why would he

not? This is a man who is now not just Chancellor of the Exchequer but competing to become the next leader and Prime Minister. That was confirmed by what I hear was a very good performance in Prime Minister's Question Time last week. Part of his motivation will be to see through austerity. Then, on the far side of that, when he has done all that harm, when the economy is going to improve and there is a balanced Budget, he can ride into the glory of becoming the next Prime Minister. A personal agenda is informing what the Chancellor of the Exchequer is doing, and it is much more than the dogma of the Tories; it is also about his personal ambition.

**Mrs D Kelly:** I thank the Member for giving way. Bearing in mind his earlier comments and concerns about child poverty, does he share my concern about the recent indications from the Chancellor of the Exchequer that there will be further cuts to child tax credit? In Northern Ireland, that means a potential loss of £2,000 a year for 89,000 families, all of whom are working families.

**Mr Attwood:** That has to be the conclusion from reading the article by George Osborne and Iain Duncan Smith in 'The Sunday Times' yesterday. Remember that, only three weeks ago, 'The Sunday Times' or 'The Observer' said that George Osborne and Iain Duncan Smith were at loggerheads over the scale and speed of austerity in welfare. Yesterday, they came together to say that they had sorted out their differences and:

*"This government was elected with a mandate to implement further savings from the £220 billion welfare budget. For a start, we will reduce the benefit cap and have made clear that we believe we need to make significant savings from other working-age benefits."*

That is the very point that Mrs Kelly made. They also said:

*"We will set out in detail all the steps we will take to bring about savings totalling £12 billion a year in next month's budget and at the spending review in the autumn".*

Whatever people might say about the integrity of the Stormont House Agreement, does that not send a warning to us? That is why I have to say to the Minister that, rather than going with the other devolved Administrations, the go-it-alone approach that seems to have been adopted by the DUP is a flawed approach. It begs this question: if —

**Mrs Foster:** Will the Member give way?

**Mr Attwood:** — the DUP is taking a go-it-alone approach in this devolved arrangement compared with those of Scotland and Wales, is there some understanding between Peter Robinson and the Prime Minister arising from the so-called routine meeting that they had in the House of Commons after the election? Rather than going it alone, why would you not want to go together to try to make some impression on the two men who announced yesterday what their ambitions are for 8 July?

**Mrs Foster:** Infamy, infamy, they've all got it in for me. Let me say to the Member that he, like some members of Sinn Féin, is mixing up what happens after 8 July and what happens here in relation to our Budget for 2015-16. The two things are entirely separate. We, as a party, have never said that we are not up for having negotiations and talks. Indeed, I am meeting my Welsh counterpart, Jane Hutt, this Friday. I look forward to meeting John Swinney

in August; unfortunately, that is the earliest date that we can meet. It is a nonsense to say that we are not going to work together. We are going to work together, but, unlike Scotland and Wales, we do not have a Budget and we do not have welfare reform. Both those Administrations have dealt with those issues. It is wrong to put the two things together. It is just mischievous. I say again that that is mischievous on that issue.

**Mr Attwood:** On that basis, can I draw the conclusion that the First Minister has now replied to the letter that he received suggesting that the three devolved Administrations should go to London together in respect of their future Budget proposals? It seems that you are prepared to meet John Swinney and the Welsh Government, which is great, but that you are silent or neutral on the three Administrations going to London together now.

**Mrs Foster:** Can I answer that?

**Mr Attwood:** I hope that you will.

**Mrs Foster:** I actually wrote to the Chief Secretary to the Treasury today to invite him to Belfast for the next quadrilateral so that he can see what is happening in Belfast and wider Northern Ireland and is aware of the innovation that is going on and the economy here. The way to do it is to bring all the other Administrations here. I have been to see the Chief Secretary to the Treasury. As I said, I am going to Wales on Friday, and I am looking forward to going to Scotland as well. I am then inviting them all here.

**Mr Attwood:** Is it not a curious point that we are prepared to invite all the Administrations here for a quadrilateral, the Minister is prepared to go to Wales to meet the Welsh Administration and John Swinney is prepared to come here in August to discuss all these matters, but the First Minister has yet to confirm that he is prepared to sit down with the three Administrations and go to London with them? If you are prepared to work with all these people, you should work with all these people in all the necessary configurations.

**Mrs Foster:** We will.

**Mr Attwood:** Why have you, as DUP Ministers in Government and at First Minister level, not said, "We will go now in advance of 8 July"? Given the scale of what was outlined in the various briefings and in the 'The Sunday Times' article yesterday, why is that the one thing that you do not seem to want to be able to do?

**Mrs Foster:** The Member has asked a question. We need to deal with the elephant in the room. We need to get some credibility. We need to have a Budget. I would have thought that that was perfectly obvious.

**Mr Attwood:** Is it not strange, Mr Deputy Speaker, that we get an invite even though we do not have a Budget for 2015-16 and we say, "Well, we will not deal with that invite until we deal with the Budget issue"?

*(Mr Speaker in the Chair)*

In any case, the point that we have been making on the issue of credibility is that one of our points of leverage upon London is where we are in respect of Budget and welfare. You cannot divorce the current Budget and welfare situation from what is going to happen on 8 July, just as you could not divorce the current Budget situation

from the £38 million of cuts that the Chancellor announced two weeks ago. These things have to be dealt with in all their elements. This stand-alone approach gets in the way of the best and most coherent approach.

**8.30 pm**

**Mr Girvan:** I thank the Member for giving way. Does he not believe that Wales and Scotland already have their Budget set for 2015-16? As a consequence, that is where we stand. They already have a Budget set, and, when Westminster meets to make those announcements on 8 July, whatever transpires will be automatically implemented in Wales and Scotland.

**Mr Attwood:** The flaw in some of the comments that are coming from the other side of the House is simply this: in the margins of a meeting with the Secretary of State last week, I asked a senior official whether he could give us any guarantees that there were not more in-year cuts coming regarding the Budget and welfare, and he did not give me a very convincing reply. We are being told that 8 July has little immediate relevance for the 2015-16 Budget. That is like saying that the £38 million of cuts two weeks ago has no immediate relevance to the 2015-16 Budget, when clearly it does. The logic of that must be that, come 8 July, anybody who says that there are not going to be in-year cuts as a consequence of the 2015-16 Budget when it comes to welfare and our Budget is taking a leap into the unknown. Experience tells us to be vigilant about that and cautions us against it.

Does anybody conclude that, arising from that article yesterday, George Osborne and Iain Duncan Smith are prepared not to make in-year welfare changes and cuts? That is a conclusion that I would not draw, and I urge people to be a bit more cautious than to say —

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

**Mr Attwood:** — that 8 July is about future years only, not about this year. I will give way.

**Mr McNarry:** Just for the record and clarity, will the Member confirm that he believes everything that he reads in the newspapers? *[Laughter.]*

**Mr Attwood:** No, but when the evidence and the public statements penned by two Ministers lead you to a certain conclusion, you are justified in drawing it. When we put it to the Secretary of State whether there would be in-year cuts, and she said that she did not know, we said that we thought that there would be. I suggest that the record of the past two weeks corroborates our conclusion.

I will conclude with two final points. Let me make a comment, in passing, about where Sinn Féin is in all this. Mr McGuinness said in London on Saturday:

*"Sinn Féin will not do Tory austerity."*

It will not do austerity, yet the Budget Bill before us is the worst austerity Budget that we have seen in this jurisdiction since 2011. Although I disagreed with a lot of what Mr Farry said, he did make the point that the austerity Budget, which Mr McGuinness said was the best deal possible in response to the draft Budget last November, was the consequence of mismanagement of the public finances. In that regard, I have some sympathy with Mr Farry's comment. However, to argue that Sinn Féin "will not do Tory austerity" on the back of the worst austerity



Budget seems to me to be somewhat problematic. In concluding his point, Mr McGuinness said:

*"We said no to the coalition government and we are saying an unambiguous, unqualified and uncompromising 'no' to this new Tory government."*

That is what he said on Saturday. Today, he says that there is conditional support for this Budget. I will leave it at that.

My concluding remark is addressed to the Minister. You might say that some of this is mischievous and so on, but I think that you recognise that the Tories are about to do something that will, in year 1 and year 2 of your Budget process, be quite immense, because they have said that they will do it quickly and severely, and, given what they did over four or five years in the lifetime of the previous Parliament, we can only imagine what the scale of that will be in the early years of this one.

It is my sense that this will now get managed not in the short term but over a longer period, and maybe there are reasons for doing it in that way, not least because of the months that are ahead of us. I suggest that there should be an opportunity, between now and Final Stage and in the period thereafter, for everybody, probably including us, to reboot and regroup in an effort to renew what unites us, which is the scale of what will come on 8 July and the effect of the autumn Budget on the lives of our people. Let us not be naive; let us not mislead them: let us be straight and honest with them. The scale of that requires a response from all the parties in the Chamber.

**Mr Beggs:** Let us have no doubt it: budgets are important. They are important to determine how much money will be raised in the first place, how much will be spent and what the priority will be. That is important whether we are talking about an individual household, a community group or a local council. It is interesting that local councils ended up having reduced grants given to them by the Assembly. What did they do? Did they complain and refuse to raise more money or to balance their books, perhaps cut, perhaps raise some more money and balance their budgets? No. Every council in Northern Ireland set its budget.

What if they do not set their budget and live within their means? There are regulations that would cause them to lose their authority to continue to operate if they did not do that. Just as political parties in Northern Ireland have respected their local government budgets, the Westminster Government, which financed the vast majority of expenditure in the Northern Ireland Assembly, gave us our funding. What do you think they think of us when we do not live within our means with all the money that is given to us? I can assure you that we are not well thought of by others in the rest of the United Kingdom who have had to live within their budget, whether it be local councils, other public bodies etc. I suspect that they are saying that we are demonstrating our immaturity.

So, budgets are important to a range of organisations, including non-departmental bodies and the Northern Ireland Executive as well. In the Budget, the Assembly prioritises its expenditure plans. It gives the Executive the legal authority to allow the various Departments and organisations to spend public money. They are not authorised to spend above the legal limit collectively as a Northern Ireland Executive. Individual Departments are to avoid over-expenditure unless there are exceptional

circumstances, such as, for example, to protect public safety. That happens on occasion.

If an individual spends beyond their means, what happens to them? They frequently rely on credit cards and get involved in high-interest borrowing, and the issue can frequently spiral and further debts can arise. Maybe they will have several credit cards or get a Wonga loan and pay very high interest rates, but, eventually, the problems have to be faced. If not, there will be sudden cuts to individual households or bankruptcy. The Northern Ireland Executive need to understand that they are no different from rules that we expect individual households in our community to live by. During the recent election, some members of Sinn Féin promised to write off credit card debts and all sorts of things, but there is no money tree and you cannot promise that. Similarly, there is only so much funding for the Northern Ireland Executive, and we have to live within our means in Northern Ireland.

I will turn to the Budget specifically. There are several assumptions built into the Budget. For a start, some £1.7 billion in cumulative borrowing has been amassed over the years. As my colleague Leslie Cree indicated, that is some £948 per citizen, which is a higher level than in other parts of the United Kingdom. That must be of concern to us all, because, ultimately, it has to be paid back with interest. The further we kick issues down the line, the further we are passing debts on to the next generation, whether it is the next Assembly or the young folk who have to follow on from us. We all have to understand, even as politicians, that borrowing must be paid back. It is important that we live within our means.

Another fundamental assumption in the Budget is what has come to be known as the Stormont House Agreement. Those who support the Budget are approving it with the related funding and conditions that were built into the Stormont House Agreement, because that was the basis on which much of the loans, funding and financial assistance was offered to the Northern Ireland Executive. If there is a breach of the conditions, then there is a breach of the funding that has been built into the Budget. What would be the implications of that?

I will go through some of the details of the funding, because I have not heard this mentioned, in particular, so far today. I see that paragraph 3 in the Stormont House Agreement highlights that there is around a £2 billion financial package, much of it in loans offered over many years. It is based on the Assembly legislating for welfare reform, which some have chosen not to approve. They have breached some of the conditions for the funding package. I ask what the implications of that are for the Budget. Some of the financial package on offer is for £150 million, over five years, towards dealing with the past. I ask how much of this has been built into the current Budget. There is £700 million capital borrowing to fund a voluntary exit scheme. Again, £200 million is earmarked for this financial year. Has it been built into the Budget? I assume so. Without meeting the conditions on which the funding was offered, will that money continue to be available, or has there been some subtle change and welfare reform will be implemented. The sooner there are decisions, the better.

Equally important, aside from the round number of £200 million to enable the voluntary redundancy scheme, are the savings that will flow from it. I understand that most Departments have been building in six months of financial



resource savings assuming that, from around September, departmental savings would kick in when some of their employees, who have volunteered to take early redundancy, take that up, the wages in each Department reduce, and savings start to manifest themselves. Those savings are important for the financial year 2015-16: the Budget that is being voted on today. Again, I ask whether that is going to happen, or will further debts accumulate in the second part of the year. It is not even just about that. The voluntary redundancies will also bring about financial savings next year; so, by not going forward clearly with what was agreed, we are pushing problems further and further down the line.

I go back to the individual household, which avoids dealing with the reality of its expenditure, takes out large loans, and makes assumptions that do not materialise. What happens to that household? Ultimately, there will be a crisis. The Executive and the Assembly are kidding themselves that they will avoid such a crisis if they do not live within their means and the conditions under which the financial offer was made.

On top of that, there is £500 million for 10-year capital funding for shared and integrated education. Again I ask, how much of that £500 million capital expenditure has been built into our Budget this year. How do we recover that, if the conditions are not met?

#### 8.45 pm

Next, there is a further £350 million for borrowing for infrastructure built in and, I understand, £100 million to be available this financial year. I assume that it is built in. Again, I ask whether some Members across the way will fail to meet the conditions in which that borrowing was made. Then there is an additional £50 million towards Peace IV funding, including the United Youth programme. Then there is an extra £100 million for reinvestment and reform initiative borrowing. Has all of that been built in to this Budget, which will have to be clawed back and pulled back if the conditions are not met? I see that many across the way are sitting with their head down. You should have your head down, because you are putting your head in the sand by ignoring the reality of the conditions in which borrowing has been offered to the Assembly and the Executive. At least that perked you up a wee bit.

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

The financial package is available on the basis of welfare reform, and, given the failure to implement welfare reform, certainly to date, and on the current rules we cannot go back to it for some time, I ask the Minister to confirm the implications for this Budget without welfare reform being agreed. This needs to be publicly spelled out, and we have not heard it. People are concentrating on welfare reform, but what will happen to the most vulnerable members of our community if welfare reform is not implemented?

Early years was mentioned earlier, and I declare an interest as someone who is a voluntary committee member of Horizon Sure Start. If you really want to solve long-term poverty, education, education, education is the best method to allow people to better themselves, create opportunities for themselves and claw their way out of the poverty that they may find themselves in. I speak from my father's experience of the world many decades ago and that of his family. You cannot spend your way

out of poverty. We need to empower people and support early years education so that they can better themselves. We need to create the incentives so that they can better themselves.

**Mr Ó Muilleoir:** Will the Member give way?

**Mr Beggs:** Yes, sure.

**Mr Ó Muilleoir:** You should never take it for granted that, when we have our heads down, we are not listening, because we may be taking notes.

The fault line in this argument is that you are taking — if I may say so through the Chair — the word of the English Government that they have no money to invest in order to help us to grow, but the evidence is that when money is needed by English Ministers, they find the money; £20 billion was found for fighter jets, so how can they not find the money to allow us to grow this economy and this society? I will finish with this: the Member mentioned his father, and he realises how difficult years were here. For anyone to suggest that there is not a special case to be made to London by the Assembly, both sides, for me beggars belief. We have to make that case.

**Mr Beggs:** My difficulty with that argument is that there were crunch talks just before Christmas. I think that the Prime Minister was across twice. It was a hothouse, and out of it came the Stormont House Agreement and the £2 billion financial package, much of it borrowing, but borrowing that allowed us, if well invested, to sort out our muddled finances. That money was not offered to any other region of the United Kingdom. Take, for example, the north of England, Liverpool, Scotland or Wales, those regions could equally find difficulties in their communities, and we have to recognise who won the election a short time ago. We have to face what we have on our plate today. I understand that we need to look forward to what may happen in the future, but looking forward will not stop the reality of the Budget crisis that we face. The conditions of finance that are attached to the offer that was made to us will still exist.

It is important to recognise that the current Budget did not come suddenly out of the blue, and that is perhaps one of the most damning things about the lack of leadership that has been shown. The general numbers for public expenditure were shown two years ago. Why was there a general lack of preparation? Why did some of the difficult decisions and the downsizing not start some time ago, so that more money can be directed to front-line services?

I am curious that there has been an indication from the deputy First Minister that he will support the Budget to allow for more time, but I have indicated that the numbers have been known for two years, and I asked the Finance Minister to verify that. It has been about two years since the outline figures were shown to the previous Finance Minister. Since then, there have been numerous meetings with different Finance Ministers and the Treasury, and there have been meetings with the Prime Minister. Martin McGuinness had meetings with the Prime Minister. You can only kick the can so far down the road, and then it becomes an incredible argument. That is where I fear Sinn Féin is presently. It is arguing for something that is not credible. It might be easy to argue for it to avoid the difficult decisions —

**Mr McKay:** I thank the Member for giving way. We all recall that he and his party stood on a Tory manifesto not so long ago, so it is no surprise that he is defending that particular Government. Of course we knew that if the Tories got into Government again, they would continue with these ideological cuts. These are in no way economical. It is crushing our economy and it is squeezing any opportunity that we have of economic recovery. The Member can criticise us all he wants, but what is his view on what the Tories are doing? Does he or does he not agree with their economic policies?

**Mr Beggs:** The Member seems to be living in the past. Does he not realise that there was an election recently? The Ulster Unionists stood on their own agenda, and we have two Members back on the green Benches, sitting on the Opposition Benches. We are glad that we are back at Westminster, and we will be arguing our case there, unlike the Members opposite in their party, and trying to influence people. I have to say that the attitude of Sinn Féin and its lack of responsibility is not encouraging for anyone or for any mature political debate or argument.

I go back to this financial package that is on offer to us and the condition under which it was added. There is a little paragraph near the end of the document, and it says:

*"This financial package is subject to the Welfare Bill being reintroduced in January, progressing through Consideration Stage by the end of February"*

— I think that was delayed by a month or two, but, generally, it was met — and:

*"full implementation of Executive led measures by 2016-17".*

I have not heard any commitment to do that. Without the commitment to do that, we are breaching the financial conditions under which all this money, which, I believe, is built into the current Budget, has been made available. Therefore, I would argue that it is at considerable risk.

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

**Mr Beggs:** I want to proceed a little bit, please.

*(Mr Speaker in the Chair)*

If an individual borrows and spends money that they do not meet the qualifying conditions for and might suddenly be required to pay back, they put themselves at risk. All of us would say that they were irresponsible. I pose the question: are we as an Assembly and as an Executive doing a similar thing and taking out a huge Government Wonga-like loan that we have access to but, as of yet, have not met the qualifying conditions for? Will we face clawback, and what will be the payback period? Will it be months? Will it be years? Those are real issues that must be determined, because the British Government finance us by money that is raised in other parts of the United Kingdom. The United Kingdom works collectively together and the more affluent places support those in greater need, so, as I indicated, if we do not meet the conditions of this Wonga-like Government loan, what will happen to our Budget?

Let us remember what happened a relatively short time ago. At the end of last year, it was clear that we were spending beyond our means. Our June monitoring round, for instance, was completed at the end of July and then instructions had to go out to claw back funds. Most

Departments were issued with instructions for a clawback of 2·3% with a warning that a further 2·1% would be required later in the year. That, indeed, did happen and, despite all that, we were overcommitted by £100 million. When you claw back money, you do not make good use of money. You do not make your real priority choices because you may well have committed to contracts that would not have been your priority had you known that you did not have the full money that had been allocated to you. By not making appropriate financial decisions on a timely basis, we as an Assembly and Executive are doing a disservice to our community, where, ultimately, sudden changes of direction and expenditure result. We will not get good value from the limited funds that we are given, and that is not a way that anyone should be managing an economy.

We need stability in Northern Ireland, not only political stability in the streets but financial stability. We need to encourage our businesses so that they can plan ahead and know what services are going to be provided. We need to provide them with stability so that they can be encouraged to grow and invest because it is businesses that generate jobs for our people, and we need jobs.

Not only do we want to encourage the expansion of our existing businesses but we want to encourage inward investment. I have to say that a Government that cannot live within their Budget do not encourage anyone, and nor do a Government that might have to make sudden changes in their expenditure, such as happened last year. I am flagging this issue up because we will be failing doubly if this happens for a second year in a row. The Government need to provide stability to encourage the community and to encourage good expenditure with all of the groups that they support. When we do not do that, we create problems for the entire community.

In my constituency last year, the health trusts had to make sudden cuts because of financial pressures. Without going through the appropriate consultation etc, they decided to close minor injury units. In other areas, they reduced intermediate care beds, again creating a potential pressure in our hospitals when it came to winter pressures. They also were forced to take decisions when the Health Department stopped supporting the independent healthcare sector, which was controlling the growing waiting lists. That is no longer happening, and guess what has happened to that growing waiting list? We need to live within our means. We need to avoid such crisis decisions. We need to prioritise the expenditure that we know we can depend on.

For those who are saying that they are not going to support welfare reform, I pose this question: how are you helping stability in Northern Ireland by creating a huge financial pressure, perhaps within a month or months? Perhaps we might make it as far as October but, ultimately, we have to live within our means. If, by some means, we muddle through, ultimately, the Treasury gives us its money. It has the upper hand and controls and regulates funding. Again, I go back to the point that we need a balanced and planned Budget, not an emergency Budget based on reaction and a failure of some to honour the conditions upon which the Executive may agree to go into financial borrowing. The worst thing that we can do is to create a Budget in which there are holes.

I will go back to the voluntary redundancy scheme. To my mind, it is one of the most important aspects of the Budget

because it brings savings to Departments not only this year but in future years.

If we do not have a voluntary redundancy scheme to reduce the level of administration in the Civil Service, the community and voluntary sector and our front-line health and education services will suffer. Whether it comes through the Stormont House Agreement or by other means, we must have a scheme to reduce Civil Service administration, because we are living beyond our means. I want a higher proportion of our funding to go to direct services. I realise that that will cause difficulties and that there are many hard-working civil servants in Departments, but the reality of financial pressures means that that is what we face, and we ignore it at our peril. If we do not implement the voluntary redundancy scheme, we will have plenty of administrative jobs and not enough front-line teachers, doctors, nurses or those in the voluntary and community sector who address the needs of our community.

### 9.00 pm

I ask the Finance Minister to address what happens if there is no voluntary redundancy scheme. I am aware, through the utterances of the head of the Civil Service, that he needs a decision on whether it can be financed by, I think, August. We have to be fair to the individuals who have thought about the scheme and decided to apply for it. They are all hanging out there. If something does not happen, how will they be motivated in their ongoing work? We are not treating our employees — our civil servants — well. We need a scheme, and we need to provide it in a timely fashion.

At this stage, we must remember what was said about the financial package. It is subject to welfare reform being introduced in January, progressing through Consideration Stage at the end of February and full implementation of Executive-led measures by 2016-17. If we are building the financial package into the Budget, and if Members are to approve it, they cannot say that they are not aware of the conditions. Those are the conditions. I ask Members to recognise the difficult decisions that we face. If they are voting for the Budget, at the very least honour the conditions that are built into it and approve welfare reform, which would allow us to access the financial package and get our public finances back into order for the difficult times ahead.

**Mr I McCrea:** As is the case in many debates, the longer they go on, the more things have been said, and it is difficult not to be repetitive. I will try my best not to do that, although one or two points may be worth repeating. As I think about what has been said during the debate, whilst it is not often that I welcome anything from Martin McGuinness, it is a good thing, in a sense, that we will at least get conditional support for the Budget. If things go the way that we hope, there will not even be a vote. Who knows? If people like me and other Members who speak keep it short, maybe we will even finish the debate tonight. We live in hope.

Whilst I accept what Martin McGuinness said on behalf of Sinn Féin, I took issue with his comments that none of the parties in Northern Ireland was to blame for our current difficulties. I suppose that it is the bad old Tories and their austerity agenda. As a number of Members said, there are those who just want to bury their heads in the sand

and believe that it will go away and that, if we ask loudly enough and often enough, the Tory Government will just put their hands in their pocket. In a meeting today with the Secretary of State, along with the Minister of Enterprise, Trade and Investment, she suggested that there was no cheque book or cheque ready for us. I am not sure whether there is even a £10 note, never mind a large cheque.

It is unfortunate that we are where we are. Those to blame are those who got us into this position. I spent many hours at Stormont during the talks process, and there was certainly a sigh of relief at the end of it all when we were able to achieve a five-party agreement. It is disappointing that some who signed up to the agreement, which included the implementation of welfare reform, decided at the last stage of the Welfare Reform Bill to sign a petition of concern to ensure that it did not pass.

As a result, if we look at the Department of Enterprise, Trade and Investment — today, I questioned the Finance Minister, who was answering on behalf of the First Minister, about foreign direct investment — we see our lack of credibility when foreign direct investors look at us now. As all Members will know, Northern Ireland has had a very strong record of attracting FDI and outperforming many larger regions. Invest NI announced that 2014-15 was a record year for overall job promotion in Northern Ireland. Of the 13,829 new jobs promoted, 5,661 were with externally owned companies, and just over 1,000 were with 25 companies new to Northern Ireland. Belfast is Europe's leading destination for investment in software development and technical support and the world's top destination for investment in financial services technology.

Given the good work done and the effort put in by Invest NI, many believed that the Budget and the Stormont House Agreement would at least take us through many of the difficulties and get us to the point at which we got the British Government to support the devolution of corporation tax. In that context, our credibility with foreign direct investors has suffered, and they see us as being half in, half out. Most of us want it, but only half of us want to try to deliver it. Others want to use it as a reason to hold things back.

I will move to a constituency perspective for a few minutes. One of my colleagues, Alastair Ross, started the debate. He talked about how we could all have a wish list. I could ask the Finance Minister to allocate many thousands of pounds to things in my constituency, and there is no doubt that others will. I was disappointed that Jo-Anne Dobson took the opportunity to attack the Health Minister, the Finance Minister and everybody else but her party's Minister, yet it is he, the Minister for Regional Development, who has failed to sort out the Budget allocation that he received. He has failed to deal with road maintenance, street lighting and grass cutting. These are issues that each and every one of us, as MLAs, fight day and daily with local roads offices to try to get done, and every conversation goes back to the lack of funding. The Minister, on every occasion that he is questioned in the House, passes the blame. He says that it is about the money that he has been allocated by the Executive and is not his responsibility. Personally, I believe that it is the Minister for Regional Development's responsibility to prioritise his budget. He is allocated a budget, and it is for him to prioritise it. When he does not tackle those

important issues in our constituencies, we know where his priorities are not.

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

**Mr I McCrea:** I will.

**Mr Beggs:** Would he like to indicate where he thinks that the Minister should make cuts to deal with what he talked about?

**Mr I McCrea:** I am glad that the Member asked me that, because, as far as I am concerned, I do not recall being appointed Minister for Regional Development. I would be happy to take it on — well, maybe not happy — but I certainly think that some could do a better job of allocating our Budget. I do not think that it is about where we cut money to do this and that. Whilst budgets are all about that, there are certainly things where I believe party politics are being played. Unfortunately, it is the people in our constituencies who are being impacted by that. The decisions that the Minister is making are, I think, shameful, and he should be ashamed of himself.

I think that it is worth repeating that £2 million per week is being lost to our block grant through welfare fines. As Judith Cochrane said, one week of that would pay for the early years fund. I see that the Minister of Education is now in the Chamber. I think that it is a shame that the austerity project that he has taken forward in his Department to cut the funding for early years is a disgrace. In the context of welfare reforms, they talk about how they want to protect the most vulnerable. Certainly, I have had conversations and discussions with organisations and children's groups that have been affected by the cut to the early years fund. I am talking in particular about Tober Tinys in Tobermore, which I know has been seriously affected by this. I hope that the Minister reflects on that decision and looks at it again.

Again looking at my constituency, I heard Mrs Overend refer to Desertcreat. We all know the debacle that the Northern Ireland training college has gone through. The Minister of Justice and former Ministers of Finance have had to deal with that, as has the current Minister. In fact, I had conversations with her and her special adviser the other day to see how we can move it forward. It is important that we try to find a way out of this. The Desertcreat college is an important economic driver for the Mid Ulster constituency, as are the benefits that it would bring to our local economy.

When I look at the issues on the £1.4 million that had been allocated through the social investment fund to Mid Ulster, I can see that, if we fail to get through this impasse, they will have a serious impact, again on Mid Ulster. I am glad, however, that the Magherafelt bypass has been signed and that work has commenced. If we had not got it to that stage, I fear that that would have been lost too.

I hope that common sense will prevail. I am not hopeful about that within the SDLP, because, having listened to Alasdair McDonnell and Alex Attwood, there is no hope, because hope is lost. Therefore, I can only hope that common sense prevails.

**Mr Speaker:** Order. First of all, the noise level in the Chamber is rising, and it is becoming very difficult for Members to make their contribution and to be heard. I ask Members, especially those in the corner to my left, to pay attention to that.

The second thing is that, as there are still a number of Members wishing to speak in the debate and the Minister has still to make a winding-up speech, the Whips have agreed to adjourn the sitting at around 10.00 pm. I will judge how many speakers we can fit in. The Business Committee will consider rescheduling the remaining unfinished business for Wednesday 24 June, and an Order Paper for Wednesday will be issued after the Business Committee meeting tomorrow.

With the best of order, I call Mr Jim Allister.

**Mr Allister:** Thank you, Mr Speaker. I assure you that I will not be on my feet at 10.00 pm. That might be the only support I get tonight.

It is a paramount and rudimentary function of any credible Government to produce a balanced Budget on the expenditure over those they govern. Of course, it follows that it is equally the function of a credible Assembly or Parliament to be involved in the endorsing of that balanced Budget.

Whatever we can say about this Budget, one thing that is abundantly clear is that it is anything but balanced, because at its heart lies that black hole of £604 million. That makes these financial arrangements something of a shambles. Make no mistake: this is a failure of government. It is a shambles made in Stormont. We cannot blame anyone else for it.

#### 9.15 pm

Yes, there are some who want to blame the wicked British Government. Mr Attwood even came close to suggesting that the Republic of Ireland could and should be more generous to us, but the truth is that this is a shambles of Stormont's making. It is home-made and home-produced, and that in itself is a most striking commentary on the state and structures of government in Northern Ireland.

It is a failure of government and the structures of government that we have got to this ludicrous situation in which the answer that government in all due consideration can come up with is, "Let's kick the can down the road". That is what this Budget is doing. Let us not face the stark reality that is staring us in the face, but let us buy a bit more time and kick the can down the road in the hope — maybe more than in the expectation — that, in the meantime, something will work itself out. When government is reduced to that *modus operandi*, it has reached a very low level indeed, and that is the point that we are at.

One of the consequences of that, and the Minister said it, is that, if things do not work themselves out, adjustments are going to be required to the Budget. The problem, as I pointed out last week, with putting oneself in that position is that, to make those adjustments, the very people who put you in the mess have a veto over whether or not you are permitted to make those adjustments.

The Finance Minister cannot bring adjustments to the Estimates and arrangements under this Bill if and when it becomes an Act without the approval of the Executive. Of course, within the Executive, the spendthrifts — those who have no regard to financial probity — hold that absolute veto. Therefore, we are in a situation in which, on a wing and a prayer, we are going through a process of kicking the can down the road and of trying to obscure and forget about the reality that, if something does not turn up, when



the moment of reckoning comes, it may be impossible to fix the situation, because of the veto that rests with those quite content to bankrupt Northern Ireland.

Let us not put a tooth in it: Sinn Féin is quite content to bankrupt Northern Ireland and to demonstrate that, in its terms, it is the failed political entity that it has always said it was. The Minister's predicament is that she has put herself as victim to that ransom situation, in which she can be held to ransom by the very people who have created this financial mess. That is not a good position for any Finance Minister or any Government to be in.

During Mr Wilson's speech, I asked him how one would get through adjustments in that scenario. He did not answer. I ask the Minister, because the legal and financial reality is this: having voted through Estimates that include £604 million that we do not have, Departments cannot now without adjustments be prevented from drawing down that fictional money. There is no methodology by which they can be stopped. In order to stop them, you need to make the adjustments, and, in order to make the adjustments, you need the permission of those who put you in that position, namely Sinn Féin. That seems to be part of the sorry mess into which things have resolved themselves.

Mr McCrea said that he welcomed the fact that Sinn Féin was giving conditional support to the Budget and that it was a good thing. Is it? Is that not Sinn Féin doing precisely what Sinn Féin always does? They pocket what they can get at any given moment. They did it at Stormont House, and they are doing it again today. They have £604 million that we do not really have, so they pocket that situation in the belief that they can extract more. That was the essence of the hit-and-run speech of the deputy First Minister. It was that they would give conditional support in order to extract more further down the road. He made it very clear that the Finance Minister and the Executive would be a hostage to that situation.

I want to say something else about the Budget. The expenditure for the Departments in the Budget has already been pared back by something in the order of £70 million to £80 million because of the Stormont House Agreement. Some £564 million was taken out over six years of the ordinary expenditure of Departments in order to underwrite the welfare goodies. I assume that that money or the extraction of that money must already be in the Budget. This is a Budget that, in its spending power — never mind the rolling programme of the 2011-15 situation — must already have that magnitude of cuts within it, plus the provision for the penalty clauses that arise from the failure to implement welfare reform. This is a Budget that has already been stripped back in that regard.

I want to come to the question of the £604 million, and I want to ask the Minister how that £604 million is actually made up. I note that she was asked that in a priority question for written answer by Mr Gardiner back on 3 June. When I checked today on the Assembly website, I saw that, although we are now almost three weeks beyond that, that question still had not been answered. In replying on Wednesday, will the Minister give us a breakdown of how that £604 million is comprised? Is there any money in that that reflects the cost of the exit scheme? That is a specific question that I would like to ask her. The exit scheme was supposed to be funded with £200 million this year by loan. Is there any component in the £604 million to facilitate an exit scheme in the absence of the loan?

Perhaps it would be useful if the Minister were to spell out exactly the component parts of that £604 million. When she replies, will she tell us when she is likely to make the June monitoring statement to the House? That, of course, is also an important component of the financial exercise in which we are involved. When will that come about?

I now turn to one or two of the comments made by some of the nationalist representatives. I know that there always was a date in July with which some people were totally infatuated and besotted; it seemed to dominate their every waking hour. This year, it seems to be a new date in July: it seems to be 8 July on which the world will end as far as some are concerned.

**Mr McNarry:** Not the Twelfth?

**Mr Allister:** So it seems. They tell us this, in essence: how dare the mandated, recently elected Government of this nation state implement the policies that the electorate who elected them mandated? The sheer audacity of it: the pretence that this nation, with its central government at Westminster can, somehow, through special pleading and once more producing the tiresome argument of us being a special case, exempt us from the natural consequences of the functioning of government. Then they foolishly suggest that the party that is in government has no mandate: of course it has a mandate. We might not like that mandate, and this Province might not have contributed to that mandate, but it has a mandate. It is a national mandate.

Whether we like it or not, that is the reality of life in 2015 in this United Kingdom, which provides us, through the generosity of all its taxpayers, with the very funds that keep the lights on in the House, keep government functioning and provides a colossal subvention. Those who complain most about the shortfalls have no idea how we would plug that gap if the British Government were not continually writing the cheques. That is the reality that some in the House seek to dodge, avoid and run away from. Unless and until we face the reality that we are part of the components of the nation state that has control of these matters, we fool ourselves.

Some, of course, as I suggested, are more than happy to fool not just themselves but others in the belief that there is some utopian answer in another constitutional direction. Of course, the reality is very, very different. Until this devolved institution realises that it is not a sovereign institution but a devolved institution subject to all the frailties and constraints of that and grows up and lives with that reality, the mayhem that has been brought to the meddling in the financial process will intensify and grow. That is the reality that the House needs to face.

**9.30 pm**

**Mr Agnew:** Earlier this afternoon, I hosted the launch of a 'VIEW' magazine issue specifically dedicated to child poverty. The levels of child poverty in Northern Ireland were highlighted by each of the speakers. It is currently estimated that around one in five children lives in poverty. Professor Paddy Hillyard, who spoke at the event — I have seen him speak on a number of occasions — has often highlighted how, since 2007, Budgets and policies that have passed through the House have shifted resources from the poor to the better-off. Effectively, what has been overseen is a process of robbing the poor to pay the rich. An example of that is the rates cap, which currently treats



everyone living in a house worth over £400,000 as if they were living in a house worth £400,000. In other words, it acts, effectively, as a tax rebate for the most wealthy in our society — roughly 2,500 households. It has been pointed out to me that, as a representative of North Down — the so-called gold coast — many of those people may be in my constituency and that I should not raise the issue as it might affect my vote. To anyone who makes that point, I would say, “Why should my constituents in the Kilcooley estate subsidise the rates of those in Cultra?”. I will say that to someone in Cultra as much as someone in Kilcooley. It is not right; it is not fair. All the points have been made about difficult financial circumstances. It is regrettable and unacceptable that we continue such policies in the Assembly.

We are told that, because of the difficult finances, we must make cuts to welfare, but the people who make those arguments abhor any proposal that we might ask those who have wealth to pay more. Members must accept that we have to ask for more from those who can afford it. Members make much of the fact that we are in the sixth-largest economy in the world. This is still a wealthy country; there is wealth in this country. Until those who tell me that I must accept cuts to the welfare of the poorest in our society accept that we have to ask for more from those who can afford it — the wealthiest in our society — I will not take lectures on fiscal responsibility or sound economics. It is clear that that rhetoric is used simply to protect the better-off and punish the poor for the excesses of the rich.

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

**Mr Agnew:** Certainly.

**Mr Allister:** The Member talks grandly about how we must ask the rich to pay more. Who is the “we”? The House has no powers or fiscal functions in that regard. It is an argument that could be made by the Member’s representative in the House of Commons, but it is not an argument for this House. This House has no powers whatever to compel anyone to pay more or less.

**Mr Agnew:** I thank the Member for his intervention. This House does, of course, have rate-varying powers, which is a form of property taxation. We have chosen not to introduce water charges, which could be done on a progressive basis if that were the way that we decided to implement them. We had a freeze on rates. We now have a real-terms freeze in that we have only inflationary rises. These are choices that we have made and that predominantly benefit those who are better off. Those choices have been made by the Assembly. I accept that we do not have full fiscal responsibility, but, even when we seek extra powers, such as on corporation tax, we seek to give further benefits to, in that case, large businesses, again at the expense of public services, which disproportionately affects the poorest in our society. At the event today, Professor Hillyard made the point — I paraphrase — that, to lift children out of poverty, we must increase the resources provided to and the incomes of the poorest in our society.

**Mr B McCrea:** Will the Member give way?

**Mr Agnew:** Yes.

**Mr B McCrea:** I will not take too long. One of the ways that the Joseph Rowntree Foundation suggested that we lift

children out of poverty is to get their parents a job. Getting people off benefits and into work is really what the Budget should try to do. If you are going to force people and their children to live on benefits for the rest of their life, how can they have a proper life?

**Mr Agnew:** I thank the Member for his intervention. It is clear that the target of the Tories is not just those who are out of work but those who are in work. We know that there are now more people living in poverty who are in work than who are out of work. We have a Tory Government —

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

**Mr Agnew:** I will in one second. Let me make the point.

We now have a Tory Government who seek to cut in-work benefits to further hit those who are on low pay. Another category of the poor in our society is those who are in work but suffer from poor pay. I give way to Mr McGlone.

**Mr McGlone:** Thanks for giving way. In fact, you made the very point that I was going to make, which is that that very element of what the Tories seem to be about at the moment is directed at those who receive tax credit for their children and are currently in work. The outcome of that will be that the working poor will become poorer.

**Mr Agnew:** I absolutely agree with the Member. The slogan has always been “We must make work pay”: for that reason, I cannot understand why the current Government want to punish those in work, who are on low pay through no fault of their own but through their employer’s unwillingness to pay. Indeed, we hear nothing from a party that proposes to make work pay about promoting and expanding provision of the living wage.

We must put more resources towards families in poverty and improve their income. Indeed, the welfare reform proposals on which the Bill is predicated, despite the fact that they were not agreed by the Assembly, would take money away from the poorest. That would undoubtedly impact negatively on levels of child poverty, which are predicted to rise considerably by 2020. We should not accept that as an inevitability. It is something that we can and should seek to mitigate through the powers that we have in Northern Ireland. Judith Cochrane listed what seem to be Tory figures of how welfare would benefit the poorest in our society.

**Mrs Cochrane:** Will the Member give way?

**Mr Agnew:** I will give way, yes.

**Mrs Cochrane:** Just to be clear, they are DSD figures.

**Mr Agnew:** I thank the Member for her intervention. Mr Attwood often asks whether or not Mervyn Storey is working on behalf of the Department for Work and Pensions. I will not get drawn into that debate, but it sounded like it was replicating what has come from the UK Government.

I put it to the Member and her party: whether it is £115 million at the lower end or £250 million at the higher, how can you take that out of welfare? How can you cut welfare spend, and the welfare recipients be better off? It does not take a mathematical genius to see that those numbers do not, and cannot, add up. Those are the cuts that would have been imposed had we implemented the Welfare Reform Bill.

**Mrs Foster:** Will the Member give way?

**Mr Agnew:** I will.

**Mrs Foster:** The Member has made comments about DSD figures not adding up, and I am sure that the Minister for Social Development will have his own commentary on that. Does he accept that, already, we have lost around £200 million to the block grant in Northern Ireland in penalties? We lost some £87 million last year and £114 million this year. That rises next year again, and that is before any further welfare reforms are put through at Westminster, which will make that gap even bigger. So how does he propose to deal with those penalties in the context of what he is advocating tonight?

**Mr Agnew:** I thank the Minister for her intervention. She knows fine well that we have not lost that money. Northern Ireland has not lost that money; it may have been lost to the block grant but that money has gone directly to people on welfare. Instead of cutting their benefits, the decision was made not to do that and the payments continue to go through the annually managed expenditure. It is money moved from one pot to another in the way that the Stormont House Agreement, incidentally, proposes to move it in the opposite direction.

**Mrs Cochrane:** Will the Member give way?

**Mr Agnew:** I will give way in a second.

It is money that is still going to the poorest in our society. I and my party, the Green Party in Northern Ireland, suggest that that is a good use of public money.

**Mrs Foster:** Will the Member give way?

**Mr Agnew:** I will give way to Ms Cochrane. I will finish making my point.

It is a good use of public money because the priority of government should be to protect the poorest and most vulnerable in society. In making the decision not to implement welfare reform, we allowed that money to go directly to welfare recipients, to be spent in our economy and to stay in Northern Ireland.

**Mrs Cochrane:** I thank the Member for giving way. Is the Member aware of the different concessions that were put in place through the Stormont House Agreement and which were going to protect people for the next three years? People who may not even have been entitled to certain benefits were still going to receive protection, but at least that was a decision that we were making, to take that money out of our block grant, rather than just suffering penalties. It was a decision that we could take in order to protect those people. People were not going to lose out for the next number of years.

**Mr Agnew:** I thank the Member for her intervention. We sought to amend the Welfare Reform Bill, but those proposals were rejected. During the period of negotiations, whilst I was not involved in the cross-party negotiations, I met the First Minister and put forward my party's proposals and, yes, we could have had a Northern Ireland solution, but it fell short. Despite assurances from parties in this House, it still would have meant the implementation of the bedroom tax, despite promises that it would not be implemented. It still would have seen cuts to child disability benefit. It still would have seen an increase in the maximum penalties in welfare sanctions. Those were issues that we

sought to have addressed but they were not, and therefore we could not support the Bill as it came forward.

**Mr B McCrea:** Will the Member give way?

**Mr Agnew:** Yes.

**Mr B McCrea:** As the Member is talking about figures and takes issue with some of them, can I ask him about these figures from the 'Summary of Public Sector Finances' produced by the Office for National Statistics? I want to know what he makes of this: in May 2015, and that is not that long ago, the public sector in the United Kingdom spent £10.1 billion more than its income in that one month. Despite all the rhetoric that we have had, this is a reduction from the previous year of only £2.4 billion. In other words, we spent some £12.4 billion more in the UK in the month of May last year. I do not know how people do not get it. People talk about the deficit as reduction, but the debt is still going up. Where is the money going to come from to do all the great things that you want? I am not against doing good things; I am saying that there is no money and, unless you can tell me where the money is going to come from, I do not know how you plan to implement your proposals.

9.45 pm

**Mr Agnew:** I thank the Member for his intervention. I will certainly not defend the Conservative Government on their deficit reduction plans. I do not know the exact details of the figures that he refers to, but I believe that I understand the figures for Northern Ireland. We outlined them in advance when we initially opposed the Welfare Reform Bill and said that we did not see how the £90 million top-up could meet the minimum £115 million cut. Latterly, others came alongside us on that.

All along, our position has been that, if we implement the Tory party welfare reform agenda, what is the great reward for the people of Northern Ireland? The great boon that was achieved in the Stormont House Agreement was that we could devolve corporation tax and reduce it if we so chose. The same people advocating that policy bemoan the fact that we cannot afford £2 million a week on welfare payments to the most vulnerable in our society. They call them penalties, but the reality is that it is money that still comes to Northern Ireland. They wish to impose a corporation tax reduction that would cost us £6 million a week.

**Mrs Foster:** Will the Member give way?

**Mr Agnew:** I will give way, but I have to finish at some point.

**Mrs Foster:** I hope so. *[Laughter.]* The Member talks about corporation tax. It is so difficult to listen to somebody who does not have an aspiration for economic growth for this country and who has no vision for Northern Ireland moving into the future but would rather keep people on welfare benefits. That is the vision of the Green Party that we are hearing tonight. We are not hearing anything about productivity or moving forward; we are hearing about keeping people on welfare benefits. I hope that the Northern Ireland public hear that, but, of course, they will not, because it is 9.45 pm, and very few people are listening to the debate.

I made a point earlier about corporation tax. The full impact of corporation tax on the block grant does not take effect until three years after its introduction. The original timetable referred to April 2017, which may have slipped now. I am not sure what the current thinking is with Sinn

Féin on that. It raised some issues recently, although that was on the mistaken belief that the cost would come out of the block grant immediately. The full amount of corporation tax comes out in year 3, and, by that stage, we will already be bringing money back into the economy and, therefore, growing the economy. The full impact does not happen until 2020 or even 2021 on the earliest estimates, and the Office for Budget Responsibility states that the Budget for the whole of the UK will be in a surplus position by that stage. We will be in a changed circumstance when we talk about a corporation tax reduction for Northern Ireland. If the Member is going to throw out figures, he has to put them in the context of when we will have to take the hit.

**Mr Agnew:** That is the typical response when, if you disagree with someone's economic philosophy, you do not want to see productivity. I have promoted the living wage, and all evidence shows that that boosts productivity. The Minister said that we have no vision for growth. She has been in the role of Enterprise Minister and Finance Minister and has served on the Government since 2007, and, to date, the income gap between Northern Ireland and other regions of the UK has increased. We have become poorer compared with other regions of the UK under the last two Executives in Northern Ireland. The Minister can talk about vision, but her record is one of failure.

**Mrs Foster:** You will have to give way. You have to give way on that.

**Mr Agnew:** Our economy is not benefiting the people of Northern Ireland —

**Mrs Foster:** You have to give way.

**Mr Agnew:** — and the modest growth that we have had is —

**Mr B McCrea:** The Minister wants you to give way.

**Mr Agnew:** I get that.

The modest growth in recent times is as much to do with a global recovery as anything in the policies of the current Executive.

We heard previously from Mr Ross —

**Mrs Foster:** Is the Member not going to give way?

**Mr Speaker:** It is clear that the Member is not going to give way.

**Mr Agnew:** There are 10 minutes before we are due to wind up.

We heard previously from Mr Ross that we will pay the cost of reducing corporation tax through cuts to public-sector employment. His party may find that palatable, but I do not accept that it is the way to boost our economy and the well-being of our society. It is not just about GDP, which we know measures many negative, as well as positive, attributes of our economy. The proposal is to guarantee job losses in the public sector in the hope of job increases in the private sector. The projection from the economic advisory group is that we are supposed to break even on jobs after 11 years. That is 11 years of decreased employment as a direct result of that policy. To make up the tax shortfall from reducing corporation tax, we would need to grow our economy by a third. It is extreme optimism to believe that a single policy will do that. As Mr McCrea and others pointed out, believing that a single policy intervention, at the same time as cutting investment

in skills, will increase our economy by a third is optimistic to say the least.

The parties that prioritise that sort of economics have, in my view, got their priorities wrong. Indeed, David Ford, in attacking me and my party in his Alliance Party conference speech, said that we could not afford to protect welfare claimants. In the same speech, he said that we must make the cut in corporation tax. If people want a single example of what separates the Green Party from the Alliance Party — it is a question that I am often asked — that sums it up quite simply: when it comes to a choice between protecting the most vulnerable or giving tax breaks to big businesses, the Green Party will always put people first.

In the Stormont House Agreement, many unrelated elements were put into a single pot: welfare, corporation tax, public sector employment, victims and historical issues. They need to be decoupled. It is clear that the agreement has unravelled, and those who signed up to it can answer for that. It was never an agreement that my party signed up to. We did not endorse it, nor did we ever support it. It is clear that it is unsustainable. Parties talk about other parties putting their head in the sand. When you produce a Budget predicated on welfare reform, despite the fact that the Assembly did not agree welfare reform, that is clearly putting your head in the sand. The elements of the Stormont House Agreement need to be decoupled, and negotiations need to take place. We cannot continue on the trajectory that we are on.

I started my speech by talking about child poverty. It is clear from its history since 2007 that the Assembly has done nothing to redistribute wealth to the poorest. To support the Budget would be to support the continuation of a policy of robbing the poor to give to the rich. For that reason, my party cannot endorse it.

**Mr Speaker:** Thank you. It is now 9.55 pm —

**Mr McNarry:** On a point of order, Mr Speaker. In fairness, could you rule that the Members next in line on the Speaker's list will be taken first on Wednesday, if that is your choice today?

**Mr Speaker:** You pre-empted me. That is exactly what will happen, I expect. The Business Committee will, of course, reschedule the unfinished business for this evening. We will pick up the speaking list as it stands at the present time. Three other Members wish to speak, and we have to hear from the Minister. That comprises the business that was unfinished this evening.

*The debate stood suspended.*

*Adjourned at 9.55 pm.*



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# Northern Ireland Assembly

Tuesday 23 June 2015

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Campbell:** On a point of order, Mr Speaker. I seek your guidance. Some time ago, I tabled a question for written answer to the Minister of Agriculture and received a reply in the past few days. It was in relation to an invite that she had extended to an event at the proposed DARD headquarters at Ballykelly camp. I had asked her whether invites were sent out to local community associations and local representatives. She said that they were. I indicated to her in a subsequent question that it appeared that an unelected representative from another constituency, who was a Westminster candidate a few weeks after the event, was present at the event and, in fact, was photographed beside her and the deputy First Minister. Yet her reply says that no such person was invited either by the Department or by her. I just wonder whether you, Mr Speaker, could investigate the accuracy of the reply and give advance notice to other Ministers to avoid such gatecrashing in the future.

**Mr Speaker:** The Member has got his point on the record. I suspect that he knows very well that it is not a point of order. Ministers take responsibility for the content of their own answers. It is not a matter for the Speaker. The circumstances of that particular event, as a result of you putting it on the record, permits the Minister and her departmental staff to consider the accuracy of the information that they transmitted. Let us move on.

**Mr Nesbitt:** On a point of order, Mr Speaker. I am going to crave your indulgence on this point of order. As you will be aware, Councillor John Hanna was killed in a very tragic accident yesterday on the north coast. I know that he is not directly associated with the House, but he served for 22 years as an elected representative, and I would just like Hansard to record the fact that we mourn his passing.

**Mr Speaker:** Again, it is technically an abuse of the point of order process, but I think that all Members will share the sorrow and extend condolences to the family. I never met the gentleman, but, by all accounts, he was an outstanding public representative and appears to have been a very well-loved figure in his community. The point has been very well made and is on the record.

Before we proceed to today's business, I would like to inform Members that the Business Committee has agreed to reduce the lunchtime suspension to one hour in order to reduce the lateness of today's sitting. It will commence half an hour later, at approximately 1.00 pm, and the sitting will resume at 2.00 pm, when the first business item will be Question Time.

## Committee Membership

**Mr Speaker:** As with similar motions, this will be treated as a business motion, so there will be no debate.

*Resolved:*

*That Mr Ross Hussey replace Mrs Sandra Overend as a member of the Committee for Education; and that Mr Robin Swann replace Mr Tom Elliott as a member of the Committee for Agriculture and Rural Development with effect from 30 June 2015. — [Mr Swann.]*



## Committee Business

### Report on the Review of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Spratt (The Chairperson of the Committee on Standards and Privileges):** I beg to move

*That this Assembly notes the report of the Committee on Standards and Privileges on the Review of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members [NIA 178/11-16]; agrees to the new code of conduct and guide to the rules set out in annex 1 of the report; and further agrees to the other recommendations contained within the report.*

I join with what has been said in relation to the late Councillor John Hanna and offer the condolences of my party colleagues on his tragic death yesterday after an accident. I had the privilege of working with John for a number of years on the Northern Ireland Local Government Association, and he was an outstanding public representative.

Over the last year, the Committee on Standards and Privileges has carried out a review of the Assembly's code of conduct and guide to the rules. I thank everyone who contributed to the review, including those who offered us evidence, those who hosted our visits and those who provided us with answers, research and legal advice. I also thank the former members of the Committee who contributed to the review, particularly my colleague, the previous Chairman, Alastair Ross, who carried out most of the work in relation to this. I also put on record the Committee's gratitude to the Clerk and the other Committee staff for the outstanding support they gave during the review. The collected efforts of all those involved has allowed the Committee to bring forward a new and improved code today for the Assembly's approval.

Much of our time during the review was spent on the question of when and how the code should apply to Members. That question is not as straightforward as it might seem. There were some, including the Committee on Standards in Public Life, who told us that, in certain circumstances, private behaviour can affect the reputation and integrity of a public institution. They said that, where that happens, there can be a clear public interest in a proportionate intrusion into a Member's private life.

We disagreed. Of course, a Member's actions in their private life could affect public confidence in their ability to carry out their role, but that does not provide a rationale for extending the scope of the code, and its standards and rules, to their private life. That would be unfair and disproportionate, even in limited circumstances.

Having said that, it is not always easy to differentiate between a Member's private life and their wider public life and role as a Member. When we participate in media

interviews, attend public events, and use social media, in what capacity are we doing so? The answer, depending on the situation, is not always obvious. The Committee therefore believes that the code should continue to apply in those circumstances, unless it is clear that a Member is acting exclusively in another capacity.

The Committee gave careful consideration to the issue of Members' comments. As a point of principle, the Committee believes, and has consistently stated, that it would be entirely inappropriate for the Assembly to seek to prevent or limit the lawful expression by a Member of any political opinion. That includes opinions on social or moral issues, even when such opinions should be regarded as offensive or inappropriate. The legal position on Members' right to freedom of expression supports that principle. The law gives enhanced protection to political expression and protects not only the substance of what is said but the form in which it is conveyed. Therefore, in the political context:

*"a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated".*

I am sure that we can all think of some examples of Members making those types of comments. However, the right to freedom of expression should not be misunderstood as allowing Members to bully or harass others. Clearly, that sort of conduct is unacceptable. The new code therefore provides that Members should not subject others to unreasonable and excessive personal attack.

That rule is just one of 21 enforceable rules in the new code. Most of them replicate, clarify or amend existing rules. Others are completely new, so I will say a few words about them. The new code provides that Members must not accept any gift, benefit or hospitality that might reasonably be thought to influence their actions when acting as a Member. Up until now, it has been enough for Members simply to register the receipt of such benefits. Generally speaking, no difficulty arises when they do so, provided that they do not then advocate for the person who provided the benefit. However, the Committee has agreed that, in certain circumstances, the receipt of particular benefits could reasonably be thought to influence Members' actions, even when they register them and comply with the Assembly rule. The Committee agrees that the receipt of such benefits in those circumstances would be unacceptable. Our new rule addresses that and brings us into line with the rules that apply to many other public-office holders.

The new code also provides that Members shall take reasonable care to ensure that their staff, when acting on their behalf, uphold the rules of conduct. That rule recognises, in the first instance, that Members' staff must not be able to act in a manner that improperly places personal interest above public interest. It also recognises, however, the primacy of Members as the employer in ensuring that their staff behave appropriately. Members should ensure that staff working for them are aware of the provisions of the code through appropriate induction, training, management and oversight and through requiring staff to adhere to their own code of conduct. The Committee shall liaise with the Assembly Commission and others to ensure that, if possible, a code of conduct

for Members' staff is agreed and introduced to have effect from the start of the next mandate.

In his poem 'Choruses from "The Rock"', T S Eliot decries those who constantly dream of:

*"systems so perfect that no one will need to be good."*

The Committee understands that. It does not assume that, if Members mechanically follow the 21 rules, all will be well and that standards at the Assembly will be unquestionable.

Members must also take personal responsibility for their behaviour. No matter how comprehensive our rules, adherence to them does not absolve Members of their own personal integrity. Members must want to behave ethically and should base their behaviour not just on rules but on sound values and principles.

#### 10.45 am

For that reason, in addition to rules, the code contains a number of principles. Those principles are aspirational rather than enforceable, but are just as important. The principles reflect the fact that Members should at all times conduct themselves in a manner that will tend to maintain and strengthen the public's trust and confidence, and integrity in the Assembly.

We must not forget that Members of the Assembly can be influential leaders to whom the public often look to provide an example. We know from research that the ethical behaviour of elected representatives can have an impact on the ethical standards and norms displayed across society more generally. The Assembly should therefore encourage and expect Members to observe those aspirational principles of conduct. As the guardian of the principles of conduct at the Assembly, the Committee will consider how best to promote them and will draw attention to practices and conduct that are incompatible with them.

The Committee is confident that the new code and guide will increase the public's confidence in the probity of the Assembly and the accountability of its Members. On behalf of the Committee, I commend the report to the House.

**Mr F McCann:** Go raibh míle maith agat, a Cheann Comhairle. I would just like to echo the thoughts and prayers that have been offered this morning for John Hanna. As a long-term councillor before I came into this place, I know about the difficult and hard work that is put in by councillors. I know that John had been an active member of NILGA and had worked to establish that organisation. From Sinn Féin, I would like to pass on our prayers and thoughts to the family of John.

My colleague Cathal Boylan was to lead the Sinn Féin position on the code of conduct but, unfortunately, Cathal is in hospital for an operation. We send our best wishes to him for a speedy recovery.

On 14 March 2015, the Committee on Standards and Privileges announced that it would carry out a review of the Assembly code of conduct. Its purpose was to establish the principles of conduct of all Members, to set rules for all Members to adhere to and to provide openness and accountability, thus ensuring public confidence in the standards regime in the Assembly. That wholesale review was agreed with the aim of clarifying what the purpose of a new code of conduct should be. It would define the scope of the code, determine where it does and does not

apply and, ultimately, come up with a new draft that is comprehensive, clear and enforceable.

The Committee wrote to key stakeholders, including all Assembly Members, all political parties in the Assembly, the Speaker and the Equality Commission. The Committee published issue papers on the Assembly website, released press statements and took out adverts in the main local papers. In the end, the Committee was satisfied that all relevant stakeholders were approached to secure the widest possible participation. A total of 22 written submissions were received. I understand that Sinn Féin and the Ulster Unionist Party were the only two political parties to submit written submissions, which included recommendations that the Assembly approves the new code of conduct and guide.

The new code and guide include managing conflicts of interest; upholding the law; registering a declaration of interest; prohibition of the receipt of certain gifts; paid advocacy; misuse of payments; guidance and instructions; treatment of confidential information; interference with the performance by the Assembly of its functions; the abuse of position by a Member; and subjecting others to personal attack.

We also discussed Standing Order 69, which should be reviewed to determine whether it should be amended to reflect provisions of the new code and guide. The new code and guide should not come into effect until after the review of Standing Order 69 is complete.

The Assembly welcomes the independent financial review panel's intention to include in this determination for the fifth Assembly a provision for reducing the salary of a Member by 90% for any period during which that Member is imprisoned. The Committee on Procedures should review whether Standing Order 70 is necessary. It should liaise with the Assembly Commission to ensure that a code of conduct for Members' staff is agreed and introduced, to have effect from the start of the next Assembly. The seven principles of public life fulfil the purposes of promoting good behaviour in public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.

The new code includes 21 enforceable rules of conduct. These are clear and concise in spelling out what Members must do and what they must avoid. One new rule requires Members not to accept any gifts or benefits that might influence their actions. This brings us into line with many other public office holders. Some include avoiding conflict between personal interest and public interest; upholding the criminal law; upholding the law in relation to equality; and the Assembly's register of interests and all relevant issues. Members will not misuse any payment, allowance or resources that are available to them for public purposes. These include a new rule that requires Members not to accept any gift, benefit or hospitality that might reasonably be thought to influence their actions as a Member. This brings us into line with many other public office holders. Members will cooperate at all times with any investigation and will not disclose details about such an investigation except when authorised by law or an investigatory authority.

To conclude, the Committee agreed that specific training and education should be made available to Members in a range of areas. The Committee believes that this work would be complemented by Politics Plus and recommends its approach to seek to put in place appropriate training for

this range of standards. Overall, we are satisfied that the work that has been carried out will instil public confidence.

**Mr Rogers:** I also add my condolences to the Hanna family on the death of John. I knew John for many years. He was a councillor on the neighbouring Banbridge District Council. I always found him to be a gentleman. To his wife, Joan, the Hanna family and, indeed, the wider unionist family, I send my sympathies.

I welcome the opportunity to take part in the debate on the review of the code of conduct. As was the case with the last Member who spoke, I am the first sub in place of Committee member Colum Eastwood, who is unable to be here today.

From reading the report, it is clear that the Committee has undertaken significant work to review the Assembly's code of conduct and guide to the rules relating to the conduct of Members and to create a new updated version that draws on the opinions of a wide range of stakeholders from within the Assembly and beyond. This work includes a redefinition of the purpose of the code; a clarified scope; 11 aspirational principles of conduct; 21 enforceable rules of conduct; and a clear and more concise guide to the rules.

Mr Eastwood asked me to thank, on his behalf, the Committee staff, who worked tirelessly throughout the year in the operation of the Committee and the creation of the report that we are considering today.

The Committee's work is prompt. We have seen recent publications from the Council of Europe's Group of States against Corruption and the Committee on Standards in Public Life on best practice in promoting good behaviour in public life. The Committee on Standards and Privileges here is to be commended for its timely response to reports of this nature and the publication of today's report.

I do not intend to give an exhaustive analysis on all issues in the report, but I will highlight a few key areas of work that have been undertaken. The House and its Members should always strive to operate within an established level of conduct that is befitting of elected representatives. A code of conduct should not be a loose guide to defining how Members should conduct their business in public life but should instead be a mechanism for adherence to an established set of principles. It is for this reason that the ombudsman and the commissioner, when considering the Committee's work on the report, welcomed a change in the language in relation to the code of conduct. The word "expected", for example, has been used before in the code. The ombudsman suggested that the word "required" be used instead. This reflects a key theme that has been highlighted by the ombudsman, the commissioner and others, namely that the code of conduct should extend beyond assistance or guidance for Members and have a greater purpose in compelling Members to behave in a certain way.

The Committee examined the scope of the code of conduct in relation to the private and family lives of Members. The Ulster Unionists were particularly strong in their representation on this. The Committee was not convinced that it was responsible or proportionate to extend the code of conduct beyond situations to which Standing Order 65 applies.

That said, there have been incidents, as acknowledged by the ombudsman, when an MLA might have been

acting outside the Chamber in his capacity as an elected Member. It is there that the distinction between public duty and private life may become slightly blurred. I believe, having read the report, that the Committee was diligent in considering this issue, and the code has been updated to reflect that.

The Committee's review also considered lobbying. It is clear that lobbying takes place on a much lesser scale here than in other parts of the world: in the United States, for example, lobbying is a highly regulated, multibillion dollar industry. The Committee broadly agreed that lobbying is a legitimate practice that helps democracy and aids policymaking in the Assembly. However, the possibility that undue weight is given to lobbyists who wield the power of money is always there, and the Committee was cognisant of that.

There was a separate discussion about a possible statutory register of lobbyists, as exists in different jurisdictions. That is an interesting idea. However, the Committee was not convinced that the absence of any such register has created problems here. Furthermore, the Committee was wary of creating extra administrative burden and bureaucracy where they were simply not needed.

Having received legal advice, the Committee's view was that Standing Order 69 be reviewed to determine whether it should be amended to reflect the provisions of the new code and guide. Standing Order 69, of course, concerns Members' interests. It is my understanding that the consideration of Standing Order 69 has been passed to the Committee on Procedures and that the code would need to be amended to reflect the considerations of that Committee and any legal advice given. That is a prudent course of action.

I commend the work of Committee members and staff in the creation of this report. I hope that it goes some way to ensuring high standards of behaviour and personal responsibility in the House and beyond.

**Mrs Overend:** I, too, would like to record my sympathies for Councillor Joan Hanna on the passing of her husband John. He will be sadly missed indeed by so many. My thoughts and prayers are with them all.

I speak on behalf of the Ulster Unionist Party to commend the Committee report, which followed a thorough and lengthy review of the code of conduct. I add my thanks to the Clerk and staff of the Committee for pulling together a vast amount of information.

The review began in March 2014, and I am glad that it reached its conclusion before the end of this mandate. The new code, if agreed today, will be introduced in the new Assembly mandate — I might have added "in May 2016" but the ways things are going around here, you just never know when that might be.

When a complaint against a Member is made, the process is meant to proceed in closed session and behind closed doors. However, many make it into the public domain due to the strong feelings of complainants and the view that they must be seen to have lodged a complaint. In my experience on the Committee, however, it has often been the case throughout this mandate that complaints turn out to be inadmissible as they are outside the scope of the code of conduct. That conclusion is reached following investigations — through written correspondence,

oral interviewing or both — by the Commissioner for Standards, who is, currently, Douglas Bain.

A number of difficulties have been experienced with regard to complaints about Members, their conduct and how that has been perceived by the public at large. That is inevitable, considering the political dynamic in Northern Ireland, the history of the Troubles and the fact that we have such vastly differing views of what is acceptable, what is normal and, sometimes, what is the truth.

One of our main concerns about the existing code of conduct was that it was too ambiguous in parts, leading to unrealistic expectations of what it was supposed to do. A major difficulty throughout our evidence sessions and discussions was how to define when an MLA was acting as an MLA. While a Member is certainly entitled to a private and family life, there are occasions when it is difficult to define where that line lies.

The Committee has, therefore, taken the view that the code of conduct should continue to apply in circumstances where a Member only partly accounts for the Member's actions, except when it is clear that a Member is acting exclusively in another capacity. Of course, it shall not be enough for a Member to state that they are not acting as a Member. The commissioner is expected to take into consideration all relevant evidence etc before concluding if a Member is acting exclusively in another capacity. It is extremely important that there is increased clarity in this area.

#### 11.00 am

For these and many other reasons, it is crucial that Members have a clear set of rules and standards. The new code of conduct includes both 11 aspirational principles of conduct and 21 enforceable rules, supplemented by a guide to explain the application of how to comply with the code. The principles are largely similar to what we had before, but the 21 rules are much more clearly defined. Therefore, Members and the public should find it easier to define if the code has been broken without having to process a complaint, which is often a complicated procedure. I have looked to summarise the 21 rules into the following categories: interest and influence; upholding the law; improper use of your position; respect; cooperation with any investigation; not urging other Members to contravene the code; and staff conduct.

I agree with the Committee recommendations that it would be useful if Members and staff were provided with some training on adhering to the code of conduct and in dealing with areas such as social media to ensure that Members know their limitations and act with respect and in an appropriate manner befitting of an MLA.

I must have talked much faster than I anticipated when I wrote this speech. I will draw my remarks to a close by commending the report to the House. It is important that Members act appropriately and avoid bringing the Assembly into disrepute. As one of our witnesses, Dr Tom Walker from Queen's University, said, we are the guardians of its integrity.

**Ms Lo:** First, I want to thank the Committee staff, particularly the Clerk, Paul Gill, who has ably assisted the Committee in reviewing the code of conduct and the guide to the rules. I joined the Standards and Privileges Committee as its vice-chair in September 2013. In recent months, it has become apparent that the

majority of complaints received were inadmissible. While parliamentary privilege in the Chamber is reasonably well known to MLAs and the public, behaviours in Committees and elsewhere are not so clear. On several occasions, breaches of our code determined by the Commissioner for Standards were challenged as being not compatible with human rights convention articles such as the right to life or freedom of expression.

The Committee spent considerable time and effort conducting the review with a widespread consultation and consideration of best practice in other jurisdictions. We have also taken into account the Council of Europe's Group of States against Corruption reports and the UK Committee on Standards in Public Life's review, 'Standards Matter'. I therefore welcome the publication of the Committee report and believe that the revised code and guidance will give us an opportunity to increase public confidence in the integrity of the Assembly and accountability of MLAs, particularly at a time when the institution's rating is at an all-time low.

The new code will provide clarity to aspirational principles and set out enforceable rules that spell out clearly things that Members must and must not do in order to act in a manner consistent with the principles of conduct. When Members and the public know what standards of behaviour are expected of MLAs, this should result in fewer inadmissible complaints. However, it is important to reflect on the Assembly commissioner's remarks that the standards set out in the code are the minimum expected of Members. The Alliance Party endorses the updated 11 principles of conduct, the 21 enforceable rules of conduct, and the guide to the rules.

We welcome in particular the rules that deal with registering interests and prohibiting the receipt of gifts that might reasonably be thought to influence a Member's actions, as they are important to ensure that MLAs act in an impartial way. In terms of receiving payment to advocate for any outside body or individual, the Alliance Party feels very strongly that Members should be prohibited from providing paid advice for lobbyists. If we are to improve the levels of trust and confidence in the political system, we need to be as transparent and open as is possible.

As someone who has received a racist slur on social media, albeit unintentionally, from an MLA's assistant, I personally endorse rule 19, which states that Members:

*"shall take reasonable care to ensure that your staff, when acting on your behalf, upholds these rules of conduct."*

Finally, the Department of the Environment implemented the 'Northern Ireland Local Government Code of Conduct for Local Councillors' in April 2015. That is based largely on the Assembly's old codes, so there is now a discrepancy between the codes for central and local government. DOE may need to review that in the future to ensure a consistent approach for all public representatives in Northern Ireland. I support the motion.

**Mr Ross:** I want to record my gratitude to the Chairman of the Committee for acknowledging the work that I did in my time as Chair. I had the privilege of chairing the Committee from 2011 until December 2014, but I have also sat on the Committee since first entering the House



in 2007. I approached the inquiry with some knowledge of the difficulties that there were with the old code of conduct and the opportunities that were presented to make a better code of conduct. The review of the code that was undertaken by the Committee was, as other Members have said, incredibly comprehensive. I want to record my thanks to Tom Walker from Queen's University, who, I think, focused the minds of Members on how we could get a code that is both practical and enforceable.

We obviously spoke to our colleagues in the House of Commons, in the Scottish Parliament and the Welsh Assembly, but of course clerks talk to each other all the time, and any changes that happen are usually quite incremental and will follow suit across these isles. However, I think that it is also important that we look beyond the British Isles. I gave evidence to the European Union for the GRECO report and we also engaged with the US House of Representatives Committee on Ethics, the Senate Ethics Committee and the State of Maryland legislature. Those areas deal with different difficulties to those that we face. The rest of Great Britain does not experience the political nature of complaints that we have here in Northern Ireland. In the United States, the debate tends to be around the ethics surrounding financial donations, because of the amount of money that they spend in their election campaigns. I listened to Mr Rogers make that point around lobbying. Because there is so much regulation around lobbying in the States, because Senators and Congressmen and -women are spending millions and millions of dollars on a campaign, that is just not applicable here in Northern Ireland.

We have ended up with a new approach in the code of conduct. As other Members have said, it is a simplified code, boiling everything down to 21 rules, but I think that the most important aspect of this new code of conduct is the fact that there is a separation between the aspirational and enforceable elements of the code. Look at the Nolan principles on public life, which are well known and used in nearly every jurisdiction around the United Kingdom: who could disagree with selflessness, integrity, objectivity, accountability, openness, honesty and leadership? The difficulty for the Committee and indeed for the Commissioner for Standards is how to decide when a Member is being open or honest or objective. How do you know whether a Member is showing leadership? It is very difficult for Committee members or the commissioner to judge whether a Member has breached the code of conduct based on those principles. That is why I think that it is so important that the separation between the aspirational element and the enforceable element has been reinforced in this code. That will make it much easier for Committee members and the commissioner when determining whether Members have breached the code. As Mr McCann said, greater sanctions are now available. The opportunity to dock a Member's salary is something that we called for and has been delivered. It is also incredibly important.

Other aspects of the code are worth highlighting. The right to a private life has been mentioned. It is important that Members are enabled to have a private life. In most cases, the code would not apply to it, nor would that be in the public interest. Freedom of speech is also hugely important. When we talked to politicians in the US, they laughed at some of the complaints we receive here in Northern Ireland on comments that Members have made.

Indeed, as the Chairman of the Committee highlighted in his opening comments, article 10 of the European Convention on Human Rights, the law governing freedom of speech, protects Members when using:

*"a degree of immoderate, offensive, shocking, disturbing, exaggerated, provocative, colourful, emotive"*

language. That may be a challenge to some of us at times, particularly when Members say something that we do not like; but we have to recognise that they have the right to say it, and as long as their comments are lawful, they should be able to make them.

I conclude on two points. One of the difficulties we have faced in Northern Ireland is politically motivated complaints. We have far more complaints by MLAs against other MLAs than anywhere else in these islands. The most unfortunate thing is that a complaint by one MLA against another is nearly always accompanied by a press release. That is an abuse of the system and something we really need to get to grips with.

Finally, Ms Lo made reference to the councillors' code of conduct. It was unfortunate that the Environment Minister went on ahead with his code of conduct, rather than talking to the Committee on Standards and Privileges and trying to develop codes in parallel, which might have delivered much more clarity and a better system of conduct regulation at both council and Assembly level.

I recommend the code to the House.

**Mr Newton:** I too rise in support of the code. I open my remarks by paying tribute to the Committee staff, who have, in my short time on the Committee, done an excellent job. They have been diligent in their work; they have been excellent in their communication; and they have offered excellent advice to the Committee. I also thank Jimmy Spratt, who has been Chair since I joined the Committee and, indeed, Alastair Ross for the work he has done.

I would like to take a slightly different tack. Rather than delve into aspects of the work that has been done, I will talk about the need, or the perceived need, for the work to be done. Let us remember that this is a review of the code of conduct and that the Assembly already had a code of conduct in operation, which it willingly undertook to review. One might see that as moving towards what is regarded in other areas of work as professional standards. That is to be welcomed. We all use the word — a very important, very small, but very significant word — "trust". People put their trust in politicians at election time, and they look to politicians and this House for good conduct and, indeed, to set an example, both in the Chamber and in the environs of the House, not forgetting that MLAs and politicians from all backgrounds have a private life. Indeed, good guidance has been given in the code on how that should be separated out.

The code offers greater clarity to MLAs and provides for a greater ability to scrutinise the openness and transparency of the work of MLAs. It also recognises that freedom of expression is absolutely necessary in public life, but it does not allow MLAs to step across a boundary.

They have to be, within the code of conduct, more accountable for their behaviour or actions. Indeed, within the 21 points and 11 principles, stronger action can be taken against an MLA who is adjudged to have broken the rules.



**11.15 am**

In two particular areas, there is use of the word "gifts". I have to say that I do not think that anybody has ever offered me a gift, but, anyway, where there are gifts, the public expect a standard. It is quite obvious, particularly in your role, Mr Speaker, where gifts are given to the Assembly —

**Mr Speaker:** Robin, I am getting sensitive about this.

**Mr Newton:** I am going to welcome the fact that there are two display cabinets where gifts that are given to the Assembly are put on display and are recorded as such. Those are not gifts to the individual post holder but to the Assembly itself. That principle needs to be included in all aspects of life.

I will end with these few remarks. The public expect integrity from their politicians and expect politicians to behave in a manner that is perceived to be professional, whether in the Chamber, in Committees, in the public domain or through the conduct of office staff. They expect that professional standard. What we have got in the review of the code of conduct helps us to move in that direction.

**Mr Allister:** At the outset, I associate myself with the condolences expressed upon the passing of Mr Hanna. He is the husband of a much-valued and very effective councillor in my constituency, Councillor Joan Baird, and my thoughts are very much with her at this very difficult time.

I wish to focus on a certain part of the report, but, before I do that, I want to make a couple of comments.

It is all very good, but part of the issue that can subvert and circumvent the work of the Standards and Privileges Committee and the commissioner is the misuse of the petition of concern. That further drags down the credibility of the situation. When there is a complaint, and a finding by the commissioner or the Committee that is adverse to the Member and perhaps a recommendation for censure, his or her friends and colleagues, if he is from one of the big parties with the capacity to do it, gather round as a human shield to protect him from the censure. That totally undermines the independence and effectiveness of the supposed system of protecting the standards and privileges of the House. We have seen it in the past, and we may well see it again in the not-too-distant future, maybe even next week. It is an abuse of the petition of concern.

When the Procedures Committee, upon which I serve, comes to look at some of these matters, it could do well to make a move to exempt the use of petitions of concern on matters of conduct in the Standards and Privileges Committee. That needs to be looked at, because it really makes a mockery of the system.

The main point I want to make relates to paragraphs 69 to 80, which point out that, in contrast to the holding of Members to account, there is a total lacuna in the ability to hold Ministers to account. Although there is a ministerial code, there is no methodology to enforce that code. The report rightly, though a little timidly, draws attention to that and suggests:

*"the Executive should agree to introduce an independent process to investigate complaints which allege that a Minister has failed to observe the Pledge of Office".*

**Mr Ross:** I thank the Member for giving way. He will, of course, acknowledge some of the difficulties with enforcing a ministerial code of conduct because of the composition of our Government. The mechanism for ensuring that the ministerial code of conduct is adhered to is the court system, and we have seen Ministers who have breached the ministerial code of conduct being sanctioned by the courts. There is therefore a mechanism in place to enforce the code of conduct, but it happens to be the court system rather than within government.

**Mr Speaker:** The Member has an extra minute.

**Mr Allister:** Thank you. The point that I was making is that there is no mechanism and no compulsion to investigate a breach of the ministerial code. That is made very clear in some answers that I received from the First Ministers, to the effect that no mechanism exists and that they have no plans to bring in such a mechanism, whereas in paragraph 77, the report quite rightly suggests that there should be an "independent process to investigate complaints".

That seems to me to be quite incongruous. When there is a complaint made against a Member, as a Member, the Commissioner for Standards will investigate, bring forward his report and interview whomever. There is a proper, due process of investigation. When, however, you have an abuse of the process, such as we had by Minister McCausland as found in the Red Sky case, there is no mechanism to investigate and therefore no path to censure. It is an obvious gap in credibility for the operation of the Assembly that there is no means by which to investigate the alleged actions of Ministers if they fall foul of the ministerial code of conduct.

That is a gaping flaw in the system, which adds to the downward spiral in the credibility of the institutions. Although I welcome the fact that the Committee put its finger on that, the burden is now on the Executive, and the Office of the First Minister and deputy First Minister in particular, to do something about it and to instigate a proper procedure. At the moment, Mr Ross says, "The courts, yes. You can go to the court and ask for a declaration if there has been a breach of the ministerial code". The only other mechanism is that it be brought to the Assembly, either by the First Ministers jointly moving it, which, when most of our Ministers come from their parties, is unlikely to happen —

**Mr Speaker:** The Member's time is almost up.

**Mr Allister:** — or by 30 Members of the House. The opportunity to investigate properly before you get to that point does not exist, and that is a fatal flaw in the procedures.

**Mr Agnew:** At the outset, I thank the Chair and the Committee staff for their diligent work on this, as well as the former Chair, Alastair Ross, who I know approached the review with a genuine commitment and desire to improve the working of the code and the standards of Members. I believe that the outcome is that we have a better, clearer code.

An issue that I raised about a number of investigations is the need for help for complainants to understand the code better. I often felt that the complainant was required to be an expert to make a complaint, and that should not be the case. A clearer code can only assist the public and, indeed, those politicians who are bound by it. Hopefully,

this clearer code, with its guide, can discourage some of the erroneous complaints that other Members referred to, and, hopefully, we can reduce the number of inadmissible complaints. Sometimes, genuine complaints are made that are inadmissible, but I feel that, too often, complaints are made for political purposes, and I hope that we will move away from that.

The one issue on which I will place on record my discontent is the scope of the code. We have heard about the importance of the separation between our role as an MLA and our private life, which is a proper distinction to make. In our discussions, we talked about being out for a family meal etc, which should be treated as private time and should not be covered by the scope of the code. However, there is a third category, which I urged the Committee to include; it is referred to in the report as “reasonably presumed”. I would be even more explicit and say that it should apply when a Member is acting in a political capacity. In our discussions, I used the example of attending or speaking at a political rally. I think it is reasonable that the public can expect the high standards that we have placed in the code of any MLA who speaks in public in a political capacity. It might be as a party representative, but I believe that those are areas that should be covered by the scope of the code.

**Mr McCallister:** I am grateful to the Member for giving way. Does he accept that, in acting in such a capacity, you are unlikely, if you are not an MLA, to be asked to speak? Therefore, the code should, of course, cover your actions at such an event.

**Mr Speaker:** The Member has an extra minute.

**Mr Agnew:** I thank the Member for his intervention. That is a point that I make sometimes when I am being interviewed. If I am asked what I personally think, I reply that, if I was not speaking as a representative of a party or as an MLA, the interviewer would not be asking for my views. The views that I give are my political ones. It is important that Members who attend political events should conduct themselves with the levels of integrity and respect that are outlined in the code.

Mr Allister mentioned the ministerial code. The Committee was limited in what it could do. We have written to the First Minister and the deputy First Minister and included in our report the recommendation that there should be a process of investigation. That is right, because the line is often used that there is one rule for some and another rule for others. We have a situation where there are 21 rules for Members and none for Ministers because the ministerial code could be perceived to have been breached on a number of occasions without an independent investigation or a process.

Members of the public and, indeed, some MLAs have written to the Committee about breaches of the ministerial code, but we have had to write back to say that we cannot act and can only treat them as inadmissible complaints. In many cases, there are good reasons behind the complaints but we cannot refer them to another process. We have heard mixed views as to whether writing to the First Minister or the deputy First Minister is, in itself, a process. It appears that they take no responsibility for upholding the ministerial code or for its oversight. As has been pointed out, it has been left to the courts. It is a less than ideal situation that is the only recourse.

We should have a form of self-governance but, of course, the courts should be there as a final resort. As we do with the code for Members, we should have an independent investigation and a process that is clear and coherent to the public.

**Mr Speaker:** The Member's time is up.

**Mr Agnew:** It is unfortunate that that is not in place.

**Mr McCallister:** I will be very brief. At the outset, I associate myself with the remarks about the late Councillor John Hanna. I knew John very well. I fought my first election campaign in the Knockiveagh ward alongside John so I have many fond memories of him. He will be greatly missed by his party colleagues and his wife, Joan, and I extend to Joan my sincere sympathies at this very difficult time.

### 11.30 am

I am grateful to the current Chair, the previous Chair and the Committee for bringing the report forward. I have concerns about the issue of respect, mentioned in paragraphs 214 to 225. I feel that there is a gap in that that section does not include Members' staff or, indeed, party staff. That is one of the difficulties that we have here. It applies particularly to staff members of independent Members like me or of smaller parties that maybe do not have the capacity, structure or HR experience to deal with complaints and in which, effectively, there is nowhere for a staff member to go. I would like that to be looked at. Mr Speaker, I wrote to your predecessor about this to see whether we could extend the scope, make sure that the Carecall process is looked at as an option and whether there could be some point of redress for members of staff of small parties or independent Members. Working for a Member is like working for a small business: you are effectively on your own. As a corporate body, we should have an overall responsibility. That needs to be looked at and grappled with.

It is worth supporting Mr Agnew's point about making a complaint and how difficult it is for a Member, a member of the public or a member of staff to make a complaint. It is important that it is not made unnecessarily difficult to have exactly the right language and to meet the standard, because we want this to be of value in upholding this institution and in ensuring that Members are rightly held up by the public as maintaining a high standard in public life. We also question how well equipped any individual commissioner is — not just the current commissioner — to deal with a very sensitive complaint.

Mr Allister made a point about breaching the ministerial code. I accept Mr Ross's point that it is up to a court, but the ministerial code can sometimes be viewed in the same way as ASBOs used to be viewed. It is almost a badge of honour to be accused of breaching the ministerial code when it should be seen as being slightly more serious. Nearly all Ministers seem to have breached the code at some point, regardless of whether they were taken to court. We must have a code that actually means something. That was Mr Allister's driving point, and I concur with it.

**Mr Spratt:** I thank those who took part in the debate, which has largely been positive. That reflects the constructive and consensual manner in which the Committee carried out the review. The Committee has asked the Assembly

to agree the new code. I welcome the apparent support for it across the Chamber. However, the Committee has also made further recommendations, so, before I reflect on the points made during the debate, I will address some of those other issues.

I want to mention the guide to the rules. The Committee has agreed that some of the rules of conduct should be supported by more detailed requirements, revisions and guidance. The new guide to the rules, therefore, sets out such details for rules 4 to 8 of the code. Should it appear to the Committee in the future that any of the other rules in the new code would benefit from more provisions, it will table amendments to the guide for the Assembly's approval.

Secondly, the Committee recommended that Standing Order 69, on Members' interests, be reviewed in light of the provisions of the new code and guide. The Committee has recommended that the new code and guide not come into effect until after such a review is complete.

The third issue that I want to mention is lobbying, which has caused significant concerns at other legislatures where some Members have clearly acted improperly when making representations on behalf of lobbyists. The Committee is satisfied that lobbying is a legitimate practice that is important for democracy and policymaking. However, it should be managed well to ensure transparency to the public, who need to be assured that undue weight is not given to the power of money behind the scenes. No one should be under the impression that it is necessary to employ the services of a lobbyist to make their views known or gain access to Members.

The Committee is satisfied that the provisions of the new code and guide are sufficient to ensure that misconduct in relation to lobbying does not occur. However, we recognise the argument for, in addition to the mandatory requirements of the code and guide, good practice guidance for Members and their staff when dealing with lobbyists. The Committee has, therefore, agreed 'Guidance for Members on Dealing with Lobbyists', which is included at annex 2 of our report. The Committee also recommended that OFMDFM give consideration to whether a register of lobbyists in Northern Ireland would be appropriate or beneficial.

I now turn to some of the comments made by Members during the debate. Fra McCann pointed out that we welcomed the Independent Financial Review Panel's intention to include in its determination for the fifth Assembly mandate a provision for reducing the salary of a Member by 90% for a period during which that Member is imprisoned. Seán Rogers referred to the GRECO report on preventing corruption in legislatures, and our report takes full account of its recommendations.

Anna Lo and Sandra Overend referred to the number of inadmissible complaints received, and we hope that the new clearer code will reduce the number of those complaints in future. The greater clarity in the code is for Members and the public.

The former Chair, Alastair Ross, spoke about some of the problems that we had with the current code, problems that arose from ambiguities in drafting and the lack of separation of aspirational principles and enforceable rules. The new code clearly addresses that and spells it out that, while the principles are important, they are not enforceable.

My colleague Robin Newton spoke about the trust that is key to the integrity of this institution, and we believe that the new code will enhance trust in standards at the Assembly.

Mr Allister raised two issues, both of which have nothing to do with the conduct of Members. He spoke about petitions of concern, Mr Speaker, but that is not a matter that the Committee could or should address as part of the review. That is, of course, a matter for the Assembly and you as Speaker to decide on. He also raised the ministerial code. Today, we are debating the code of conduct for Members, not the ministerial code.

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

**Mr Spratt:** I am not sure. I have really heard enough from you, but I will give way just this once.

**Mr Allister:** I am a little puzzled, because 12 paragraphs of the report deal with the very subject that I raised: the application of codes to Ministers. It is rather disingenuous to suggest that I raised something that had nothing to do with the report when the report itself has a recommendation in paragraph 77 touching on that very issue.

**Mr Spratt:** Of course it is not disingenuous, Mr Speaker. The Member could have raised those issues, but he did not provide any feedback to the Committee at an earlier stage in relation to any of it. He was obviously asleep at the steering wheel at the time the Committee sent out.

**Mr Allister:** At least I know what is in the report.

**Mr Speaker:** Order.

**Mr Spratt:** Yes, it is in the report, but it also very clearly points out that it is a matter for the Executive in relation to the ministerial code, and that is where the issue lies. It is for the First Minister and the deputy First Minister to make any changes necessary; it is not within the power of the Committee to do that in the code.

Steven Agnew spoke about the application of the code to circumstances where it was unclear in what capacity a Member was acting. However, the code will apply in such circumstances, unless it is clear that a Member was acting exclusively in another capacity.

Mr McCallister raised the issues of Members acting with respect and Members' treatment of their staff. That is more complicated because, ultimately, such behaviour could become the subject of an employment tribunal. The Committee has therefore agreed that it will amend its direction to the commissioner so that he will not investigate complaints that should be properly resolved in another statutory or official forum. However, Mr McCallister may wish to read the Hansard report of the Committee's session with the Clerk to the Assembly/Director General of the Assembly, when it was briefed on the extension of the Carecall welfare service to Members and their staff and the potential for grievance procedures and employment tribunals.

When the Committee on Standards and Privileges commenced the review, it said that it ultimately wanted to produce a new draft code of conduct that was:

*"relevant, appropriate, comprehensive, well-structured, clear and enforceable",*

gives:

*"confidence to the public about the probity of the Assembly and the accountability of its Members";*

and which is:

*“proportionate and reasonable in the requirements it places upon Members”.*

The Committee has done that unanimously and in cooperation with the commissioner, having undertaken a careful, detailed consideration of a wide range of issues. The new code establishes the principles of conduct expected from all Members, sets the rules of conduct that flow from these standards and provides openness and accountability to ensure public confidence in the standards of the Assembly. On behalf of the Committee on Standards and Privileges, I ask the Assembly to agree the new code and guide.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the report of the Committee on Standards and Privileges on the Review of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members [NIA 178/11-16]; agrees to the new code of conduct and guide to the rules set out in annex 1 of the report; and further agrees to the other recommendations contained within the report.*

## Executive Committee Business

### Credit Unions and Co-operative and Community Benefit Societies Bill: First Stage

**Mr Speaker:** Minister, this is my first opportunity to congratulate you on your appointment, so congratulations.

**Mr Bell (The Minister of Enterprise, Trade and Investment):** Thank you, Mr Speaker, for those congratulations. I beg your indulgence to be associated with the sympathy that has been expressed in the House for Councillor John Hanna. I was with him on Thursday evening in Scarva. He had a love for the area that he had represented for over two decades and the people of the area had a love for him. He was a fine Christian man, and our deepest sympathy goes out to his family circle.

I beg to introduce the Credit Unions and Co-operative and Community Benefit Societies Bill [NIA 56/11-16], which is a Bill to make provision about credit unions and cooperative and community benefit societies and for connected purposes.

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

### Budget (No. 2) Bill: Consideration Stage

**Mr Speaker:** This item may not proceed, as the Second Stage of the Bill has not yet been agreed. A revised Order Paper will issue for a sitting tomorrow which will include the Second Stage of the Bill, and the Consideration Stage will be scheduled by the Business Committee following notification from the Executive.



## Insolvency (Amendment) Bill: Consideration Stage

**Mr Speaker:** I call the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, to move the Consideration Stage of the Insolvency (Amendment) Bill.

*Moved.* — [Mr Bell (The Minister of Enterprise, Trade and Investment).]

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 11, 13 to 35, and 47 to 50, which are technical amendments.

The second debate will be on amendment Nos 12 and 36 to 46, which deal with recognised professional bodies and authorisation of insolvency practitioners. I remind Members intending to speak during the debates on the two groups of amendments that they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If all that is clear, we shall proceed.

No amendments have been tabled to clauses 1 and 2. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 1 and 2 ordered to stand part of the Bill.*

### Clause 3 (Requirements relating to meetings)

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 11, 13 to 35 and 47 to 50, which are technical amendments, including an amendment to modify Assembly control of subordinate legislation.

#### Mr Bell (The Minister of Enterprise, Trade and Investment):

I beg to move amendment No 1: In page 5, line 30, leave out “at year’s end”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

*The following amendments stood on the Marshalled List:*

No 2: In page 5, line 31, leave out from “in” to “year,” on line 32.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 3: In page 6, line 5, leave out “at year’s end”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 4: In page 6, line 6, leave out from “If” to “year,” on line 7.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 5: In page 6, line 20, leave out “at year’s end”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 6: In page 6, line 23, leave out “at”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 7: In page 6, leave out line 24.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 8: In clause 11, page 9, line 38, leave out subsection (3) and insert

*“(3) No order may be made under subsection (2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation unless a draft of the order has been laid before, and approved by resolution of, the Assembly.*

*(4) Any other orders under subsection (2) are subject to negative resolution.”— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 9: In clause 13, page 10, line 9, at end insert“(za) in the words before sub-paragraph (a), after “service” insert “on the bankrupt”;.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 10: In clause 13, page 10, line 15, leave out the first “the”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 11: In clause 13, page 10, line 16, after “Article” insert

*“(and whether before or after service on the bankrupt of a notice under this Article)”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 13: In clause 14, page 11, line 15, after “authorised” insert

*“to act as an insolvency practitioner in relation to companies”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 14: In clause 14, page 11, line 15, after “may” insert “nonetheless”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 15: In clause 14, page 11, line 16, leave out “as an insolvency practitioner”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 16: In clause 14, page 11, line 17, leave out “or an individual”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 17: In clause 14, page 11, line 18, leave out “or individual”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 18: In clause 14, page 11, line 20, at end insert

*“(1A) A person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not accept an appointment to act in relation to an individual if at the time of the appointment the person is aware that the individual—*

*(a) is or was a member of a partnership other than a Scottish partnership, and*

*(b) has outstanding liabilities in relation to the partnership.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 19: In clause 14, page 11, line 21, after “authorised” insert

*“to act as an insolvency practitioner in relation to companies”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 20: In clause 14, page 11, line 21, after “may” insert “nonetheless”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]



No 21: In clause 14, page 11, line 22, leave out “as an insolvency practitioner”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 22: In clause 14, page 11, line 23, leave out “or an individual”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 23: In clause 14, page 11, line 23, leave out from second “or” to “individual” on line 24.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 24: In clause 14, page 11, line 28, at end insert

*“(2A) Subject to paragraph (7), a person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not continue to act in relation to an individual if the person becomes aware that the individual—*

*(a) is or was a member of a partnership other than a Scottish partnership, and*

*(b) has outstanding liabilities in relation to the partnership,*

*unless the person is granted permission to continue to act by the High Court.”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

No 25: In clause 14, page 11, line 29, leave out “the” and insert “a”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 26: In clause 14, page 11, line 29, after “act” insert

*“for the purposes of paragraph (2) or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

No 27: In clause 14, page 11, line 32, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 28: In clause 14, page 11, line 38, after “company,” insert “this Article or, if it applies,”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 29: In clause 14, page 11, line 38, leave out from “or” to “Article” on line 39.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 30: In clause 14, page 11, line 40, after “individual,” insert “this Article or, if it applies,”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 31: In clause 14, page 11, line 40, leave out from “or” to “Article” on line 41.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 32: In clause 14, page 11, line 43, leave out “paragraph (1) or (2)” and insert “any of paragraphs (1) to (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 33: In clause 14, page 12, line 1, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 34: In clause 14, page 12, line 4, leave out “paragraph (2)” and insert “the paragraph”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 35: In clause 14, page 12, line 13, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 47: In schedule 2, page 18, line 15, at end insert

*“3A. In Article 14(2), omit “or authorised to act as nominee.”.*

*3B. In Article 15(4), omit “, or authorised to act as nominee.”.*

*3C. In Article 17(2), omit “or authorised to act as nominee.”.*

*3D. In Article 20(5), omit “or authorised to act as supervisor.”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

No 48: In schedule 2, page 18, line 28, at end insert

*“12A. In Schedule A1—*

*(a) in paragraph 38(1), omit “, or authorised to act as nominee.”;*

*(b) in paragraph 41(2), omit “, or authorised to act as nominee.”;*

*(c) in paragraph 43(1), omit “, or authorised to act as nominee.”;*

*(d) in paragraph 49(6), omit “, or authorised to act as supervisor.”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

No 49: In schedule 3, page 19, line 42, in second column, at end insert

*“In Article 14(2), the words “or authorised to act as nominee.”.*

*In Article 15(4), the words “, or authorised to act as nominee.”.*

*In Article 17(2), the words “or authorised to act as nominee.”.*

*In Article 20(5), the words “or authorised to act as supervisor.”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

No 50: In schedule 3, page 20, line 29, in second column, at end insert

*“In Schedule A1—*

*(a) in paragraph 38(1), the words “, or authorised to act as nominee.”;*

*(b) in paragraph 41(2), the words “, or authorised to act as nominee.”;*

*(c) in paragraph 43(1), the words “, or authorised to act as nominee.”;*

*(d) in paragraph 49(6), the words “, or authorised to act as supervisor.”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]**

**Mr Bell:** First, I will explain that there are an unusually large number of Government amendments — 50 in all — which extend over several pages. There are two main reasons for that. The first is that some of the Bill's provisions replicate provisions in the Deregulation Act 2015, made at Westminster in March. Amendments to those provisions are required as they were drafted using early versions of the Bill which became the Deregulation Act 2015, not the Act itself, and there are minor differences between the two.

The second reason is the request made during the Second Stage debate to have provision for more stringent regulation of insolvency practitioners included in this Bill. There is

provision for that in the Westminster Small Business, Enterprise and Employment Act 2015, and it had originally been intended to include corresponding provision for Northern Ireland in a further Bill to amend insolvency law, to be made during the lifetime of the next Assembly. In view of the Member's request, an amendment has been provided to provide for its inclusion in the current Bill instead.

The amendments to clauses 11, 13 and 15 and the amendments that insert new clauses 14A to 14H and schedule A1 have all been agreed by the Enterprise, Trade and Investment Committee. The other proposed amendments were considered by the Committee on 19 May 2015; the Committee had no comments on those. I thank the Committee Chair and members for their helpful and very thorough scrutiny of the Bill.

As some of the amendments involve policy changes, Executive approval was sought to all 50. The Executive agreed them when they met on 28 May 2015. I will try to explain each of the amendments as briefly as possible.

Each of the 50 amendments amends the Insolvency (Northern Ireland) Order 1989, which I will hereafter refer to as "the Insolvency Order". There are a total of 27 amendments in group 1. There are seven amendments to clause 3, which, in turn, amends articles 79 and 91 of the Insolvency Order.

Amendments Nos 1 and 3 remove the words "at year's end" from the title to each article. Amendments Nos 2 and 4 remove references in each article to the winding-up of a company continuing for more than one year. Amendment Nos 5, 6 and 7 remove the words "at year's end" from the description of offences relating to the failure of a liquidator to send progress reports.

The combined effect of those seven amendments is to remove any stipulation for when progress reports have to be issued in members' and creditors' voluntary liquidations, leaving it as a matter to be prescribed solely in subordinate legislation.

Amendment No 8 is to clause 11. The amendment changes the type of Assembly control required for orders made under this provision, which amend or repeal provisions in subordinate legislation to negative resolution. I have agreed to that amendment as a consequence of a recommendation made to the Enterprise, Trade and Investment Committee by the Examiner of Statutory Rules. I thank the Committee for drawing the matter to the Department's attention, and I also thank the Examiner of Statutory Rules for his suggestion, which I am happy to accept.

Amendment Nos 9, 10 and 11 are to clause 13. All three are required as a result of the minor differences that I mentioned between initial drafts of the Westminster Deregulation Bill and the resulting Act.

Amendment No 9 relates to the service of a notice on a bankrupt claiming property. It clarifies that a trustee in bankruptcy does not have any rights against a third party who has bought the property for a fair price if they did not know about the bankruptcy.

Amendment No 10 corrects a minor error by removing the word "the" where it had been incorrectly used in a new paragraph inserted into article 280.

Amendment No 11 clarifies that a trustee in bankruptcy is not to have any recourse against a bank that has made a

payment out of a bankrupt's account unless he had served notice on the bank, claiming the money before the bank paid it out.

Amendments Nos 13 to 36 are all to clause 14. They relate to restrictions on partially authorised insolvency practitioners acting for members of a partnership. They are required as a result of differences in the way they are set out between the initial drafts of the Westminster Bill, which became the Deregulation Act 2015, and in the Act itself. No changes to policy are involved.

Partially authorised insolvency practitioners are authorised to act in either corporate or individual insolvencies but not in both. Clause 14, as introduced, included a ban on a partially authorised insolvency practitioner acting in relation to members of a partnership. The amendments break the application of this ban down in terms of whether the practitioner is authorised to deal with company or individual cases.

Amendment Nos 13 to 24 bring provision restricting partially authorised insolvency practitioners from acting for individual or corporate members of a partnership into line with equivalent provisions applying in Great Britain. Amendment No 25 corrects a minor grammatical error in clause 14. Amendment Nos 26 and 27 are consequential on amendment Nos 13 to 24. Amendment Nos 28 to 31 correct errors in clause 14 by recognising that article 143(5B) and article 276(2C) of the Insolvency Order do not apply in all cases where a company or an individual is a member of a partnership.

Amendment Nos 32 to 35 are consequential on amendment Nos 13 to 24. Amendment Nos 47 to 50 remove references in the Insolvency Order to being authorised to act as nominee or supervisor. These references need to be removed because article 348A of the Order, which provided for authorisation to act as a nominee or supervisor in relation to voluntary arrangements, is repealed by the Bill.

Mr Speaker, I am sure that you are glad to hear that this concludes what I have to say about the amendments in group 1.

**Mr Speaker:** I could not possibly comment on that.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a Cheann Comhairle. Agus mo bhuíochas leis an Aire chomh maith. I thank the Minister. I will speak on the 36 technical and consequential amendments in group 1.

The Committee welcomes the Insolvency (Amendment) Bill, which is intended to update insolvency legislation that was made before the advent of modern methods of electronic communication. The Bill was referred to the Committee on 10 November 2014. The Committee sought an extension to the Committee Stage to 13 March 2015 to ensure sufficient time to effectively scrutinise the Bill. The Committee reported on the Bill on 3 March 2015.

I would like to record the Committee's thanks to those who provided written submissions and oral evidence during the Committee Stage. I would also like to thank the new Minister and, I am sure he will forgive me for saying so, his predecessor for her involvement. I especially thank the officials, and I put on the record that, for me, coming into an area that I did not know an awful lot about, they were very informative. They kept us right and did keep us well-

briefed on all aspects of the Bill and the legislation that we were dealing with. It was a very positive engagement throughout, both in pre-legislative scrutiny and in the course of the Committee Stage.

Clause 3 provides for the removal of the requirement for annual meetings in a members' voluntary and a creditors' voluntary winding up. The Bill introduces provisions at clause 3 for the requirement to hold a meeting to present progress reports in voluntary winding-up procedures to be replaced by a requirement to issue a report on progress. This is intended to reduce the cost of holding meetings that are poorly attended or not of any benefit.

If the resolution for voluntary winding up was passed before the day on which the law comes into place, the old rule applies. If it is after that, the new rule applies. This raised issues for some stakeholders in that all open members' voluntary liquidations (MVLs) and creditors' voluntary liquidations (CVLs) will continue to require annual meetings to be held. In practice, this will mean that insolvency practitioners will need to operate the legacy legislation and the amended legislation concurrently on their portfolios of cases. It was felt that it would be more cost-effective for the insolvency profession generally, and therefore result in improved returns to creditors, if the requirement for annual meetings were to be abolished for all MVLs and CVLs rather than only those commencing after the date on which the legislation comes into operation.

The Committee explored that option, but, following consideration, agreed that, where procedure is already under way, those involved would expect the case to be conducted in accordance with the existing law. The Committee agreed that it would be bad practice for any party to be confronted by a different procedure from the one that they had expected and started off with at the outset of the case. The Committee was therefore content with clause 3 as drafted.

## 12.00 noon

Following Committee Stage, the Department informed the Committee of additional amendments to clause 3, which remove unnecessary and misleading references to progress reports in voluntary liquidations. The Committee had not been given time to consider and agree the amendments at Committee Stage, so they were noted by the Committee.

Clause 11 deals with deeds of arrangement. The Examiner of Statutory Rules advised the Committee that the Department may wish to amend the clause — indeed, the Minister referred to the Examiner earlier — so that orders making consequential amendments to and repeals of primary legislation would be subject to draft affirmative resolution, while consequential amendments to and revocations of subordinate legislation would be subject to the negative resolution. The Department agreed and brought the amended clause 11 to the Committee during Committee Stage. The Committee was content with clause 11 as amended and with the wording of the proposed amendment.

Clause 13, concerning the after-acquired property of a bankrupt, provides protection to banks around property that comes into the ownership of bankrupts before they are discharged; that is, after-acquired property. That will encourage banks to offer basic banking services to

undischarged bankrupts, as it removes any reason for them not to do so.

In his response to the Committee's call for evidence, the chairperson of the Chancery and Probate Liaison Committee raised a number of drafting issues. In its response to the Committee on the matter, the Department acknowledged the issues raised and outlined how they would be addressed at Consideration Stage. Having had sight of the proposed amendments during Committee Stage, the Committee was content with clause 13 as amended and with the wording of the proposed amendment.

Clause 14, on authorisation of insolvency practitioners (IPs), includes provisions for the option for an insolvency practitioner to be authorised solely in a personal or corporate capacity, whereas, under current legislation, it is only possible to be authorised for both. Departmental officials informed the Committee that the proposed changes will make it easier for people to become insolvency practitioners. They will not have to study both areas. For example, a debt adviser may wish to qualify as an IP and work for individuals but may not be interested in acting as an IP for companies. There would be no point in such a person studying and taking examinations in how to deal with company affairs.

Concern was raised, however, in the industry that the proposals would have a negative impact on businesses and individuals seeking financial advice, as lines might be blurred, resulting in a negative impact on the quality of advice from insolvency practitioners, leading to increased costs and delays. Reservations were also expressed about dealing with partnerships under a partial authorisation regime. The Department assured the Committee that the Bill will require IPs to be authorised fully to act when it comes to partnerships.

The Department assured the Committee that IPs would be free to become authorised in either personal or company cases, or both. If there is any doubt about whether a particular case fits into one or other category, a short interview with the person concerned should establish the facts of the case and whether there is a partnership involved or potential company issues.

In answer to concerns expressed about the introduction of partial authorisation, the Department informed the Committee that, having taken legal advice on the matter, it has no alternative except to go along with what is being done in GB. Officials informed the Committee that Northern Ireland cannot opt out of bringing in partial authorisation, because the advice that they got was that there is a requirement to comply with the EU services directive. The UK would be in breach of that directive if the North did not bring in partial authorisation. Someone who is partially authorised in GB under the Westminster Deregulation Act 2015 is entitled to practise on the same basis in Northern Ireland. On that basis, the Committee was content with clause 14 as drafted.

The Minister subsequently wrote on 15 May to inform the Committee that the Insolvency Service in GB has advised that it does not now intend to bring the provision forward in that way but will instead make the case that the present system is sufficient to comply with the requirements of the EU services directive. As this and other amendments to clause 14 were not considered by the Committee until after

Committee Stage, the amendments were noted by the Committee.

Following Committee Stage, the Department informed the Committee of amendments to schedules 2 and 3 that would be brought at Consideration Stage to repeal references to being authorised to act as a nominee or supervisor. As the Committee had not been given time to consider and agree the amendments at Committee Stage, those amendments were also noted by the Committee. That concludes my comments on this group, a Cheann Comhairle.

**Mr Dunne:** I welcome the opportunity to speak on the Consideration Stage of the Insolvency (Amendment) Bill. Insolvency is a very complex and technical issue, as we all appreciate. I commend all who have been involved in the Bill for their substantial work to date, the staff of the Committee for Enterprise, Trade and Investment and DETI officials.

Unfortunately, insolvency has affected quite a number of businesses and organisations. Therefore, it is important that measures be put in place to make the process as simple and effective as possible to ensure that we have a modern, fit-for-purpose system in Northern Ireland and that the most efficient and effective system is in place for all those who are affected by insolvency either directly or indirectly. Many similar measures have already been introduced in England and Wales through the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010.

One of the Bill's main purposes is to allow for the electronic transfer of documents, which is a welcome step forward. The development that electronic documents will now have the same standing as hard-copy documents is a positive step that will, hopefully, help to improve insolvency processes. Other developments that authorise the use of websites to communicate reports electronically and the use of video conferencing and other types of remote meetings are further steps in the right direction.

The introduction of those measures should allow for more efficient communication and help to reduce delays in the completion of transactions involving insolvency cases. However, I feel that it is important that those without access to IT equipment are not put at a disadvantage by this process. Obviously, IT is the way forward and the vast majority of people now use it, but we cannot forget those who do not have the same level of access to it. I understand that provisions are in place to ensure that those who do not have electronic forms will not be disadvantaged at any stage of the process. I believe that those measures will help to streamline what is a difficult and technical process.

The Committee held a number of evidence sessions and a wide range of stakeholders were involved. There was general recognition that this was a progressive way to move forward. There are a number of issues that I wish to mention. Clause 3 deals with the removal of the requirement for annual meetings in a members' voluntary and a creditors' voluntary winding-up arrangement. Clause 13 provides protection to banks in relation to the property that comes under the ownership of a bankrupt organisation before it is discharged. Clause 14, which was mentioned by the Chair, includes changes that will make it easier for people to become insolvency practitioners, which should

have a positive knock-on impact on the level of service that is provided. I welcome the progress at this stage of the Bill.

**Mrs Overend:** At the outset, I apologise for having to deputise for Danny Kinahan MP MLA, who was party to the deliberations at the Committee Stage of the Bill. We make no apology, however, for implementing our manifesto pledge to end double-jobbing, which we are in the process of doing at this stage. I can inform the Assembly that the Member for South Antrim is at Westminster, doing the job that he was elected exclusively to do. I have spoken to Danny Kinahan and can confirm that he is content with both groups of amendments that have been put forward by the Department at Consideration Stage.

Clearly, it is a technical Bill about a highly technical subject. As such, it is unlikely to grab the attention of the media or the general public today, except, maybe, chartered accountants. Nevertheless, it is important legislation.

The Bill has progressed from public consultation through Second Reading, Committee Stage up to today's Consideration Stage, and it looks like it is a law that the legislative Assembly is shaping in a sensible and proper fashion, proving that, at times, the Assembly can do what it is meant to do: legislate.

On reviewing the Committee report on the Bill, I note that it was introduced to the Assembly on 7 October 2014. The Assembly debated the principles at Second Stage on 10 November, when the Bill was passed to the Committee for Enterprise, Trade and Investment. The Committee sought and received the approval of the Assembly in plenary session to extend its consideration and scrutiny of the Bill until 13 March this year. The Bill has 21 clauses and three schedules.

During Committee Stage, the Department informed the Committee that amendments would be needed, mainly as a consequence to changes to legislation under way at Westminster. That is why we have so many amendments today tabled by the Department. It is clear from the Chair's comments that the Committee is content with those amendments.

It is important that insolvency legislation in Northern Ireland is kept as far as possible in parity with that in England and Wales. Undoubtedly, insolvency legislation in both jurisdictions needed to be updated to allow for the use of modern means of electronic communication and to do away with certain procedures and requirements that had outlived their usefulness. We can all agree with the objective of making the administration of insolvencies faster, more efficient and less expensive by legitimising the use of up-to-date methods of communication and doing away with burdensome and unnecessary procedural requirements.

The guidance notes published with the Bill point out that there is no financial cost to the Government. In these cash-strapped times, that is important. In addition, it has been calculated that the Bill proposals could result in net savings of £2,275,000 for insolvency practitioners over the period it takes to deal with all insolvency procedures entered into in one year. It has been calculated that, over the same period, there would be savings of £19,000 for the Official Receiver, £2,800 for business and £23,740 for HMRC and the Northern Ireland Courts and Tribunals Service.



The Ulster Unionist Party is supportive of both groups of amendments.

**Mr Bell:** I am grateful to the Members who contributed to the debate on the group 1 amendments.

My Department operates on the principle that insolvency legislation should, as far as possible, be kept in parity with that in England and Wales. That ensures that those affected by insolvency are treated the same as they would be in England and Wales. It simplifies matters for creditors from outside Northern Ireland taking action over unpaid debt and saves insolvency practitioners in both jurisdictions from having to deal with different legislative codes.

To ensure that parity is maintained, it is normal practice to wait until after legislation for England and Wales is finalised before attempting to replicate it for Northern Ireland. On this occasion, there were measures in the Deregulation Bill, in progress at Westminster, that could not wait, such as those relating to partial authorisation of insolvency practitioners. The fact that that Bill has become an Act gives us the opportunity to see those provisions in their final form. That enabled us to draft amendments to the corresponding provisions in our Bill to ensure that they are fully in accord with the Westminster Act.

I want to thank some of the Members who spoke. I appreciate the Chair's welcome and the quite distinguished work undertaken by my predecessor, the Finance and Personnel Minister, Arlene Foster. I join him in thanking officials for the work that they have done. I thank the Chair and the Deputy Chair of the Committee for their competence, their attention to detail and the time that they gave to this series of pieces of work.

## 12.15 pm

The Member for North Down Gordon Dunne was right to say that insolvency is an unfortunate act. We have to deal with the consequences, and we want this to be as fair and efficient as possible.

In conclusion, I thank Sandra Overend. She is right that there are a number of technicalities in the Bill, but the work is no less important because of the technicalities involved.

*Amendment No 1 agreed to.*

**Mr Speaker:** Amendment Nos 2 to 7 have already been debated and are technical amendments to clause 3. I, therefore, propose, by leave of the Assembly, to group these amendments for the Question.

*Amendment No 2 made:*

In page 5, line 31, leave out from "in" to "year," on line 32.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 3 made:*

In page 6, line 5, leave out "at year's end".— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 4 made:*

In page 6, line 6, leave out from "If" to "year," on line 7.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 5 made:*

In page 6, line 20, leave out "at year's end".— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 6 made:*

In page 6, line 23, leave out "at".— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 7 made:*

In page 6, leave out line 24.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Clause 3, as amended, ordered to stand part of the Bill.*

**Mr Speaker:** No amendments have been tabled to clauses 4 to 10. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 4 to 10 ordered to stand part of the Bill.*

## **Clause 11 (Deeds of arrangement)**

*Amendment No 8 made:*

In page 9, line 38, leave out subsection (3) and insert

*"(3) No order may be made under subsection (2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation unless a draft of the order has been laid before, and approved by resolution of, the Assembly.*

*(4) Any other orders under subsection (2) are subject to negative resolution."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12 ordered to stand part of the Bill.*

## **Clause 13 (After-acquired property of bankrupt)**

**Mr Speaker:** Amendment Nos 9 to 11 have already been debated and are technical amendments to clause 13. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

*Amendment No 9 made:*

In page 10, line 9, at end insert "(za) in the words before sub-paragraph (a), after "service" insert "on the bankrupt";.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 10 made:*

In page 10, line 15, leave out the first "the".— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 11 made:*

In page 10, line 16, after "Article" insert

*"(and whether before or after service on the bankrupt of a notice under this Article)".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Clause 13, as amended, ordered to stand part of the Bill.*

**Mr Speaker:** We now come to the second group of amendments for debate. With amendment No 12, it will be convenient to debate amendment Nos 36 to 46, which deal with recognised professional bodies and the authorisation of insolvency practitioners. Members will note that amendment Nos 44 and 46 are consequential



to amendment No 43 and that amendment No 45 is consequential to amendment No 37.

**Clause 14 (Authorisation of insolvency practitioners)**

**Mr Bell:** I beg to move amendment No 12: In page 10, line 28, leave out

*“or section 390A of the Insolvency Act 1986 (authorisation)”.*

*The following amendments stood on the Marshalled List:*

No 36: In page 12, leave out from line 23 to line 21 on page 13 and insert

*“350.—(1) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with full authorisation or partial authorisation.*

*(2) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (as to which, see Article 349A(1)).*

*(3) Article 350A makes provision about the making by a body of an application to the Department for an order under this Article.*

*(4) The requirements are that—*

*(a) the body regulates (or is going to regulate) the practice of a profession;*

*(b) the body has rules which it is going to maintain and enforce for securing that its insolvency specialist members—*

*(i) are fit and proper persons to act as insolvency practitioners; and*

*(ii) meet acceptable requirements as to education and practical training and experience; and*

*(c) the body's rules and practices for or in connection with authorising persons to act as insolvency practitioners, and its rules and practices for or in connection with regulating persons acting as such, are designed to ensure that the regulatory objectives are met (as to which, see Article 350C).*

*(5) An order of the Department under this Article has effect from such date as is specified in the order.*

*(6) An order under this Article may be revoked by an order under Article 350L or 350N (and see Article 361A(1)(b)).*

*(7) In this Part—*

*(a) references to members of a recognised professional body are to persons who, whether members of that body or not, are subject to its rules in the practice of the profession in question;*

*(b) references to insolvency specialist members of a professional body are to members who are permitted by or under the rules of the body to act as insolvency practitioners.*

*(8) A reference in this Part to a recognised professional body is to a body recognised under this Article (and see Articles 350L(6) and 350N(5)).*

*Application for recognition as recognised professional body*

*350A.—(1) An application for an order under Article 350(1) or (2) must—*

*(a) be made to the Department in such form and manner as the Department may require;*

*(b) be accompanied by such information as the Department may require;*

*(c) be supplemented by such additional information as the Department may require at any time between receiving the application and determining it.*

*(2) The requirements which may be imposed under paragraph (1) may differ as between different applications.*

*(3) The Department may require information provided under this Article to be in such form, and verified in such manner, as the Department may specify.*

*(4) An application for an order under Article 350(1) or (2) must be accompanied by—*

*(a) a copy of the applicant's rules;*

*(b) a copy of the applicant's policies and practices; and*

*(c) a copy of any guidance issued by the applicant in writing.*

*(5) The reference in paragraph (4)(c) to guidance issued by the applicant is a reference to guidance or recommendations which are—*

*(a) issued or made by it which will apply to its insolvency specialist members or to persons seeking to become such members;*

*(b) relevant for the purposes of this Part; and*

*(c) intended to have continuing effect,*

*including guidance or recommendations relating to the admission or expulsion of members.*

*(6) The Department may refuse an application for an order under Article 350(1) or (2) if the Department considers that recognition of the body concerned is unnecessary having regard to the existence of one or more other bodies which have been or are likely to be recognised under Article 350.*

*(7) Paragraph (8) applies where the Department refuses an application for an order under Article 350(1) or (2); and it applies regardless of whether the application is refused on the ground mentioned in paragraph (6), because the Department is not satisfied as mentioned in Article 350(1) or (2) or because a fee has not been paid (see Article 361A(1)(b)).*

*(8) The Department must give the applicant a written notice of the Department's decision; and the notice must set out the reasons for refusing the application.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 37: After clause 14 insert

**“Regulatory objectives**

**14A.—(1) After Article 350A of the Insolvency Order (inserted by section 14) insert—**

**“Regulatory objectives**

**Application of regulatory objectives**

**350B.—(1)** *In discharging regulatory functions, a recognised professional body must, so far as is reasonably practicable, act in a way—*

*(a) which is compatible with the regulatory objectives; and*

*(b) which the body considers most appropriate for the purpose of meeting those objectives.*

*(2)* *In discharging functions under this Part, the Department must have regard to the regulatory objectives.*

**Meaning of “regulatory functions” and “regulatory objectives”**

**350C.—(1)** *This Article has effect for the purposes of this Part.*

*(2)* *“Regulatory functions”, in relation to a recognised professional body, means any functions the body has—*

*(a) under or in relation to its arrangements for or in connection with—*

*(i) authorising persons to act as insolvency practitioners; or*

*(ii) regulating persons acting as insolvency practitioners; or*

*(b) in connection with the making or alteration of those arrangements.*

*(3)* *“Regulatory objectives” means the objectives of—*

*(a) having a system of regulating persons acting as insolvency practitioners that—*

*(i) secures fair treatment for persons affected by their acts and omissions;*

*(ii) reflects the regulatory principles; and*

*(iii) ensures consistent outcomes;*

*(b) encouraging an independent and competitive insolvency-practitioner profession whose members—*

*(i) provide high quality services at a cost to the recipient which is fair and reasonable;*

*(ii) act transparently and with integrity; and*

*(iii) consider the interests of all creditors in any particular case;*

*(c) promoting the maximisation of the value of returns to creditors and promptness in making those returns; and*

*(d) protecting and promoting the public interest.*

*(4)* *In paragraph (3)(a), “regulatory principles” means—*

*(a) the principles that regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed; and*

*(b) any other principle appearing to the body concerned (in the case of the duty under Article 350B(1)), or to the Department (in the case of the duty under Article 350B(2)), to lead to best regulatory practice.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

No 38: After clause 14 insert

**“Oversight of recognised professional bodies**

**14B.—(1)** *After Article 350C of the Insolvency Order (inserted by section 14A) insert—*

*“Oversight of recognised professional bodies*

**Directions**

**350D.—(1)** *This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.*

*(2)* *The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, direct the body to take such steps as the Department considers will counter the adverse impact, mitigate its effect or prevent its occurrence or recurrence.*

*(3)* *A direction under this Article may require a recognised professional body—*

*(a) to take only such steps as it has power to take under its regulatory arrangements;*

*(b) to take steps with a view to the modification of any part of its regulatory arrangements.*

*(4)* *A direction under this Article may require a recognised professional body—*

*(a) to take steps with a view to the institution of, or otherwise in respect of, specific regulatory proceedings;*

*(b) to take steps in respect of all, or a specified class of, such proceedings.*

*(5)* *For the purposes of this Article, a direction to take steps includes a direction which requires a recognised professional body to refrain from taking a particular course of action.*

*(6)* *In this Article “regulatory arrangements”, in relation to a recognised professional body, means the arrangements that the body has for or in connection with—*

*(a) authorising persons to act as insolvency practitioners; or*

*(b) regulating persons acting as insolvency practitioners.*

*Directions: procedure*

**350E.—(1)** *Before giving a recognised professional body a direction under Article 350D, the Department must give the body a notice accompanied by a draft of the proposed direction.*

*(2)* *The notice under paragraph (1) must—*

*(a) state that the Department proposes to give the body a direction in the form of the accompanying draft;*

*(b) specify why the Department has reached the conclusions mentioned in Article 350D(1) and (2); and*

*(c) specify a period within which the body may make written representations with respect to the proposal.*

*(3)* *The period specified under paragraph (2)(c)—*

*(a) must begin with the date on which the notice is given to the body; and*

*(b) must not be less than 28 days.*

(4) On the expiry of that period, the Department must decide whether to give the body the proposed direction.

(5) The Department must give notice of that decision to the body.

(6) Where the Department decides to give the proposed direction, the notice under paragraph (5) must—

(a) contain the direction;

(b) state the time at which the direction is to take effect; and

(c) specify the Department's reasons for the decision to give the direction.

(7) Where the Department decides to give the proposed direction, the Department must publish the notice under paragraph (5); but this paragraph does not apply to a direction to take any step with a view to the institution of, or otherwise in respect of, regulatory proceedings against an individual.

(8) The Department may revoke a direction under Article 350D; and, where doing so, the Department—

(a) must give the body to which the direction was given notice of the revocation; and

(b) must publish the notice and, if the notice under paragraph (5) was published under paragraph (7), must do so (if possible) in the same manner as that in which that notice was published.

#### **Financial penalty**

350F.—(1) This Article applies if the Department is satisfied—

(a) that a recognised professional body has failed to comply with a requirement to which this Article applies; and

(b) that, in all the circumstances of the case, it is appropriate to impose a financial penalty on the body.

(2) This Article applies to a requirement imposed on the recognised professional body—

(a) by a direction given under Article 350D; or

(b) by a provision of this Order or of subordinate legislation under this Order.

(3) The Department may impose a financial penalty, in respect of the failure, of such amount as the Department considers appropriate.

(4) In deciding what amount is appropriate, the Department—

(a) must have regard to the nature of the requirement which has not been complied with; and

(b) must not take into account the Department's costs in discharging functions under this Part.

(5) A financial penalty under this Article is payable to the Department; and sums received by the Department in respect of a financial penalty under this Article (including by way of interest) are to be paid into the Consolidated Fund.

(6) In Articles 350G to 350I, "penalty" means a financial penalty under this Article.

#### **Financial penalty: procedure**

350G.—(1) Before imposing a penalty on a recognised professional body, the Department must give notice to the body—

(a) stating that the Department proposes to impose a penalty and the amount of the proposed penalty;

(b) specifying the requirement in question;

(c) stating why the Department is satisfied as mentioned in Article 350F(1); and

(d) specifying a period within which the body may make written representations with respect to the proposal.

(2) The period specified under paragraph (1)(d)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(3) On the expiry of that period, the Department must decide—

(a) whether to impose a penalty; and

(b) whether the penalty should be the amount stated in the notice or a reduced amount.

(4) The Department must give notice of the decision to the body.

(5) Where the Department decides to impose a penalty, the notice under paragraph (4) must—

(a) state that the Department has imposed a penalty on the body and its amount;

(b) specify the requirement in question and state—

(i) why it appears to the Department that the requirement has not been complied with; or

(ii) where, by that time, the requirement has been complied with, why it appeared to the Department when giving the notice under paragraph (1) that the requirement had not been complied with; and

(c) specify a time by which the penalty is required to be paid.

(6) The time specified under paragraph (5)(c) must be at least three months after the date on which the notice under paragraph (4) is given to the body.

(7) Where the Department decides to impose a penalty, the Department must publish the notice under paragraph (4).

(8) The Department may rescind or reduce a penalty imposed on a recognised professional body; and, where doing so, the Department—

(a) must give the body notice that the penalty has been rescinded or reduced to the amount stated in the notice; and

(b) must publish the notice; and it must (if possible) be published in the same manner as that in which the notice under paragraph (4) was published.

#### **Appeal against financial penalty**

350H.—(1) A recognised professional body on which a penalty is imposed may appeal to the High Court on one or more of the appeal grounds.

(2) The appeal grounds are—

(a) that the imposition of the penalty was not within the Department's power under Article 350F;

(b) that the requirement in respect of which the penalty was imposed had been complied with before the notice under Article 350G(1) was given;

(c) that the requirements of Article 350G have not been complied with in relation to the imposition of the penalty and the interests of the body have been substantially prejudiced as a result;

(d) that the amount of the penalty is unreasonable;

(e) that it was unreasonable of the Department to require the penalty imposed to be paid by the time specified in the notice under Article 350G(5)(c).

(3) An appeal under this Article must be made within the period of three months beginning with the day on which the notice under Article 350G(4) in respect of the penalty is given to the body.

(4) On an appeal under this Article the Court may—

(a) quash the penalty;

(b) substitute a penalty of such lesser amount as the Court considers appropriate; or

(c) in the case of the appeal ground in paragraph (2) (e), substitute for the time imposed by the Department a different time.

(5) Where the Court substitutes a penalty of a lesser amount, it may require the payment of interest on the substituted penalty from such time, and at such rate, as it considers just and equitable.

(6) Where the Court substitutes a later time for the time specified in the notice under Article 350G(5)(c), it may require the payment of interest on the penalty from the substituted time at such rate as it considers just and equitable.

(7) Where the Court dismisses the appeal, it may require the payment of interest on the penalty from the time specified in the notice under Article 350G(5)(c) at such rate as it considers just and equitable.

#### **Recovery of financial penalties**

350I.—(1) If the whole or part of a penalty is not paid by the time by which it is required to be paid, the unpaid balance from time to time carries interest at the rate for the time being applicable to a money judgment of the High Court (but this is subject to any requirement imposed by the Court under Article 350H(5), (6) or (7)).

(2) If an appeal is made under Article 350H in relation to a penalty, the penalty is not required to be paid until the appeal has been determined or withdrawn.

(3) Paragraph (4) applies where the whole or part of a penalty has not been paid by the time it is required to be paid and—

(a) no appeal relating to the penalty has been made under Article 350H during the period within which an appeal may be made under that Article; or

(b) an appeal has been made under that Article and determined or withdrawn.

(4) The Department may recover from the recognised professional body in question, as a debt due to the

Department, any of the penalty and any interest which has not been paid.

#### **Reprimand**

350J.—(1) This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.

(2) The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, publish a statement reprimanding the body for the act or omission (or series of acts or omissions).

#### **Reprimand: procedure**

350K.—(1) If the Department proposes to publish a statement under Article 350J in respect of a recognised professional body, it must give the body a notice—

(a) stating that the Department proposes to publish such a statement and setting out the terms of the proposed statement;

(b) specifying the acts or omissions to which the proposed statement relates; and

(c) specifying a period within which the body may make written representations with respect to the proposal.

(2) The period specified under paragraph (1)(c)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(3) On the expiry of that period, the Department must decide whether to publish the statement.

(4) The Department may vary the proposed statement; but before doing so, the Department must give the body notice—

(a) setting out the proposed variation and the reasons for it; and

(b) specifying a period within which the body may make written representations with respect to the proposed variation.

(5) The period specified under paragraph (4)(b)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(6) On the expiry of that period, the Department must decide whether to publish the statement as varied.”

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (1A) (inserted by section 14(6)(b)) insert—

“(1B) In setting under paragraph (1) the amount of a fee in connection with maintenance of recognition, the matters to which the Department may have regard include, in particular, the costs of the Department in connection with any functions under Articles 350D, 350E, 350J, 350K and 350N.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]



No 39: After clause 14 insert

**“Recognised professional bodies: revocation of recognition**

**14C.—**(1) After Article 350K of the Insolvency Order (inserted by section 14B) insert—

*“Revocation etc. of recognition*

**Revocation of recognition at instigation of Department**

**350L.—**(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if the Department is satisfied that—

(a) an act or omission of the body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives; and

(b) it is appropriate in all the circumstances of the case to revoke the body’s recognition under Article 350.

(2) If the condition set out in paragraph (3) is met, an order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (see Article 349A(1)).

(3) The condition is that the Department is satisfied—

(a) as mentioned in paragraph (1)(a); and

(b) that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(4) In this Part—

(a) an order under paragraph (1) is referred to as a “revocation order”;

(b) an order under paragraph (2) is referred to as a “partial revocation order”.

(5) A revocation order or partial revocation order—

(a) has effect from such date as is specified in the order; and

(b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(6) A partial revocation order has effect as if it were an order made under Article 350(2).

*Orders under Article 350L: procedure*

**350M.—**(1) Before making a revocation order or partial revocation order in relation to a recognised professional body, the Department must give notice to the body—

(a) stating that the Department proposes to make the order and the terms of the proposed order;

(b) specifying the Department’s reasons for proposing to make the order; and

(c) specifying a period within which the body, members of the body or other persons likely to be affected by the proposal may make written representations with respect to it.

(2) Where the Department gives a notice under paragraph (1), the Department must publish the notice on the same day.

(3) The period specified under paragraph (1)(c)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(4) On the expiry of that period, the Department must decide whether to make the revocation order or (as the case may be) partial revocation order in relation to the body.

(5) The Department must give notice of the decision to the body.

(6) Where the Department decides to make the order, the notice under paragraph (5) must specify—

(a) when the order is to take effect; and

(b) the Department’s reasons for making the order.

(7) A notice under paragraph (5) must be published; and it must (if possible) be published in the same manner as that in which the notice under paragraph (1) was published.

**Revocation of recognition at request of body**

**350N.—**(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if—

(a) the body has requested that an order be made under this paragraph; and

(b) the Department is satisfied that it is appropriate in all the circumstances of the case to revoke the body’s recognition under Article 350.

(2) An order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (see Article 349A(1)) if—

(a) the body has requested that an order be made under this paragraph; and

(b) the Department is satisfied that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(3) Where the Department decides to make an order under this Article the Department must publish a notice specifying—

(a) when the order is to take effect; and

(b) the Department’s reasons for making the order.

(4) An order under this Article—

(a) has effect from such date as is specified in the order; and



(b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(5) An order under paragraph (2) has effect as if it were an order made under Article 350(2)."

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (5) insert—

"(5A) Article 350M applies for the purposes of an order under paragraph (1)(b) as it applies for the purposes of a revocation order made under Article 350L."—  
[Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 40: After clause 14 insert

**"Court sanction of insolvency practitioners in public interest cases**

**14D.** After Article 350N of the Insolvency Order (inserted by section 14C) insert—

"Court sanction of insolvency practitioners in public interest cases

**Direct sanction orders**

**350O.**—(1) For the purposes of this Part a "direct sanctions order" is an order made by the High Court against a person who is acting as an insolvency practitioner which—

(a) declares that the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;

(b) declares that the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the order;

(c) declares that the person's authorisation to act as an insolvency practitioner is suspended for the period specified in the order or until such time as the requirements so specified are complied with;

(d) requires the person to comply with such other requirements as may be specified in the order while acting as an insolvency practitioner;

(e) requires the person to make such contribution as may be specified in the order to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(2) Where the Court makes a direct sanctions order, the relevant recognised professional body must take all necessary steps to give effect to the order.

(3) A direct sanctions order must not specify a contribution as mentioned in paragraph (1)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.

(4) In this Article and Article 350P, "relevant recognised professional body", in relation to a person who is acting as an insolvency practitioner, means the recognised professional body by virtue of which the person is authorised so to act.

**Application for, and power to make, direct sanctions order**

**350P.**—(1) The Department may apply to the High Court for a direct sanctions order to be made against a person if it appears to the Department that it would be in the public interest for the order to be made.

(2) The Department must send a copy of the application to the relevant recognised professional body.

(3) The Court may make a direct sanctions order against a person where, on an application under this Article, the Court is satisfied that condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person.

(4) The conditions are set out in Article 350Q.

(5) In deciding whether to make a direct sanctions order against a person the Court must have regard to the extent to which—

(a) the relevant recognised professional body has taken action against the person in respect of the failure mentioned in condition 1; and

(b) that action is sufficient to address the failure.

**Direct sanctions order: conditions**

**350Q.**—(1) Condition 1 is that the person, in acting as an insolvency practitioner or in connection with any appointment as such, has failed to comply with—

(a) a requirement imposed by the rules of the relevant recognised professional body;

(b) any standards, or code of ethics, for the insolvency-practitioner profession adopted from time to time by the relevant recognised professional body.

(2) Condition 2 is that the person—

(a) is not a fit and proper person to act as an insolvency practitioner;

(b) is a fit and proper person to act as an insolvency practitioner only in relation to companies, but the person's authorisation is not so limited; or

(c) is a fit and proper person to act as an insolvency practitioner only in relation to individuals, but the person's authorisation is not so limited.

(3) Condition 3 is that it is appropriate for the person's authorisation to act as an insolvency practitioner to be suspended for a period or until one or more requirements are complied with.

(4) Condition 4 is that it is appropriate to impose other restrictions on the person acting as an insolvency practitioner.

(5) Condition 5 is that loss has been suffered as a result of the failure mentioned in condition 1 by one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(6) In this Article "relevant recognised professional body" has the same meaning as in Article 350O.

**Direct sanctions direction instead of order**

**350R.**—(1) The Department may give a direction (a "direct sanctions direction") in relation to a person acting as an insolvency practitioner to the relevant recognised professional body (instead of applying, or continuing

with an application, for a direct sanctions order against the person) if the Department is satisfied that—

(a) condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person (see Article 350Q); and

(b) it is in the public interest for the direction to be given.

(2) But the Department may not give a direct sanctions direction in relation to a person without that person's consent.

(3) A direct sanctions direction may require the relevant recognised professional body to take all necessary steps to secure that—

(a) the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;

(b) the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the direction;

(c) the person's authorisation to act as an insolvency practitioner is suspended for the period specified in the direction or until such time as the requirements so specified are complied with;

(d) the person must comply with such other requirements as may be specified in the direction while acting as an insolvency practitioner;

(e) the person makes such contribution as may be specified in the direction to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(4) A direct sanctions direction must not specify a contribution as mentioned in paragraph (3)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.

(5) In this Article "relevant recognised professional body" has the same meaning as in Article 350O.".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 41: After clause 14 insert

**"Power for Department to obtain information**

**14E.** After Article 350R of the Insolvency Order (inserted by section 14D) insert—

"General

**Power for Department to obtain information**

350S.—(1) A person mentioned in paragraph (2) must give the Department such information as the Department may by notice in writing require for the exercise of the Department's functions under this Part.

(2) Those persons are—

(a) a recognised professional body;

(b) any individual who is or has been authorised under Article 349A to act as an insolvency practitioner;

(c) any person who is connected to such an individual.

(3) A person is connected to an individual who is or has been authorised to act as an insolvency practitioner if, at any time during the authorisation—

(a) the person was an employee of the individual;

(b) the person acted on behalf of the individual in any other way;

(c) the person employed the individual;

(d) the person was a fellow employee of the individual's employer;

(e) in a case where the individual was employed by a firm, partnership or company, the person was a member of the firm or partnership or (as the case may be) a director of the company.

(4) In imposing a requirement under paragraph (1) the Department may specify—

(a) the time period within which the information in question is to be given; and

(b) the manner in which it is to be verified.".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 42: After clause 14 insert

**"Compliance orders**

**14F.** After Article 350S of the Insolvency Order (inserted by section 14E) insert—

"Compliance orders

350T.—(1) If at any time it appears to the Department that—

(a) a recognised professional body has failed to comply with a requirement imposed on it by or by virtue of this Part; or

(b) any other person has failed to comply with a requirement imposed on the person by virtue of Article 350S,

the Department may make an application to the High Court.

(2) If, on an application under this Article, the Court decides that the body or other person has failed to comply with the requirement in question, it may order the body or person to take such steps as the Court considers will secure that the requirement is complied with.".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 43: After clause 14 insert

"Power to establish single regulator of insolvency practitioners

**Power to establish single regulator of insolvency practitioners**

**14G.**—(1) The Department may by regulations designate a body for the purposes of—

(a) authorising persons to act as insolvency practitioners; and

(b) regulating persons acting as such.

(2) The designated body may be either—

(a) a body corporate established by the regulations; or

(b) a body (whether a body corporate or an unincorporated association) already in existence when the regulations are made (an "existing body").

(3) The regulations may, in particular, confer the following functions on the designated body—

- (a) establishing criteria for determining whether a person is a fit and proper person to act as an insolvency practitioner;
  - (b) establishing the requirements as to education, practical training and experience which a person must meet in order to act as an insolvency practitioner;
  - (c) establishing and maintaining a system for providing full authorisation or partial authorisation to persons who meet those criteria and requirements;
  - (d) imposing technical standards for persons so authorised and enforcing compliance with those standards;
  - (e) imposing professional and ethical standards for persons so authorised and enforcing compliance with those standards;
  - (f) monitoring the performance and conduct of persons so authorised;
  - (g) investigating complaints made against, and other matters concerning the performance or conduct of, persons so authorised.
- (4) The regulations may require the designated body, in discharging regulatory functions, so far as is reasonably practicable, to act in a way—
- (a) which is compatible with the regulatory objectives; and
  - (b) which the body considers most appropriate for the purpose of meeting those objectives.
- (5) Provision made under subsection (3)(d) or (3)(e) for the enforcement of the standards concerned may include provision enabling the designated body to impose a financial penalty on a person who is or has been authorised to act as an insolvency practitioner.
- (6) The regulations may, in particular, include provision for the purpose of treating a person authorised to act as an insolvency practitioner by virtue of being a member of a professional body recognised under Article 350 of the Insolvency Order immediately before the regulations come into force as authorised to act as an insolvency practitioner by the body designated by the regulations after that time.
- (7) Expressions used in this section which are defined for the purposes of Part 12 of the Insolvency Order have the same meaning in this section as in that Part.
- (8) Regulations under this section shall not be made unless a draft of the regulations has been laid before and approved by resolution of the Assembly.
- (9) Section 14H makes further provision about regulations under this section which designate an existing body.
- (10) Schedule A1 makes supplementary provision in relation to the designation of a body by regulations under this section.”— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 44: After clause 14 insert

**“Regulations under section 14G: designation of existing body**

**14H.**—(1) The Department may make regulations under section 14G designating an existing body only if it appears to the Department that—

- (a) the body is able and willing to exercise the functions that would be conferred by the regulations; and
  - (b) the body has arrangements in place relating to the exercise of those functions which are such as to be likely to ensure that the conditions in subsection (2) are met.
- (2) The conditions are—
- (a) that the functions in question will be exercised effectively; and
  - (b) where the regulations are to contain any requirements or other provisions prescribed under subsection (3), that those functions will be exercised in accordance with any such requirements or provisions.
- (3) Regulations which designate an existing body may contain such requirements or other provisions relating to the exercise of the functions by the designated body as appear to the Department to be appropriate.”— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 45: In clause 15, page 14, line 2, at end insert

“(5) After that paragraph insert—

“(3) In making regulations under this Article, the Department must have regard to the regulatory objectives (as defined by Article 350C(3)).”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

No 46: Before schedule 1 insert

**“SCHEDULE A1**

**SECTION 14G(10).**

**SINGLE REGULATOR OF INSOLVENCY  
PRACTITIONERS: SUPPLEMENTARY PROVISION  
OPERATION OF THIS SCHEDULE**

1.—(1) This Schedule has effect in relation to regulations under section 14G designating a body (referred to in this Schedule as “the Regulations”) as follows—

- (a) paragraphs 2 to 13 have effect where the Regulations establish the body;
  - (b) paragraphs 6, 7 and 9 to 13 have effect where the Regulations designate an existing body (see section 14G(2)(b));
  - (c) paragraph 14 also has effect where the Regulations designate an existing body that is an unincorporated association.
- (2) Provision made in the Regulations by virtue of paragraph 6 or 12, where that paragraph has effect as mentioned in sub-paragraph (1)(b), may only apply in relation to—
- (a) things done by or in relation to the body in or in connection with the exercise of functions conferred on it by the Regulations; and
  - (b) functions of the body which are functions so conferred.

**NAME, MEMBERS AND CHAIR**

2.—(1) The Regulations must prescribe the name by which the body is to be known.

(2) The Regulations must provide that the members of the body must be appointed by the Department

after such consultation as the Department thinks appropriate.

(3) The Regulations must provide that the Department must appoint one of the members as the chair of the body.

(4) The Regulations may include provision about—

(a) the terms on which the members of the body hold and vacate office;

(b) the terms on which the person appointed as the chair holds and vacates that office.

#### REMUNERATION ETC.

3.—(1) The Regulations must provide that the body must pay to its chair and members such remuneration and allowances in respect of expenses properly incurred by them in the exercise of their functions as the Department may determine.

(2) The Regulations must provide that, as regards any member (including the chair) in whose case the Department so determines, the body must pay or make provision for the payment of—

(a) such pension, allowance or gratuity to or in respect of that person on retirement or death as the Department may determine; or

(b) such contributions or other payment towards the provision of such a pension, allowance or gratuity as the Department may determine.

(3) The Regulations must provide that where—

(a) a person ceases to be a member of the body otherwise than on the expiry of the term of office; and

(b) it appears to the Department that there are special circumstances which make it right for that person to be compensated,

the body must make a payment to the person by way of compensation of such amount as the Department may determine.

#### STAFF

4. The Regulations must provide that—

(a) the body may appoint such persons to be its employees as the body considers appropriate; and

(b) the employees are to be appointed on such terms and conditions as the body may determine.

#### PROCEEDINGS

5.—(1) The Regulations may make provision about the proceedings of the body.

(2) The Regulations may, in particular—

(a) authorise the body to exercise any function by means of committees consisting wholly or partly of members of the body;

(b) provide that the validity of proceedings of the body, or of any such committee, is not affected by any vacancy among the members or any defect in the appointment of a member.

#### FEES

6.—(1) The Regulations may make provision—

(a) about the setting and charging of fees by the body in connection with the exercise of its functions;

(b) for the retention by the body of any such fees payable to it;

(c) about the application by the body of such fees.

(2) The Regulations may, in particular, make provision—

(a) for the body to be able to set such fees as appear to it to be sufficient to defray the expenses of the body exercising its functions, taking one year with another;

(b) for the setting of fees by the body to be subject to the approval of the Department.

(3) The expenses referred to in sub-paragraph (2)(a) include any expenses incurred by the body on such staff, accommodation, services and other facilities as appear to it to be necessary or expedient for the proper exercise of its functions.

#### CONSULTATION

7. The Regulations may make provision as to the circumstances and manner in which the body must consult others before exercising any function conferred on it by the Regulations.

#### TRAINING AND OTHER SERVICES

8.—(1) The Regulations may make provision authorising the body to provide training or other services to any person.

(2) The Regulations may make provision authorising the body—

(a) to charge for the provision of any such training or other services; and

(b) to calculate any such charge on the basis that it considers to be the appropriate commercial basis.

#### REPORT AND ACCOUNTS

9.—(1) The Regulations must require the body, at least once in each 12 month period, to report to the Department on—

(a) the exercise of the functions conferred on it by the Regulations; and

(b) such other matters as may be prescribed in the Regulations.

(2) The Regulations must require the Department to lay before the Assembly a copy of each report received under this paragraph.

(3) Unless section 394 of the Companies Act 2006 applies to the body (duty on every company to prepare individual accounts), the Regulations must provide that the Department may give directions to the body with respect to the preparation of its accounts.

(4) Unless the body falls within sub-paragraph (5), the Regulations must provide that the Department may give directions to the body with respect to the audit of its accounts.

(5) The body falls within this sub-paragraph if it is a company whose accounts—

(a) are required to be audited in accordance with Part 16 of the Companies Act 2006 (see section 475 of that Act); or

(b) are exempt from the requirements of that Part under section 482 of that Act (non-profit making companies subject to public sector audit).



(6) *The Regulations may provide that, whether or not section 394 of the Companies Act 2006 applies to the body, the Department may direct that any provisions of that Act specified in the directions are to apply to the body with or without modifications.*

#### FUNDING

10. *The Regulations may provide that the Department may make grants to the body.*

#### FINANCIAL PENALTIES

11.—(1) *This paragraph applies where the Regulations include provision enabling the body to impose a financial penalty on a person who is, or has been, authorised to act as an insolvency practitioner (see section 14G(5)).*

(2) *The Regulations—*

(a) *must include provision about how the body is to determine the amount of a penalty; and*

(b) *may, in particular, prescribe a minimum or maximum amount.*

(3) *The Regulations must provide that, unless the Department (with the consent of the Department of Finance and Personnel) otherwise directs, income from penalties imposed by the body is to be paid into the Consolidated Fund.*

(4) *The Regulations may also, in particular—*

(a) *include provision for a penalty imposed by the body to be enforced as a debt;*

(b) *prescribe conditions that must be met before any action to enforce a penalty may be taken.*

#### STATUS ETC.

12. *The Regulations must provide that—*

(a) *the body is not to be regarded as acting on behalf of the Crown; and*

(b) *its members, officers and employees are not to be regarded as Crown servants.*

#### TRANSFER SCHEMES

13.—(1) *This paragraph applies if the Regulations make provision designating a body (whether one established by the Regulations or one already in existence) in place of a body designated by earlier regulations under section 14G; and those bodies are referred to as the “new body” and the “former body” respectively.*

(2) *The Regulations may make provision authorising the Department to make a scheme (a “transfer scheme”) for the transfer of property, rights and liabilities from the former body to the new body.*

(3) *The Regulations may provide that a transfer scheme may include provision—*

(a) *about the transfer of property, rights and liabilities that could not otherwise be transferred;*

(b) *about the transfer of property acquired, and rights and liabilities arising, after the making of the scheme.*

(4) *The Regulations may provide that a transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—*

(a) *create rights, or impose liabilities, in relation to property or rights transferred;*

(b) *make provision about the continuing effect of things done by the former body in respect of anything transferred;*

(c) *make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the former body in respect of anything transferred;*

(d) *make provision for references to the former body in an instrument or other document in respect of anything transferred to be treated as references to the new body;*

(e) *make provision for the shared ownership or use of property;*

(f) *if the TUPE regulations do not apply to in relation to the transfer, make provision which is the same or similar.*

(5) *The Regulations must provide that, where the former body is an existing body, a transfer scheme may only make provision in relation to—*

(a) *things done by or in relation to the former body in or in connection with the exercise of functions conferred on it by previous regulations under section 14G; and*

(b) *functions of the body which are functions so conferred.*

(6) *In sub-paragraph (4)(f), “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).*

(7) *In this paragraph—*

(a) *references to rights and liabilities include rights and liabilities relating to a contract of employment;*

(b) *references to the transfer of property include the grant of a lease.*

#### ADDITIONAL PROVISION WHERE BODY IS UNINCORPORATED ASSOCIATION

14.—(1) *This paragraph applies where the body is an unincorporated association.*

(2) *The Regulations must provide that any relevant proceedings may be brought by or against the body in the name of any body corporate whose constitution provides for the establishment of the body.*

(3) *In sub-paragraph (2) “relevant proceedings” means proceedings brought in or in connection with the exercise of any function conferred on the body by the Regulations.”— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

**Mr Bell:** Amendment No 12 represents a change in policy. It removes from subsection (2) of clause 14 the reference to section 390A of the Insolvency Act 1986. This reference would have given insolvency practitioners authorised in Great Britain the automatic right to practise in Northern Ireland. It would have been appropriate for them to have had this right only if it had been reciprocated in Great Britain. The Insolvency Service in London has now advised that this will not happen.

Amendment No 36 is also a significant change, as it replaces article 350 of the Insolvency Order, as substituted by clause 14, with a new version. The new version makes having rules and procedures to meet regulatory objectives



a requirement for being recognised as a professional body capable of authorising insolvency practitioners.

Amendment No 36 also inserts new article 350A, which establishes a procedure for applying to my Department to become a recognised professional body. Amendment No 37, which takes the form of new clause 14A, inserts two new articles into the Insolvency Order. New article 350B provides that bodies recognised for the purposes of authorising insolvency practitioners will have to discharge their regulatory functions in accordance with regulatory objectives. New article 350C sets out what is meant by regulatory functions and objectives.

Amendment No 38, which takes the form of new clause 14B, inserts new articles 350D to 350K into the Insolvency Order. These give the Department power to impose penalties on recognised professional bodies for regulatory failures. Amendment No 39, which takes the form of new clause 14C, inserts new articles 350L to 350N into the Insolvency Order. Articles 350L and 350M give my Department power to revoke a professional body's recognition to authorise insolvency practitioners. It also gives my Department the power to downgrade recognition to being able to provide only partial authorisation if the body is failing to meet its regulatory objectives. Partial authorisation is authorisation to act as an insolvency practitioner either in relation to corporate or individual insolvencies, but not both. Article 350N gives my Department similar powers to revoke or downgrade recognition at the request of a recognised professional body.

Amendment No 40, which takes the form of new clause 14D, inserts new articles 350O to 350R into the Insolvency Order. Articles 350O and 350Q give my Department power to apply to the High Court for a direct sanctions order against an insolvency practitioner. Article 350R gives my Department power to give a direct sanctions direction to a recognised professional body in relation to an insolvency practitioner as an alternative to seeking a court order.

Amendment No 41, which takes the form of new clause 14E, inserts new article 350S into the Insolvency Order. This article gives my Department power to obtain information needed in connection with its oversight and disciplinary functions in relation to recognised professional bodies. Amendment No. 42, which takes the form of new clause 14F, inserts new article 350T into the Insolvency Order. This gives the Department the right to seek a High Court order in cases where a recognised professional body is failing to comply with a requirement that it is under or where someone is failing to comply with a requirement to provide information.

Amendment No 43, which takes the form of new clause 14G, gives my Department power to either designate an existing body or establish a new one for the purpose of authorising and regulating insolvency practitioners. Amendment No 44, which takes the form of new clause 14H, sets out the circumstances in which an existing body may be designated for the purpose of authorising and regulating insolvency practitioners.

**Mr Allister:** Will the Minister give way?

**Mr Bell:** Yes, I will give way.

**Mr Allister:** Just before the Minister moves away from the new clauses, can he explain to the House why, given the history of difficulties with the conduct of some insolvency

practitioners, the opportunity was not taken in the Bill to insert a statutory code of conduct to control and set the parameters and guidelines for insolvency practitioners?

**Mr Bell:** The Member makes an interesting point. What I intend to do is to hear the perspectives of all Members and then address them collectively when I conclude.

Amendment No 45 is to clause 15. It requires my Department to have regard to the regulatory objectives set for the recognised professional bodies when making regulations dealing with insolvency practitioners and their qualification. Amendment No 46, which takes the form of a new schedule, sets out matters to be dealt with in regulations designating a single regulatory body to authorise and regulate insolvency practitioners.

Mr Speaker, that concludes what I have to say about the amendments.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle, agus mo bhuíochas leis an Aire. Thank you very much, Mr Speaker, and I thank the Minister. This group is concerned with recognised professional bodies and insolvency practitioners. There are 12 amendments to clause 14, in particular, new clauses 14A to 14H, clause 15 and schedule 3.

The group 2 amendments relate to the regulation of insolvency practitioners. The Committee raised the issue of a statutory code of conduct with the Department during the Committee Stage of the Bill. Officials responded that there is no provision in the Bill for a code of conduct. However, in GB, provision is included in the Small Business, Enterprise and Employment Bill going through Westminster. Officials informed the Committee that they intended to recommend to the Minister that, in future legislation, a regulatory objective be put in place. That would require the regulated professional bodies to ensure that objectives and principles are put in place to regulate insolvency professionals. I would like at this stage to pay tribute to Mr Allister for his correspondence to the Committee, which highlighted in a very real and human manner the regulatory deficiencies in the system and in the legislation until now around this regulatory aspect.

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

This would include requirements for appropriate training; ensuring consistent outcomes; providing high-quality services; acting transparently and with integrity; considering the interests of all creditors in a case; promoting the maximisation of the value of returns; and protecting and promoting the public interest. Officials stated that those issues will be enshrined in legislation through the Westminster Bill, and it is the Department's intention to include similar provisions in a future insolvency Bill. The Committee was broadly content with that approach. However, the Minister subsequently wrote to the Committee confirming that provisions for an effective route to policing and controlling the conduct of insolvency practitioners would be included in the current Bill by way of an amendment at Consideration Stage. This includes penalties that will apply to recognised professional bodies if they do not maintain a satisfactory standard of regulation. It also gives the Department the power to intervene directly by applying to the court, as the Minister outlined, for action to be taken against an IP. Having had sight of the proposed amendments during Committee

Stage, the Committee was content that they be made to the Bill at Consideration Stage.

That concludes my comments on behalf of the Committee, Mr Principal Deputy Speaker.

### 12.30 pm

**Mr Dunne:** The amendments in group 2 relate to the regulation of professional bodies and insolvency practitioners. There was a concern raised that there seemed to be a deficit of supervision, control, accountability and regulation in how insolvency practitioners conduct themselves. The Committee subsequently raised that with the Department and officials, who responded by saying that there was no provision in the Bill for a code of conduct but said that they would recommend to the Minister that, in future legislation, a regulatory objective be put in place. In December 2014, the Minister wrote to the Committee stating that provisions for a statutory code of conduct for IPs would be included in the Bill by way of an amendment at Consideration Stage. I believe that all other measures will help to improve the processes for all those involved in the sector. I am content to support this stage.

**Mr Allister:** As the House knows, at the Second Stage of the Bill, I raised concerns about the lack of control over insolvency practitioners arising from a particular case with which the Committee then became acquainted. It demonstrated a great gap in the capacity to control and effectively to discipline insolvency practitioners who do not conduct themselves in the manner in which they ought to. In that case, some of the things that were done were quite audacious, including the dispersal of the assets in a wholly inappropriate way, leaving the young person whose business had been put into insolvency in a much worse position than they ought to have been. I was grateful that, after raising that, the previous Minister advised me in correspondence of the intention to stiffen some of the provisions in the Bill from how it was originally drafted and that we now have this slate of amendments.

As I said in the intervention, the one area that stills puzzles me somewhat is why the opportunity was not taken in the Bill to introduce a statutory code of conduct. The explanation seems to be that there is parallel legislation at Westminster, which effectively such a thing will be, and at some point in the future we may well do the same. The same argument applied to doing nothing at all at this stage of the Bill, yet something is being done. Why not address the entirety of the issue by embracing a code of conduct at this point? That is my one reservation and my one question that has not been answered in a satisfactory way. Why was that not done at this stage? Given that there seems to be willingness to do it at some point, why not do it now?

**Mr Bell:** I am grateful to Members who contributed to the debate on the group 2 amendments. The amendments are based on similar provisions in the GB Deregulation Bill and the Small Business, Enterprise and Employment Bill. We are in the fortunate position that both pieces of legislation have completed their passage through Westminster and are now Acts, as that has allowed us to ensure that the corresponding provisions in our Bill are fully up to date.

The amendments will ensure that insolvency practitioners in Northern Ireland are authorised in the same manner and to the same standard as their counterparts in GB.

The inclusion of the amendments to provide for a more rigorous regulatory regime for the bodies responsible for overseeing insolvency practitioners will be of benefit to those who rely on the services of that profession.

I will address some of the points that have been raised. I have already thanked the Chair, and I think that he has again demonstrated the competence that he, the Deputy Chair and the Committee have shown in these matters. I reiterate my attention to their detail and the support that they and Gordon Dunne, the Member for North Down, have given. I also put on record my thanks to the Member for North Antrim, Jim Allister. I have reviewed some of the correspondence that has been sent. I thank him for his involvement in applying his legal intelligence to the matter. He has queried me on a couple of points that I will try to address, although this will be an interesting experience as a psychologist attempts to address points of law to a learned QC.

I refer to amendment No 37. As I understand it, the mechanisms put in place will have the same effect as a code of conduct and will require the bodies responsible for regulating the insolvency practitioners to do so in accordance with regulatory objectives designed to ensure that insolvency practitioners adhere to professional standards. Those are the same provisions as in the Westminster Small Business, Enterprise and Employment Act 2015.

*Amendment No 12 agreed to.*

*Amendment No 13 made:*

In page 11, line 15, after “authorised” insert

*“to act as an insolvency practitioner in relation to companies”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 14 made:*

In page 11, line 15, after “may” insert “nonetheless”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 15 made:*

In page 11, line 16, leave out “as an insolvency practitioner”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 16 made:*

In page 11, line 17, leave out “or an individual”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 17 made:*

In page 11, line 18, leave out “or individual”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 18 made:*

In page 11, line 20, at end insert

*“(1A) A person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not accept an appointment to act in relation to an individual if at the time of the appointment the person is aware that the individual—  
(a) is or was a member of a partnership other than a Scottish partnership, and*

*(b) has outstanding liabilities in relation to the partnership.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 19 made:*

In page 11, line 21, after “authorised” insert

*“to act as an insolvency practitioner in relation to companies”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 20 made:*

In page 11, line 21, after “may” insert “nonetheless”.—  
*[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 21 made:*

In page 11, line 22, leave out “as an insolvency practitioner”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 22 made:*

In page 11, line 23, leave out “or an individual”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 23 made:*

In page 11, line 23, leave out from second “or” to “individual” on line 24.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 24 made:*

In page 11, line 28, at end insert

*“(2A) Subject to paragraph (7), a person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not continue to act in relation to an individual if the person becomes aware that the individual—*

*(a) is or was a member of a partnership other than a Scottish partnership, and*

*(b) has outstanding liabilities in relation to the partnership,*

*unless the person is granted permission to continue to act by the High Court.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 25 made:*

In page 11, line 29, leave out “the” and insert “a”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 26 made:*

In page 11, line 29, after “act” insert

*“for the purposes of paragraph (2) or (2A)”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 27 made:*

In page 11, line 32, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 28 made:*

In page 11, line 38, after “company,” insert “this Article or, if it applies,”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 29 made:*

In page 11, line 38, leave out from “or” to “Article” on line 39.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 30 made:*

In page 11, line 40, after “individual,” insert “this Article or, if it applies,”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 31 made:*

In page 11, line 40, leave out from “or” to “Article” on line 41.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 32 made:*

In page 11, line 43, leave out “paragraph (1) or (2)” and insert “any of paragraphs (1) to (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 33 made:*

In page 12, line 1, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 34 made:*

In page 12, line 4, leave out “paragraph (2)” and insert “the paragraph”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 35 made:*

In page 12, line 13, after “(2)” insert “or (2A)”.— *[Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 36 made:*

In page 12, leave out from line 23 to line 21 on page 13 and insert

*“350.—(1) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with full authorisation or partial authorisation.*

*(2) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (as to which, see Article 349A(1)).*

*(3) Article 350A makes provision about the making by a body of an application to the Department for an order under this Article.*

*(4) The requirements are that—*

*(a) the body regulates (or is going to regulate) the practice of a profession;*

*(b) the body has rules which it is going to maintain and enforce for securing that its insolvency specialist members—*

*(i) are fit and proper persons to act as insolvency practitioners; and*

*(ii) meet acceptable requirements as to education and practical training and experience; and*

*(c) the body’s rules and practices for or in connection with authorising persons to act as insolvency*

practitioners, and its rules and practices for or in connection with regulating persons acting as such, are designed to ensure that the regulatory objectives are met (as to which, see Article 350C).

(5) An order of the Department under this Article has effect from such date as is specified in the order.

(6) An order under this Article may be revoked by an order under Article 350L or 350N (and see Article 361A(1)(b)).

(7) In this Part—

(a) references to members of a recognised professional body are to persons who, whether members of that body or not, are subject to its rules in the practice of the profession in question;

(b) references to insolvency specialist members of a professional body are to members who are permitted by or under the rules of the body to act as insolvency practitioners.

(8) A reference in this Part to a recognised professional body is to a body recognised under this Article (and see Articles 350L(6) and 350N(5)).

*Application for recognition as recognised professional body*

350A.—(1) An application for an order under Article 350(1) or (2) must—

(a) be made to the Department in such form and manner as the Department may require;

(b) be accompanied by such information as the Department may require;

(c) be supplemented by such additional information as the Department may require at any time between receiving the application and determining it.

(2) The requirements which may be imposed under paragraph (1) may differ as between different applications.

(3) The Department may require information provided under this Article to be in such form, and verified in such manner, as the Department may specify.

(4) An application for an order under Article 350(1) or (2) must be accompanied by—

(a) a copy of the applicant's rules;

(b) a copy of the applicant's policies and practices; and

(c) a copy of any guidance issued by the applicant in writing.

(5) The reference in paragraph (4)(c) to guidance issued by the applicant is a reference to guidance or recommendations which are—

(a) issued or made by it which will apply to its insolvency specialist members or to persons seeking to become such members;

(b) relevant for the purposes of this Part; and

(c) intended to have continuing effect,

including guidance or recommendations relating to the admission or expulsion of members.

(6) The Department may refuse an application for an order under Article 350(1) or (2) if the Department considers that recognition of the body concerned is

unnecessary having regard to the existence of one or more other bodies which have been or are likely to be recognised under Article 350.

(7) Paragraph (8) applies where the Department refuses an application for an order under Article 350(1) or (2); and it applies regardless of whether the application is refused on the ground mentioned in paragraph (6), because the Department is not satisfied as mentioned in Article 350(1) or (2) or because a fee has not been paid (see Article 361A(1)(b)).

(8) The Department must give the applicant a written notice of the Department's decision; and the notice must set out the reasons for refusing the application.".— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

Clause 14, as amended, ordered to stand part of the Bill.

### **New Clause**

Amendment No 37 made:

After clause 14 insert

#### **"Regulatory objectives**

**14A.**—(1) After Article 350A of the Insolvency Order (inserted by section 14) insert—

*"Regulatory objectives*

#### **Application of regulatory objectives**

350B.—(1) In discharging regulatory functions, a recognised professional body must, so far as is reasonably practicable, act in a way—

(a) which is compatible with the regulatory objectives; and

(b) which the body considers most appropriate for the purpose of meeting those objectives.

(2) In discharging functions under this Part, the Department must have regard to the regulatory objectives.

#### **Meaning of "regulatory functions" and "regulatory objectives"**

350C.—(1) This Article has effect for the purposes of this Part.

(2) "Regulatory functions", in relation to a recognised professional body, means any functions the body has—

(a) under or in relation to its arrangements for or in connection with—

(i) authorising persons to act as insolvency practitioners; or

(ii) regulating persons acting as insolvency practitioners; or

(b) in connection with the making or alteration of those arrangements.

(3) "Regulatory objectives" means the objectives of—

(a) having a system of regulating persons acting as insolvency practitioners that—

(i) secures fair treatment for persons affected by their acts and omissions;

(ii) reflects the regulatory principles; and



- (iii) ensures consistent outcomes;
  - (b) encouraging an independent and competitive insolvency-practitioner profession whose members—
    - (i) provide high quality services at a cost to the recipient which is fair and reasonable;
    - (ii) act transparently and with integrity; and
    - (iii) consider the interests of all creditors in any particular case;
  - (c) promoting the maximisation of the value of returns to creditors and promptness in making those returns; and
  - (d) protecting and promoting the public interest.
- (4) In paragraph (3)(a), “regulatory principles” means—
- (a) the principles that regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed; and
  - (b) any other principle appearing to the body concerned (in the case of the duty under Article 350B(1)), or to the Department (in the case of the duty under Article 350B(2)), to lead to best regulatory practice.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### New Clause

Amendment No 38 made:

After clause 14 insert

#### **“Oversight of recognised professional bodies**

**14B.**—(1) After Article 350C of the Insolvency Order (inserted by section 14A) insert—

“Oversight of recognised professional bodies

#### **Directions**

350D.—(1) This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.

(2) The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, direct the body to take such steps as the Department considers will counter the adverse impact, mitigate its effect or prevent its occurrence or recurrence.

(3) A direction under this Article may require a recognised professional body—

- (a) to take only such steps as it has power to take under its regulatory arrangements;
- (b) to take steps with a view to the modification of any part of its regulatory arrangements.

(4) A direction under this Article may require a recognised professional body—

- (a) to take steps with a view to the institution of, or otherwise in respect of, specific regulatory proceedings;

(b) to take steps in respect of all, or a specified class of, such proceedings.

(5) For the purposes of this Article, a direction to take steps includes a direction which requires a recognised professional body to refrain from taking a particular course of action.

(6) In this Article “regulatory arrangements”, in relation to a recognised professional body, means the arrangements that the body has for or in connection with—

- (a) authorising persons to act as insolvency practitioners; or
- (b) regulating persons acting as insolvency practitioners.

Directions: procedure

350E.—(1) Before giving a recognised professional body a direction under Article 350D, the Department must give the body a notice accompanied by a draft of the proposed direction.

(2) The notice under paragraph (1) must—

- (a) state that the Department proposes to give the body a direction in the form of the accompanying draft;
- (b) specify why the Department has reached the conclusions mentioned in Article 350D(1) and (2); and
- (c) specify a period within which the body may make written representations with respect to the proposal.

(3) The period specified under paragraph (2)(c)—

- (a) must begin with the date on which the notice is given to the body; and
- (b) must not be less than 28 days.

(4) On the expiry of that period, the Department must decide whether to give the body the proposed direction.

(5) The Department must give notice of that decision to the body.

(6) Where the Department decides to give the proposed direction, the notice under paragraph (5) must—

- (a) contain the direction;
- (b) state the time at which the direction is to take effect; and
- (c) specify the Department’s reasons for the decision to give the direction.

(7) Where the Department decides to give the proposed direction, the Department must publish the notice under paragraph (5); but this paragraph does not apply to a direction to take any step with a view to the institution of, or otherwise in respect of, regulatory proceedings against an individual.

(8) The Department may revoke a direction under Article 350D; and, where doing so, the Department—

- (a) must give the body to which the direction was given notice of the revocation; and
- (b) must publish the notice and, if the notice under paragraph (5) was published under paragraph (7), must do so (if possible) in the same manner as that in which that notice was published.



**Financial penalty**

350F.—(1) This Article applies if the Department is satisfied—

(a) that a recognised professional body has failed to comply with a requirement to which this Article applies; and

(b) that, in all the circumstances of the case, it is appropriate to impose a financial penalty on the body.

(2) This Article applies to a requirement imposed on the recognised professional body—

(a) by a direction given under Article 350D; or

(b) by a provision of this Order or of subordinate legislation under this Order.

(3) The Department may impose a financial penalty, in respect of the failure, of such amount as the Department considers appropriate.

(4) In deciding what amount is appropriate, the Department—

(a) must have regard to the nature of the requirement which has not been complied with; and

(b) must not take into account the Department's costs in discharging functions under this Part.

(5) A financial penalty under this Article is payable to the Department; and sums received by the Department in respect of a financial penalty under this Article (including by way of interest) are to be paid into the Consolidated Fund.

(6) In Articles 350G to 350I, “penalty” means a financial penalty under this Article.

**Financial penalty: procedure**

350G.—(1) Before imposing a penalty on a recognised professional body, the Department must give notice to the body—

(a) stating that the Department proposes to impose a penalty and the amount of the proposed penalty;

(b) specifying the requirement in question;

(c) stating why the Department is satisfied as mentioned in Article 350F(1); and

(d) specifying a period within which the body may make written representations with respect to the proposal.

(2) The period specified under paragraph (1)(d)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(3) On the expiry of that period, the Department must decide—

(a) whether to impose a penalty; and

(b) whether the penalty should be the amount stated in the notice or a reduced amount.

(4) The Department must give notice of the decision to the body.

(5) Where the Department decides to impose a penalty, the notice under paragraph (4) must—

(a) state that the Department has imposed a penalty on the body and its amount;

(b) specify the requirement in question and state—

(i) why it appears to the Department that the requirement has not been complied with; or

(ii) where, by that time, the requirement has been complied with, why it appeared to the Department when giving the notice under paragraph (1) that the requirement had not been complied with; and

(c) specify a time by which the penalty is required to be paid.

(6) The time specified under paragraph (5)(c) must be at least three months after the date on which the notice under paragraph (4) is given to the body.

(7) Where the Department decides to impose a penalty, the Department must publish the notice under paragraph (4).

(8) The Department may rescind or reduce a penalty imposed on a recognised professional body; and, where doing so, the Department—

(a) must give the body notice that the penalty has been rescinded or reduced to the amount stated in the notice; and

(b) must publish the notice; and it must (if possible) be published in the same manner as that in which the notice under paragraph (4) was published.

**Appeal against financial penalty**

350H.—(1) A recognised professional body on which a penalty is imposed may appeal to the High Court on one or more of the appeal grounds.

(2) The appeal grounds are—

(a) that the imposition of the penalty was not within the Department's power under Article 350F;

(b) that the requirement in respect of which the penalty was imposed had been complied with before the notice under Article 350G(1) was given;

(c) that the requirements of Article 350G have not been complied with in relation to the imposition of the penalty and the interests of the body have been substantially prejudiced as a result;

(d) that the amount of the penalty is unreasonable;

(e) that it was unreasonable of the Department to require the penalty imposed to be paid by the time specified in the notice under Article 350G(5)(c).

(3) An appeal under this Article must be made within the period of three months beginning with the day on which the notice under Article 350G(4) in respect of the penalty is given to the body.

(4) On an appeal under this Article the Court may—

(a) quash the penalty;

(b) substitute a penalty of such lesser amount as the Court considers appropriate; or

(c) in the case of the appeal ground in paragraph (2)

(e), substitute for the time imposed by the Department a different time.

(5) Where the Court substitutes a penalty of a lesser amount, it may require the payment of interest on the substituted penalty from such time, and at such rate, as it considers just and equitable.

(6) Where the Court substitutes a later time for the time specified in the notice under Article 350G(5)(c), it may require the payment of interest on the penalty from the substituted time at such rate as it considers just and equitable.

(7) Where the Court dismisses the appeal, it may require the payment of interest on the penalty from the time specified in the notice under Article 350G(5)(c) at such rate as it considers just and equitable.

#### **Recovery of financial penalties**

350I.—(1) If the whole or part of a penalty is not paid by the time by which it is required to be paid, the unpaid balance from time to time carries interest at the rate for the time being applicable to a money judgment of the High Court (but this is subject to any requirement imposed by the Court under Article 350H(5), (6) or (7)).

(2) If an appeal is made under Article 350H in relation to a penalty, the penalty is not required to be paid until the appeal has been determined or withdrawn.

(3) Paragraph (4) applies where the whole or part of a penalty has not been paid by the time it is required to be paid and—

(a) no appeal relating to the penalty has been made under Article 350H during the period within which an appeal may be made under that Article; or

(b) an appeal has been made under that Article and determined or withdrawn.

(4) The Department may recover from the recognised professional body in question, as a debt due to the Department, any of the penalty and any interest which has not been paid.

#### **Reprimand**

350J.—(1) This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.

(2) The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, publish a statement reprimanding the body for the act or omission (or series of acts or omissions).

#### **Reprimand: procedure**

350K.—(1) If the Department proposes to publish a statement under Article 350J in respect of a recognised professional body, it must give the body a notice—

(a) stating that the Department proposes to publish such a statement and setting out the terms of the proposed statement;

(b) specifying the acts or omissions to which the proposed statement relates; and

(c) specifying a period within which the body may make written representations with respect to the proposal.

(2) The period specified under paragraph (1)(c)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(3) On the expiry of that period, the Department must decide whether to publish the statement.

(4) The Department may vary the proposed statement; but before doing so, the Department must give the body notice—

(a) setting out the proposed variation and the reasons for it; and

(b) specifying a period within which the body may make written representations with respect to the proposed variation.

(5) The period specified under paragraph (4)(b)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(6) On the expiry of that period, the Department must decide whether to publish the statement as varied.”.

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (1A) (inserted by section 14(6)(b)) insert—

“(1B) In setting under paragraph (1) the amount of a fee in connection with maintenance of recognition, the matters to which the Department may have regard include, in particular, the costs of the Department in connection with any functions under Articles 350D, 350E, 350J, 350K and 350N.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### **New Clause**

Amendment No 39 made:

After clause 14 insert

#### **“Recognised professional bodies: revocation of recognition**

14C.—(1) After Article 350K of the Insolvency Order (inserted by section 14B) insert—

“Revocation etc. of recognition

#### **Revocation of recognition at instigation of Department**

350L.—(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if the Department is satisfied that—

(a) an act or omission of the body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives; and

(b) it is appropriate in all the circumstances of the case to revoke the body’s recognition under Article 350.

(2) If the condition set out in paragraph (3) is met, an order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial

authorisation only of the kind specified in the order (see Article 349A(1)).

(3) The condition is that the Department is satisfied—

(a) as mentioned in paragraph (1)(a); and

(b) that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(4) In this Part—

(a) an order under paragraph (1) is referred to as a “revocation order”; and

(b) an order under paragraph (2) is referred to as a “partial revocation order”.

(5) A revocation order or partial revocation order—

(a) has effect from such date as is specified in the order; and

(b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(6) A partial revocation order has effect as if it were an order made under Article 350(2).

*Orders under Article 350L: procedure*

350M.—(1) Before making a revocation order or partial revocation order in relation to a recognised professional body, the Department must give notice to the body—

(a) stating that the Department proposes to make the order and the terms of the proposed order;

(b) specifying the Department’s reasons for proposing to make the order; and

(c) specifying a period within which the body, members of the body or other persons likely to be affected by the proposal may make written representations with respect to it.

(2) Where the Department gives a notice under paragraph (1), the Department must publish the notice on the same day.

(3) The period specified under paragraph (1)(c)—

(a) must begin with the date on which the notice is given to the body; and

(b) must not be less than 28 days.

(4) On the expiry of that period, the Department must decide whether to make the revocation order or (as the case may be) partial revocation order in relation to the body.

(5) The Department must give notice of the decision to the body.

(6) Where the Department decides to make the order, the notice under paragraph (5) must specify—

(a) when the order is to take effect; and

(b) the Department’s reasons for making the order.

(7) A notice under paragraph (5) must be published; and it must (if possible) be published in the same

manner as that in which the notice under paragraph (1) was published.

### **Revocation of recognition at request of body**

350N.—(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if—

(a) the body has requested that an order be made under this paragraph; and

(b) the Department is satisfied that it is appropriate in all the circumstances of the case to revoke the body’s recognition under Article 350.

(2) An order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (see Article 349A(1)) if—

(a) the body has requested that an order be made under this paragraph; and

(b) the Department is satisfied that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(3) Where the Department decides to make an order under this Article the Department must publish a notice specifying—

(a) when the order is to take effect; and

(b) the Department’s reasons for making the order.

(4) An order under this Article—

(a) has effect from such date as is specified in the order; and

(b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(5) An order under paragraph (2) has effect as if it were an order made under Article 350(2).”.—

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (5) insert—

“(5A) Article 350M applies for the purposes of an order under paragraph (1)(b) as it applies for the purposes of a revocation order made under Article 350L.”.—  
[Mr Bell (The Minister of Enterprise, Trade and Investment).]

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 40 made:*

*After clause 14 insert*

### **“Court sanction of insolvency practitioners in public interest cases**

**14D.** After Article 350N of the Insolvency Order (inserted by section 14C) insert—

*“Court sanction of insolvency practitioners in public interest cases*

**Direct sanction orders**

**350O.**—(1) *For the purposes of this Part a “direct sanctions order” is an order made by the High Court against a person who is acting as an insolvency practitioner which—*

- (a) declares that the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;*
- (b) declares that the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the order;*
- (c) declares that the person’s authorisation to act as an insolvency practitioner is suspended for the period specified in the order or until such time as the requirements so specified are complied with;*
- (d) requires the person to comply with such other requirements as may be specified in the order while acting as an insolvency practitioner;*
- (e) requires the person to make such contribution as may be specified in the order to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.*

*(2) Where the Court makes a direct sanctions order, the relevant recognised professional body must take all necessary steps to give effect to the order.*

*(3) A direct sanctions order must not specify a contribution as mentioned in paragraph (1)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.*

*(4) In this Article and Article 350P, “relevant recognised professional body”, in relation to a person who is acting as an insolvency practitioner, means the recognised professional body by virtue of which the person is authorised so to act.*

**Application for, and power to make, direct sanctions order**

**350P.**—(1) *The Department may apply to the High Court for a direct sanctions order to be made against a person if it appears to the Department that it would be in the public interest for the order to be made.*

*(2) The Department must send a copy of the application to the relevant recognised professional body.*

*(3) The Court may make a direct sanctions order against a person where, on an application under this Article, the Court is satisfied that condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person.*

*(4) The conditions are set out in Article 350Q.*

*(5) In deciding whether to make a direct sanctions order against a person the Court must have regard to the extent to which—*

*(a) the relevant recognised professional body has taken action against the person in respect of the failure mentioned in condition 1; and*

*(b) that action is sufficient to address the failure.*

**Direct sanctions order: conditions**

**350Q.**—(1) *Condition 1 is that the person, in acting as an insolvency practitioner or in connection with any appointment as such, has failed to comply with—*

- (a) a requirement imposed by the rules of the relevant recognised professional body;*
  - (b) any standards, or code of ethics, for the insolvency-practitioner profession adopted from time to time by the relevant recognised professional body.*
- (2) Condition 2 is that the person—*
- (a) is not a fit and proper person to act as an insolvency practitioner;*
  - (b) is a fit and proper person to act as an insolvency practitioner only in relation to companies, but the person’s authorisation is not so limited; or*
  - (c) is a fit and proper person to act as an insolvency practitioner only in relation to individuals, but the person’s authorisation is not so limited.*

*(3) Condition 3 is that it is appropriate for the person’s authorisation to act as an insolvency practitioner to be suspended for a period or until one or more requirements are complied with.*

*(4) Condition 4 is that it is appropriate to impose other restrictions on the person acting as an insolvency practitioner.*

*(5) Condition 5 is that loss has been suffered as a result of the failure mentioned in condition 1 by one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.*

*(6) In this Article “relevant recognised professional body” has the same meaning as in Article 350O.*

**Direct sanctions direction instead of order**

**350R.**—(1) *The Department may give a direction (a “direct sanctions direction”) in relation to a person acting as an insolvency practitioner to the relevant recognised professional body (instead of applying, or continuing with an application, for a direct sanctions order against the person) if the Department is satisfied that—*

- (a) condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person (see Article 350Q); and*
- (b) it is in the public interest for the direction to be given.*

*(2) But the Department may not give a direct sanctions direction in relation to a person without that person’s consent.*

*(3) A direct sanctions direction may require the relevant recognised professional body to take all necessary steps to secure that—*

- (a) the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;*



(b) the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the direction;

(c) the person's authorisation to act as an insolvency practitioner is suspended for the period specified in the direction or until such time as the requirements so specified are complied with;

(d) the person must comply with such other requirements as may be specified in the direction while acting as an insolvency practitioner;

(e) the person makes such contribution as may be specified in the direction to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(4) A direct sanctions direction must not specify a contribution as mentioned in paragraph (3)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.

(5) In this Article "relevant recognised professional body" has the same meaning as in Article 350O."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### New Clause

Amendment No 41 made:

After clause 14 insert

##### **"Power for Department to obtain information**

**14E.** After Article 350R of the Insolvency Order (inserted by section 14D) insert—

##### **"General**

##### **Power for Department to obtain information**

350S.—(1) A person mentioned in paragraph (2) must give the Department such information as the Department may by notice in writing require for the exercise of the Department's functions under this Part.

(2) Those persons are—

(a) a recognised professional body;

(b) any individual who is or has been authorised under Article 349A to act as an insolvency practitioner;

(c) any person who is connected to such an individual.

(3) A person is connected to an individual who is or has been authorised to act as an insolvency practitioner if, at any time during the authorisation—

(a) the person was an employee of the individual;

(b) the person acted on behalf of the individual in any other way;

(c) the person employed the individual;

(d) the person was a fellow employee of the individual's employer;

(e) in a case where the individual was employed by a firm, partnership or company, the person was a member of the firm or partnership or (as the case may be) a director of the company.

(4) In imposing a requirement under paragraph (1) the Department may specify—

(a) the time period within which the information in question is to be given; and

(b) the manner in which it is to be verified."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### New Clause

Amendment No 42 made:

After clause 14 insert

##### **"Compliance orders**

**14F.** After Article 350S of the Insolvency Order (inserted by section 14E) insert—

##### **"Compliance orders**

350T.—(1) If at any time it appears to the Department that—

(a) a recognised professional body has failed to comply with a requirement imposed on it by or by virtue of this Part; or

(b) any other person has failed to comply with a requirement imposed on the person by virtue of Article 350S,

the Department may make an application to the High Court.

(2) If, on an application under this Article, the Court decides that the body or other person has failed to comply with the requirement in question, it may order the body or person to take such steps as the Court considers will secure that the requirement is complied with."— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### New Clause

Amendment No 43 made:

After clause 14 insert

**"Power to establish single regulator of insolvency practitioners**

##### **Power to establish single regulator of insolvency practitioners**

**14G.**—(1) The Department may by regulations designate a body for the purposes of—

(a) authorising persons to act as insolvency practitioners; and

(b) regulating persons acting as such.

(2) The designated body may be either—

(a) a body corporate established by the regulations; or

(b) a body (whether a body corporate or an unincorporated association) already in existence when the regulations are made (an "existing body").

(3) The regulations may, in particular, confer the following functions on the designated body—

- (a) establishing criteria for determining whether a person is a fit and proper person to act as an insolvency practitioner;
  - (b) establishing the requirements as to education, practical training and experience which a person must meet in order to act as an insolvency practitioner;
  - (c) establishing and maintaining a system for providing full authorisation or partial authorisation to persons who meet those criteria and requirements;
  - (d) imposing technical standards for persons so authorised and enforcing compliance with those standards;
  - (e) imposing professional and ethical standards for persons so authorised and enforcing compliance with those standards;
  - (f) monitoring the performance and conduct of persons so authorised;
  - (g) investigating complaints made against, and other matters concerning the performance or conduct of, persons so authorised.
- (4) The regulations may require the designated body, in discharging regulatory functions, so far as is reasonably practicable, to act in a way—
- (a) which is compatible with the regulatory objectives; and
  - (b) which the body considers most appropriate for the purpose of meeting those objectives.
- (5) Provision made under subsection (3)(d) or (3)(e) for the enforcement of the standards concerned may include provision enabling the designated body to impose a financial penalty on a person who is or has been authorised to act as an insolvency practitioner.
- (6) The regulations may, in particular, include provision for the purpose of treating a person authorised to act as an insolvency practitioner by virtue of being a member of a professional body recognised under Article 350 of the Insolvency Order immediately before the regulations come into force as authorised to act as an insolvency practitioner by the body designated by the regulations after that time.
- (7) Expressions used in this section which are defined for the purposes of Part 12 of the Insolvency Order have the same meaning in this section as in that Part.
- (8) Regulations under this section shall not be made unless a draft of the regulations has been laid before and approved by resolution of the Assembly.
- (9) Section 14H makes further provision about regulations under this section which designate an existing body.
- (10) Schedule A1 makes supplementary provision in relation to the designation of a body by regulations under this section.”— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### New Clause

**Mr Principal Deputy Speaker:** Amendment No 44 is consequential to amendment No 43.

Amendment No 44 made:

After clause 14 insert

#### **“Regulations under section 14G: designation of existing body**

**14H.—**(1) The Department may make regulations under section 14G designating an existing body only if it appears to the Department that—

(a) the body is able and willing to exercise the functions that would be conferred by the regulations; and

(b) the body has arrangements in place relating to the exercise of those functions which are such as to be likely to ensure that the conditions in subsection (2) are met.

(2) The conditions are—

(a) that the functions in question will be exercised effectively; and

(b) where the regulations are to contain any requirements or other provisions prescribed under subsection (3), that those functions will be exercised in accordance with any such requirements or provisions.

(3) Regulations which designate an existing body may contain such requirements or other provisions relating to the exercise of the functions by the designated body as appear to the Department to be appropriate.”—

[Mr Bell (The Minister of Enterprise, Trade and Investment).]

New clause ordered to stand part of the Bill.

#### **Clause 15 (Power to make regulations)**

**Mr Principal Deputy Speaker:** Amendment No 45 is consequential to amendment No 37.

Amendment No 45 made:

In page 14, line 2, at end insert

“(5) After that paragraph insert—

“(3) In making regulations under this Article, the Department must have regard to the regulatory objectives (as defined by Article 350C(3)).”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 to 21 ordered to stand part of the Bill.

**12.45 pm**

#### **New Schedule**

Amendment No 46 made:

Before schedule 1 insert

“SCHEDULE A1

SECTION 14G(10).

SINGLE REGULATOR OF INSOLVENCY  
PRACTITIONERS: SUPPLEMENTARY PROVISION  
OPERATION OF THIS SCHEDULE

1.—(1) This Schedule has effect in relation to regulations under section 14G designating a body (referred to in this Schedule as “the Regulations”) as follows—

(a) paragraphs 2 to 13 have effect where the Regulations establish the body;

(b) paragraphs 6, 7 and 9 to 13 have effect where the Regulations designate an existing body (see section 14G(2)(b));

(c) paragraph 14 also has effect where the Regulations designate an existing body that is an unincorporated association.

(2) Provision made in the Regulations by virtue of paragraph 6 or 12, where that paragraph has effect as mentioned in sub-paragraph (1)(b), may only apply in relation to—

(a) things done by or in relation to the body in or in connection with the exercise of functions conferred on it by the Regulations; and

(b) functions of the body which are functions so conferred.

#### NAME, MEMBERS AND CHAIR

2.—(1) The Regulations must prescribe the name by which the body is to be known.

(2) The Regulations must provide that the members of the body must be appointed by the Department after such consultation as the Department thinks appropriate.

(3) The Regulations must provide that the Department must appoint one of the members as the chair of the body.

(4) The Regulations may include provision about—

(a) the terms on which the members of the body hold and vacate office;

(b) the terms on which the person appointed as the chair holds and vacates that office.

#### REMUNERATION ETC.

3.—(1) The Regulations must provide that the body must pay to its chair and members such remuneration and allowances in respect of expenses properly incurred by them in the exercise of their functions as the Department may determine.

(2) The Regulations must provide that, as regards any member (including the chair) in whose case the Department so determines, the body must pay or make provision for the payment of—

(a) such pension, allowance or gratuity to or in respect of that person on retirement or death as the Department may determine; or

(b) such contributions or other payment towards the provision of such a pension, allowance or gratuity as the Department may determine.

(3) The Regulations must provide that where—

(a) a person ceases to be a member of the body otherwise than on the expiry of the term of office; and

(b) it appears to the Department that there are special circumstances which make it right for that person to be compensated,

the body must make a payment to the person by way of compensation of such amount as the Department may determine.

#### STAFF

4. The Regulations must provide that—

(a) the body may appoint such persons to be its employees as the body considers appropriate; and

(b) the employees are to be appointed on such terms and conditions as the body may determine.

#### PROCEEDINGS

5.—(1) The Regulations may make provision about the proceedings of the body.

(2) The Regulations may, in particular—

(a) authorise the body to exercise any function by means of committees consisting wholly or partly of members of the body;

(b) provide that the validity of proceedings of the body, or of any such committee, is not affected by any vacancy among the members or any defect in the appointment of a member.

#### FEES

6.—(1) The Regulations may make provision—

(a) about the setting and charging of fees by the body in connection with the exercise of its functions;

(b) for the retention by the body of any such fees payable to it;

(c) about the application by the body of such fees.

(2) The Regulations may, in particular, make provision—

(a) for the body to be able to set such fees as appear to it to be sufficient to defray the expenses of the body exercising its functions, taking one year with another;

(b) for the setting of fees by the body to be subject to the approval of the Department.

(3) The expenses referred to in sub-paragraph (2)(a) include any expenses incurred by the body on such staff, accommodation, services and other facilities as appear to it to be necessary or expedient for the proper exercise of its functions.

#### CONSULTATION

7. The Regulations may make provision as to the circumstances and manner in which the body must consult others before exercising any function conferred on it by the Regulations.

#### TRAINING AND OTHER SERVICES

8.—(1) The Regulations may make provision authorising the body to provide training or other services to any person.

(2) The Regulations may make provision authorising the body—

(a) to charge for the provision of any such training or other services; and

(b) to calculate any such charge on the basis that it considers to be the appropriate commercial basis.

#### REPORT AND ACCOUNTS

9.—(1) The Regulations must require the body, at least once in each 12 month period, to report to the Department on—

(a) the exercise of the functions conferred on it by the Regulations; and

(b) such other matters as may be prescribed in the Regulations.

(2) The Regulations must require the Department to lay before the Assembly a copy of each report received under this paragraph.

(3) Unless section 394 of the Companies Act 2006 applies to the body (duty on every company to prepare individual accounts), the Regulations must provide that the Department may give directions to the body with respect to the preparation of its accounts.

(4) Unless the body falls within sub-paragraph (5), the Regulations must provide that the Department may give directions to the body with respect to the audit of its accounts.

(5) The body falls within this sub-paragraph if it is a company whose accounts—

(a) are required to be audited in accordance with Part 16 of the Companies Act 2006 (see section 475 of that Act); or

(b) are exempt from the requirements of that Part under section 482 of that Act (non-profit making companies subject to public sector audit).

(6) The Regulations may provide that, whether or not section 394 of the Companies Act 2006 applies to the body, the Department may direct that any provisions of that Act specified in the directions are to apply to the body with or without modifications.

#### FUNDING

10. The Regulations may provide that the Department may make grants to the body.

#### FINANCIAL PENALTIES

11.—(1) This paragraph applies where the Regulations include provision enabling the body to impose a financial penalty on a person who is, or has been, authorised to act as an insolvency practitioner (see section 14G(5)).

(2) The Regulations—

(a) must include provision about how the body is to determine the amount of a penalty; and

(b) may, in particular, prescribe a minimum or maximum amount.

(3) The Regulations must provide that, unless the Department (with the consent of the Department of Finance and Personnel) otherwise directs, income from penalties imposed by the body is to be paid into the Consolidated Fund.

(4) The Regulations may also, in particular—

(a) include provision for a penalty imposed by the body to be enforced as a debt;

(b) prescribe conditions that must be met before any action to enforce a penalty may be taken.

#### STATUS ETC.

12. The Regulations must provide that—

(a) the body is not to be regarded as acting on behalf of the Crown; and

(b) its members, officers and employees are not to be regarded as Crown servants.

#### TRANSFER SCHEMES

13.—(1) This paragraph applies if the Regulations make provision designating a body (whether one established by the Regulations or one already in existence) in place of a body designated by earlier regulations under section 14G; and those bodies are referred to as the “new body” and the “former body” respectively.

(2) The Regulations may make provision authorising the Department to make a scheme (a “transfer scheme”) for the transfer of property, rights and liabilities from the former body to the new body.

(3) The Regulations may provide that a transfer scheme may include provision—

(a) about the transfer of property, rights and liabilities that could not otherwise be transferred;

(b) about the transfer of property acquired, and rights and liabilities arising, after the making of the scheme.

(4) The Regulations may provide that a transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—

(a) create rights, or impose liabilities, in relation to property or rights transferred;

(b) make provision about the continuing effect of things done by the former body in respect of anything transferred;

(c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the former body in respect of anything transferred;

(d) make provision for references to the former body in an instrument or other document in respect of anything transferred to be treated as references to the new body;

(e) make provision for the shared ownership or use of property;

(f) if the TUPE regulations do not apply to in relation to the transfer, make provision which is the same or similar.

(5) The Regulations must provide that, where the former body is an existing body, a transfer scheme may only make provision in relation to—

(a) things done by or in relation to the former body in or in connection with the exercise of functions conferred on it by previous regulations under section 14G; and

(b) functions of the body which are functions so conferred.

(6) In sub-paragraph (4)(f), “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

(7) In this paragraph—

(a) references to rights and liabilities include rights and liabilities relating to a contract of employment;

(b) references to the transfer of property include the grant of a lease.



**ADDITIONAL PROVISION WHERE BODY IS  
UNINCORPORATED ASSOCIATION**

14.—(1) *This paragraph applies where the body is an unincorporated association.*

(2) *The Regulations must provide that any relevant proceedings may be brought by or against the body in the name of any body corporate whose constitution provides for the establishment of the body.*

(3) *In sub-paragraph (2) “relevant proceedings” means proceedings brought in or in connection with the exercise of any function conferred on the body by the Regulations.”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*New schedule agreed to.*

*Schedule 1 agreed to.*

**Schedule 2 (Minor and consequential amendments)**

*Amendment No 47 made:*

*In page 18, line 15, at end insert*

*“3A. In Article 14(2), omit “or authorised to act as nominee,”.*

*3B. In Article 15(4), omit “, or authorised to act as nominee,”.*

*3C. In Article 17(2), omit “or authorised to act as nominee,”.*

*3D. In Article 20(5), omit “or authorised to act as supervisor,”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 48 made:*

*In page 18, line 28, at end insert*

*“12A. In Schedule A1—*

*(a) in paragraph 38(1), omit “, or authorised to act as nominee,”;*

*(b) in paragraph 41(2), omit “, or authorised to act as nominee,”;*

*(c) in paragraph 43(1), omit “, or authorised to act as nominee,”;*

*(d) in paragraph 49(6), omit “, or authorised to act as supervisor,”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Schedule 2, as amended, agreed to.*

**Schedule 3 (Repeals)**

*Amendment No 49 made:*

*In page 19, line 42, in second column, at end insert*

*“In Article 14(2), the words “or authorised to act as nominee,”.*

*In Article 15(4), the words “, or authorised to act as nominee,”.*

*In Article 17(2), the words “or authorised to act as nominee,”.*

*In Article 20(5), the words “or authorised to act as supervisor,”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Amendment No 50 made:*

*In page 20, line 29, in second column, at end insert*

*“In Schedule A1—*

*(a) in paragraph 38(1), the words “, or authorised to act as nominee,”;*

*(b) in paragraph 41(2), the words “, or authorised to act as nominee,”;*

*(c) in paragraph 43(1), the words “, or authorised to act as nominee,”;*

*(d) in paragraph 49(6), the words “, or authorised to act as supervisor,”.— [Mr Bell (The Minister of Enterprise, Trade and Investment).]*

*Schedule 3, as amended, agreed to.*

*Long title agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Insolvency (Amendment) Bill. The Bill stands referred to the Speaker.

## Committee Business

### Public Services Ombudsperson Bill: Extension of Committee Stage

**Mr Sheehan (The Deputy Chairperson of the Ad Hoc Committee on the Public Services Ombudsperson Bill):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 September 2015, in relation to the Committee Stage of the Public Services Ombudsperson Bill [NIA 47/11-16].*

Question put and agreed to.

Resolved:

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 September 2015, in relation to the Committee Stage of the Public Services Ombudsperson Bill [NIA 47/11-16].*

### Barnett Formula: Review Report

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to two hours for the debate. The proposer will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** I beg to move

*That this Assembly approves the report of the Committee for Finance and Personnel on its review of the operation of the Barnett formula (NIA 254/11-15); and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.*

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I open what I believe to be a very important debate strategically. While it focuses on our future funding arrangements, the issues are ultimately concerned with the longer-term prosperity of our local economy and the wider community.

In terms of the headlines arising from the review of the operation of the Barnett formula, let me make two points clear up front: first, the Committee is not necessarily calling for the Barnett formula to be scrapped, at least not in the short-term; secondly, the Committee has identified two key areas of risk. The possibility exists that, as a result of the way in which the formula works, we could end up being significantly underfunded in relative terms, certainly when we turn the corner with austerity, which, I am sure, we all hope is sooner rather than later. There is also the very real possibility that the status quo will be changed for us as a result of wider constitutional reform across the water in the wake of the Scottish independence referendum and the May general election.

The Committee had the privilege of a briefing from Professor David Heald, one of the leading lights on devolution funding, who is accredited with giving the Barnett formula its name. In light of the vow by Messrs Cameron, Clegg and Miliband before the independence referendum in Scotland, Professor Heald had pointed out that that could mean different things, including that Barnett is kept in name only; that the population-based mechanism continues and is combined with a needs assessment; and/or that it will be about maintaining Scotland's level of per capita spending. In short, therefore, we do not know what the future holds for how or whether the Barnett formula continues.

In February 2012, the Committee received preliminary evidence from a panel of expert witnesses that indicated that, whilst historically the Barnett formula, or the original block allocation, may have worked in our favour due to various factors, we could soon reach the point at which we are underfunded in terms of relative need. In light of this and the apparent commitments to retain the formula, the Committee commenced its review last autumn, taking evidence from a range of expert witnesses over seven months. Research was commissioned, and several members visited Edinburgh in May for discussions with senior Scottish Government officials and members of the Scottish Parliament's Finance Committee.

I expect others may wish to cover some of the detail of the Committee's findings during the debate, including the pros and cons of the formula. I shall, therefore, focus in

very broad terms on the four key areas that needed to be addressed.

I mentioned the risk of being underfunded. A number of experts highlighted how convergence with per capita spending in England — the Barnett squeeze, as it is known — means that the North is likely to be in the same position as Wales in a few years' time, whereby funding has gone below the level that needs-based formulae would provide. In this regard, Professor Alan Trench cautioned:

*"the point at which spending matches a reasonable estimate of relative need may not be far away. At that point, life could get very tough indeed for a Finance Minister"*

— if it is not tough enough already.

Most of the experts agreed that convergence appears to have occurred in the North to some extent, although the influences and complexities of that were discussed in some detail. While convergence can slow or reverse during a period of austerity, the Committee noted that it will depend on the particular mix of influencing factors that exist at any point in time. Moreover, Dr Gudgin cautioned:

*"The worst situation for [the North] would be if real spending was stagnant or falling while prices were rising. [The North] would then be hit twice, once by the real fall which would affect all regions and secondly by a falling share of national spending due to inflation."*

The Committee also examined the different considerations in needs assessment. The key point is that it has the potential to be controversial in the approach taken and in the definitions and data used. As such, the Committee calls for the Department of Finance and Personnel and the Executive to do their homework on those complex issues. That will be important by way of contingency planning for circumstances in which we need to promote or respond to proposals for change.

It is reasonably foreseeable that external pressure for change will arise from the increased fiscal devolution and wider constitutional reform across the water. The Committee noted several issues that may lead to increased complexity and contention, ultimately influencing the future of the Barnett formula and devolution funding generally.

The first issue is the implications of the further devolution of fiscal powers. That could lead to a diminished funding allocation through the formula and increasingly notional deductions from the block grant. There is the big question of what principles will be used for block grant adjustments and whether they will apply across the devolved jurisdictions. The Committee has queried, for example, whether the no detriment principle from the Smith commission in Scotland will also apply here in calculating the cost of applying a reduced corporation tax rate. If so, that could reduce the hit on our block grant quite substantially. I refer Members to paragraphs 40 and 41 of the report.

The Committee's review also examined other topical issues that could have implications for devolution funding arrangements. They include the proposal for English votes for English laws, more often referred to as "EVEL"; the potential for devolution within England; and the tie between the Barnett formula and policy decisions in England. It is clear that those issues could further complicate things and

lead to disputes, which could act as a further impetus for more thoroughgoing reform.

The other two areas that the Committee identified as needing to be addressed relate to the clear lack of transparency and accountability in Treasury's decision-making and the dearth of reliable, independent public finance data. It is clear that there are widely held concerns about the data underpinning the Barnett decisions and a general recognition that greater transparency and openness are required. I will not rehearse the evidence from the expert witnesses. However, Committee members, during their visit to Edinburgh, noted an interesting point that the Scottish Parliament's Finance Committee had picked up on in recent evidence from the Institute for Fiscal Studies (IFS). The IFS pointed out that after it "pestered the Treasury", it managed to get hold of the spreadsheets that are used for the more detailed Barnett calculations and which are unpublished. The IFS could not see any reason why that information could not be published by Treasury with each spending review or Budget statement.

Closer to home, it was clear from the Department's previous evidence to the Committee that DFP officials have been unfairly disadvantaged in their negotiations with Treasury on the devolution of corporation tax. It was noted that Treasury had not shared all the detail of its calculations. The obvious question arising from that is this: how can that be acceptable to any devolved Government or Administration?

Also related to transparency is the fact that the Committee heard about some of the more notorious examples of arbitrary decision-making by Treasury on what does or does not attract Barnett consequentials. They included the initial decisions that infrastructure spending on the 2012 London Olympics, Crossrail and Kew Gardens would not attract consequentials, as they were classified as an activity in England benefiting all the jurisdictions. In evidence, Professor Holtham described one of those examples more colourfully than I could. He stated:

*"The Royal Botanic Gardens at Kew is regarded as of national significance and, therefore, is excluded from having Barnett consequentials. However, the National Botanic Garden of Wales falls entirely to the cost of the Welsh Government"*.

He said:

*"How the hell is Kew regarded as being of national significance, when the National Botanic Garden of Wales is not? That is unfair. For once, the Treasury gave way and put in a small consequential for expenditure on Kew gardens. It was very small."*

In his evidence, Professor Trench highlighted the failure of the existing dispute resolution arrangements when they were invoked by the devolved Governments over the issue of the 2012 London Olympics. He stated:

*"Essentially, the Treasury said no, that it had made its decision and that it would not budge. So, even though there was a very strong argument that that had taken quite a lot of spending out of devolved Governments' pockets and that it was completely inappropriate... they still could not persuade the Treasury through the disputes resolution panel, which, for these purposes, was Francis Maude, the Cabinet Office Minister... So,*

*effectively, the devolved Governments got nowhere with that process, and that is a problem that will remain built into the present structure of resolving disputes, particularly finance disputes.”*

Related to that point, the Committee heard various suggestions for improvements to the arrangements for making decisions and resolving associated disputes. Those are outlined in the Committee's report and discussed in detail in the source evidence. Members may wish to pick up on some of the suggestions during the debate.

The Committee has not been prescriptive on the solutions covered. Instead, it is calling on the Minister to engage with her counterparts in Scotland and Wales, with a view to presenting jointly agreed proposals to the Government in Westminster.

More generally, the Committee is calling on the Department and the wider Executive to act now and develop a well-thought-out position on funding arrangements, with a view to influencing the shape of things to come. I look forward to the contributions from Members and the Minister and commend the report to the House.

**Mr Principal Deputy Speaker:** The Business Committee has arranged to meet immediately after the lunchtime suspension today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

*The debate stood suspended.*

*The sitting was suspended at 1.02 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Education

**Mr Deputy Speaker (Mr Beggs):** Questions 1, 8, 9 and 11 have been withdrawn.

#### Glenwood Primary School/Malvern Primary School

**2. Mr Humphrey** asked the Minister of Education what impact the proposed new-build development of Glenwood Primary School will have on the decision in relation to the future of Malvern Primary School. (AQO 8462/11-15)

**Mr O'Dowd (The Minister of Education):** Glenwood Primary School is one of the 22 new-build projects that I announced would advance in planning in January 2013. As part of my recent decision on Malvern Primary School, I asked the Education Authority to draw up firm proposals for a wider area solution, encompassing Edenbrooke, Glenwood and Malvern primary schools. That will assist in giving clarity to the size of the Glenwood Primary School new-build project. The Education Authority's Belfast region is preparing the business case for the new Glenwood Primary School, which will justify the required size and consider a revised area solution.

**Mr Humphrey:** I thank the Minister for his answer. I appreciate the work that he has done in relation to schools in the greater Shankill, not least Malvern Primary School, and I appreciate the decoupling of the Malvern and Glenwood schools. The Minister will know that Glenwood is the hub school for the greater Shankill, with more than 500 children, and is vital to the education of the young people in that area. Given its importance and the key role that it plays, can the Minister provide certainty to the school and its board of governors that the new build will go ahead, and that it will go ahead as soon as is possible?

**Mr O'Dowd:** I have no hesitation in doing so. There was some concern, and perhaps confusion, in relation to comments around the possible negative impact on Glenwood Primary School of Malvern Primary School being kept open. That caused concern in both schools and, indeed, the wider community, and I hope we have reassured the community that that is not the case. This is a normal planning process that we have to go through with every building application. It is my intention to deliver a new Glenwood Primary School, and my decision on Malvern Primary School will not divert me from that.

#### Iveagh Primary School: Nursery Unit

**3. Ms Ruane** asked the Minister of Education, following the establishment of a new 26-place part-time nursery unit at Iveagh Primary School in Rathfriland, to outline the benefits that this new facility will bring to families in the Rathfriland area. (AQO 8463/11-15)

**Mr O'Dowd:** On 2 June, I approved the establishment of a new 26-place part-time nursery unit at Iveagh Primary



School in Rathfriland. That approval was in response to the publication in October 2014 by the then Southern Education and Library Board of a development proposal to establish the new provision with effect from 1 September 2015 or as soon as possible thereafter. The new nursery unit will replace the current reception provision at the school. Having reviewed the advice from officials, I was satisfied that the evidence clearly demonstrated a need for more preschool places for the benefit of children in the Rathfriland area. It is well known that high-quality preschool education has a positive long-term impact on children's educational outcomes. The new provision at Iveagh Primary School will help achieve that aim in the Rathfriland area.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. I appreciate the decision and share his view on the importance of early years. Will he outline the rationale for the modification of the implementation date for the new nursery to September 2016?

**Mr O'Dowd:** I thank the Member for her question and comments. We have modified it to September 2016 because the decision-making process meant that my decision did not come until the start of June. That meant that the preschool applications for this year were quite well advanced, so we felt that it was only right and proper to delay the Rathfriland decision until 2015-16 so as to not interfere with this year's applications and to ensure that we can put in place the infrastructure required in the school for this much-welcomed development.

**Mr Rogers:** I welcome that new nursery provision in the Rathfriland area. In the flexibility around nursery education, a child normally gets five three-hour sessions per week, but have you ever thought about introducing flexibility so that that could be changed to three five-hour sessions?

**Mr O'Dowd:** We carried out a review of preschool education a number of years ago, and we introduced our Learning to Learn policy within the last two years. We now believe that we have in place a policy that benefits the needs of children. However, if there are imaginative proposals coming forward that can be accommodated within the infrastructure of a school, each one is worth looking at on its own merits.

**Mr Deputy Speaker (Mr Beggs):** David McNarry is not in his place.

### Area-based Planning: Update

5. **Mr Girvan** asked the Minister of Education for an update on area-based planning for primary and post-primary schools. (AQO 8465/11-15)

**Mr O'Dowd:** New area planning governance structures are being implemented at a strategic, working-group and local level. They aim to improve the area planning process by refreshing and enhancing strategic directional and operational consistency across all Education Authority regions. They will also give opportunities for increased engagement with all key stakeholders and stakeholder bodies.

The area plans for primary and post-primary schools are to be reviewed and consulted on by the Education Authority. They will then be published together for all regions by July 2016. The plans will be reviewed on a three-year cycle.

The annual action plan will also accompany the area plan. That will reflect how the needs of all sectors will be provided for. It will highlight those schools that are exhibiting stress and indicate how they will be supported and how their sustainability issues will be addressed. The first annual action plans are due to be submitted to my Department in September this year.

The annual area profiles, which contain information for 2014-15 on all schools in a common and accessible format, have been published on the Education Authority's website. I remain committed to area planning, and I am confident that the new structures and processes that I described will lead to a more efficient and inclusive implementation process.

**Mr Girvan:** I thank the Minister for his answer thus far. Have the criteria been applied fairly and equally throughout all the sectors of education that exist in Northern Ireland?

**Mr O'Dowd:** I believe so. All the main sectors are represented on one or other of the planning models, and each one's voice is heard. Representations are made from all the sectors; for instance, the new controlled sectoral body's role has been recognised and placed on the appropriate level in relation to area planning.

Area planning has been an evolving process over the last number of years. We struggled against the backdrop of uncertainty with the Education and Skills Authority and the continuation of the education boards. We now have the Education Authority and the controlled sectoral support body in place. There is certainly now a way forward, and I think that we can continue to achieve significant goals through the area planning process in the short, medium and long term.

**Mr Ramsey:** Why is there limited cross-border engagement when considering areas that are so close to the border that that level of cooperation would clearly make sense?

**Mr O'Dowd:** I think that partition has clearly had an impact on how structures on both sides of the border plan and on how you think about how you deliver services in a region. That has had a negative impact, in my opinion.

There is further work to be done and that can be done through education and area planning on cross-border cooperation. We are looking at a model in Fermanagh and Donegal to see how we can cooperate there, and there are clearly areas in your constituency where greater cooperation can take place.

It is about breaking down not the big political mindset but politics with a small "p". It is also about ensuring that, when people come to planning, they look within and beyond this jurisdiction to make sure that we provide the best services possible for all our young people.

**Mr Cree:** Does the Minister recognise that the Catholic maintained sector has, in fact, reorganised its own schools estate over many years without reference whatsoever to other sectors? Does he agree that we will not be able to have proper area planning-based sectors until we agree a long-term vision of having one schools estate?

**Mr O'Dowd:** The question, then, is this: what will that one, single schools estate and its management body look like? We tried to bring in a model through the Education and Skills Authority, but it faced huge resistance.

The Member is not the first person to make a statement saying that we need a single education system. The challenge for all politicians and educators is to establish what that system looks like and how we ensure that everybody has faith in it and that the stakeholders all have a say in the development of education moving forward. That is a challenge for the Assembly and for those beyond it.

I do not think that it is fair to criticise the Council for Catholic Maintained Schools (CCMS) in isolation. All sectors have been guilty at one time or another of planning their estate in isolation. I have now brought all sectors together under the one umbrella, where they have to engage with each other, discuss with each other and work with each other around planning the future schools estate. I hope also to bring shared education legislation to the Assembly, which I think will enhance the work of ensuring that sectors, communities and schools work together in the planning of our schools estate going into the future.

**Mr McCarthy:** What procedures does the Minister have in place to ensure support for the growth of the integrated sector in the area-based planning process?

**Mr O'Dowd:** The integrated sector has a seat at the top table. It is represented at all layers in area planning. It also has a responsibility to make its voice heard and to engage with and encourage and facilitate integrated education among the other sectors. I have made my views quite plain and clear to the body. I chair the meetings biannually, and my deputy permanent secretary chairs the other meetings. All sectors need to work together, and everyone's voice has to be heard, including the smaller sectors, which are the integrated sector and the Irish-medium sector.

**Ms Sugden:** When setting out the area-based plans, was the Minister mindful of finance and, indeed, did he set aside finance to implement his plans, for example of an amalgamation of a new school?

**Mr O'Dowd:** Yes. Area planning has been one of the central cores and policies of my Department and, indeed, my time as Minister of Education. For new builds, amalgamations are given a higher score in moving forward towards new build or investment in the school. Those elements are taken under consideration in moving forward capital and resource provision to newly amalgamated schools.

I say again that it is a learning process. It is a learning process for the schools, the sectors and my Department, but I think that we are improving on it and that we are learning from the lessons that need to be learned from.

## School Enrolments: Temporary Variation

6. **Mrs Dobson** asked the Minister of Education whether there are any circumstances where he would overrule his Department's decisions on applications for temporary variation in individual school enrolments. (AQO 8466/11-15)

**Mr O'Dowd:** I will start by putting into context why the temporary variation process exists. The Education Order 1997 requires the Department to determine an enrolment number and an admissions number for each grant-aided school. These numbers are set each year in consultation with the Education Authority, with the school's board of governors and with CCMS in the case of Catholic

maintained schools. However, in recognition of the pressures that can arise in local areas, the Department has the power to create additional places by way of temporary variations (TVs). In effect, TVs are about addressing short-term demographic pressures in an area. Additional spaces are sought and approved for specific named children on a school's waiting list in an order dictated by the school's own admissions criteria. They are not about facilitating particular parental preferences or indeed about meeting the needs of a particular institution. The Department considers hundreds of TV requests each year. Where I am asked to consider a particular request, my overriding priority will always be the educational interests of the specific children named in the request.

**Mrs Dobson:** I thank the Minister for his answer. Does he understand why there is great concern that he saw fit to review and reverse the recent decision by his officials not to allow a temporary increase in year 8 enrolments in a County Armagh maintained secondary school but not to review the same decision in a neighbouring controlled school? Can he assure the House and, indeed, the wider public that this is not a case of preferential treatment, given the media comments by his party colleagues in the area?

**Mr O'Dowd:** Before I answer the question, I offer my sympathies to Mrs Dobson on the death of Councillor John Hanna. I pass on my sympathies to the Ulster Unionist Party in Upper Bann, to John's wife and to his wider family. I knew John, and he was a character. He will be sadly missed by all. My sympathies go to everyone involved.

I can understand the concern because I believe that I have been misrepresented in the media. Media and press releases have been inaccurate, not factual and, in some cases, in my opinion, deliberately misleading. I have set out quite clearly why I approved the places in St Paul's, and there is a clear rationale behind that. I have set out quite clearly where I turned down the places at Markethill High School, and there is a clear rationale behind that as well.

I do not focus my work on orange and green. I focus my work on what the policy dictates, the needs of the children who apply and the impact that that has on the wider area.

## 2.15 pm

I am not going to get into a media fight over it. The facts speak for themselves. If people deal with the facts, there is a clear rationale. If people wish to spin those facts, I cannot stop that, but if they sit down and look at the simple facts of the case, they can see that the decisions are defensible. They were the right decisions to make, and if I had to make them again in the morning, I would make the same decisions.

**Mr Newton:** The Minister will be aware of the unique situation with Strandtown Primary School and, indeed, the three feeder schools of Belmont, Dundela and Greenwood, where temporary variation owing to potential development plans needs to be kept in place. To encourage what are very good schools offering a very good education base and, indeed, a very good social mix, will the Minister allow the temporary variations for the period of the development plan's implementation?

**Mr O'Dowd:** I will consider each case on its merits. There have been a number of temporary variations agreed in previous years, and one, I believe, for this year for Strandtown as well. I encourage everyone involved in the

equation to come forward with a development proposal that gives an area-planning-proofed solution to the specific primary school/nursery school relationship in that area. I encourage the Education Authority and the schools involved to come forward with a development proposal as quickly as possible.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Why is it not possible to grant every temporary variation request submitted to the Department by schools?

**Mr O'Dowd:** The simple answer is that every temporary variation is different and has different circumstances attached. As in the case of a development proposal, which gives a permanent increase to numbers in schools, it also has an impact on the schools surrounding the named school, so it is impossible to give a blanket approval, just as it is impossible to have a blanket ban on any increase in numbers. As I said, each case will be judged on its merits.

There will be occasions when I as Minister either review decisions made by my officials or am asked to review decisions made by my officials, and I will do that. The task of any Minister in any Department is to govern and run the Department. At times, I will make a decision that is different from my officials, but that is the nature of government. That is the nature of being in a ministerial post. As long as I can stand over the decisions that I have made, and I believe that I can stand over the decisions that I have made, even in the recent past, I am content that the process has been followed properly and fully.

## Cyberbullying

7. **Mr F McCann** asked the Minister of Education, given the recent tragedy caused by cyberbullying, to outline what measures his Department is taking to help young people and parents deal with this type of bullying. (AQO 8467/11-15)

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. The primary duty to safeguard pupils lies with each school board of governors, and schools are required to have in place policies for bullying and the safe use of the Internet and digital technologies. The Department supports schools by providing, through C2k, safe and controlled Internet access and ICT services. We also focus on teaching pupils of all ages about e-safety and acceptable online behaviour so that, even beyond the school gates and the boundaries of C2k, they are equipped to participate in the online world effectively, enjoyably and safely.

C2k provides schools with access to e-safety information and teaching resources via a dedicated e-safety zone. In May 2015, it ran e-safety conferences that attracted over 400 school representatives. All schools have received a new circular containing information, advice and lesson plans on issues such as sexting, using webcams, social networking, inappropriate content and chatting with strangers. C2k works directly with pupils to highlight online safety issues and to provide young people with links to relevant Web resources.

The Department funds the local Anti-Bullying Forum, which provides support, resources and guidance to schools, parents and pupils. We have tasked the Anti-Bullying Forum with enhancing its cyberbullying resources during the year. Further specialist support is available from

the Education Authority's child protection support service to schools, and children in post-primary education can use the independent counselling service for schools to speak to a trained counsellor about any concerns or fears that they have. I am currently taking forward new anti-bullying legislation, which will be accompanied by additional detailed guidance for schools, parents and pupils. My Department is working with the Safeguarding Board in the development of its e-safety strategy.

**Mr F McCann:** Will the Minister outline the scope of his anti-bullying Bill?

**Mr O'Dowd:** In that Bill, I plan to give a legal definition to bullying for the first time. The proposal will be that bullying is the repeated and intentional use of physical, verbal, electronic, written or psychological acts, or omissions, or any combination thereof by one or more pupils against a pupil or group of pupils with the intention of causing hurt, harm, fear, distress or adversely affecting the rights or needs of that pupil or group of pupils. The legislation will also put a duty on boards of governors to ensure that they have in place a robust anti-bullying policy and that measures are taken, as far as possible, as in any circumstances, to eradicate bullying and support the victims of bullying in our schools.

E-safety and Internet safety will require a combined approach from a number of Departments to bring forward legislation, if legislation is the right answer with regard to further e-safety for children. The Safeguarding Board is working with Departments and has agreed terms of reference on bringing forward a strategy on protecting our young people online etc. Quite a significant amount of work is going on across Departments and interdepartmentally to protect young people online. It is a very difficult area both for schools and parents. As the recent tragic events have shown us, criminals can reach young people from thousands of miles away, with disastrous impacts on children and their families. We will continue to work across a range of agencies and areas to do our best to protect our young people when they are online.

**Mrs Overend:** I thank the Minister for that. I know that the Department of Education carries out a lot of work in the realm of Internet safety. Can he tell me whether the Office of the First Minister and deputy First Minister has shared with him the details of the gapping and mapping exercise that it carried out in winter 2012 and completed in summer 2013, or given him any of the information from that exercise? I feel that it is something that should greatly benefit him —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked a question.

**Mrs Overend:** If not, will he endeavour to get that information?

**Mr O'Dowd:** I can neither confirm nor deny that. I will ask my officials to check whether that information has been shared and, if not, whether it can be shared and what help it will be to my Department. It may have been shared or may be part of the work of the Safeguarding Board. It is involved in and spearheading work between the various Departments and agencies. I will endeavour to check out whether the safety information can be shared and what assistance it is to my Department in our work on anti-bullying infrastructure.

**Mr Craig:** I welcome the fact that the Minister is bringing forward legislation on bullying policies in schools. Does he agree, though, that a lot of cyberbullying in particular actually occurs outside of the school and, as he mentioned, even on an international basis? What has his Department done in conjunction or in liaison with the PSNI on that as it has now become a priority matter for the PSNI and has been put into the new policing plan?

**Mr O'Dowd:** The latest circular that we issued to schools was done in conjunction with and on advice from the PSNI. I know that, even with regard to presentations that have taken place since the tragedy in Tyrone, there have been joint presentations by C2k and the PSNI to schools and parents in the area, which have been very informative and useful. We will continue to liaise with all agencies, including the PSNI, on how we protect young people in and outside school and on how we provide information to teachers, parents and guardians on how they can assist in protecting young people.

We will also liaise on how we ensure that our young people and children feel comfortable about coming forward if they have made a mistake or are under pressure from elements, whether bullies, criminals or whoever. They must feel that they can come forward to discuss these matters with a trusted adult and that action can be taken and assistance given.

Those are the objectives, and the approach will be multi-departmental and multi-agency. The work to date has been very good, but we are always learning. As for the Internet, there is always somebody one step ahead of you, so we have to keep learning and keep our ideas fresh.

**Mr Deputy Speaker (Mr Beggs):** Excuse me, but could I ask Members to take their seats? Thank you. I call Dolores Kelly.

**Mrs D Kelly:** Thank you. Minister, you will be aware that I wrote to you recently in the aftermath of the tragedy. I hope that we can also promote the website Get Safe Online as an information tool. Given that there has been a death as a result of cyberbullying, has the Minister any plans for a critical incident analysis? Despite all the safeguards, policies and procedures, somehow or other, what was happening to Ronan was not brought to the attention of the school authorities, and he did not know where to turn to for help.

**Mr O'Dowd:** I responded to your letter in the last number of days, and you will have the information.

I do not want to get into the detail of Ronan's case or what the school, family or police did or did not know. I met the principal, the vice-principal and the senior management team of the school yesterday to ensure that counselling services were available over the summer holiday period for parents and pupils. The staff, who acted tremendously in support of Ronan's family and his school peers, also need support, and we also have to ensure that we look after their mental health and well-being, because this is a very testing and trying period for everyone involved.

I have no difficulty in engaging with, or even suggesting to, other Departments and agencies that we have a critical incident review. I am not sure whether this is the right time. It may be the time, and, if lessons have to be learned, we should learn them.

When there is a sudden death in a school, whether of a pupil or staff member, the counselling service reacts immediately once notified. It will send counsellors into a

school to support staff, pupils and parents. That happened in this case, as it has happened in so many other cases, so the counselling service is there. However, in the context of what you are saying, Mrs Kelly, I will certainly raise the issue with other Departments and see when is the best time to carry out a critical incident review.

## Post-primary Places

10. **Mrs McKeivitt** asked the Minister of Education, given that a number of children have not been awarded a post-primary place this year, to outline the action he is taking to ensure all children are awarded a post-primary place in future years. (AQO 8470/11-15)

**Mr O'Dowd:** I understand that, as of 22 June, 53 children have not yet been awarded a post-primary school place. With over 21,000 applications, that represents less than 0.3% of the cohort. That is changing daily, and the Education Authority is actively working to ensure that all children are placed.

The Education Authority has a statutory duty to secure provision of primary and secondary education, and the area planning process helps to ensure that there is a network of sustainable schools to cater for our children and young people now and in the future.

The Education Authority and the Council for Catholic Maintained Schools (CCMS), as the bodies with statutory responsibility for planning school provision, in conjunction with other sectors, including the integrated and Irish-medium sectors, produced area plans that provide an indication of how the schools estate will meet the projected demand for places.

It is the responsibility of the managing authorities and schools, in the context of area planning, to bring forward development proposals to make a significant change to the admission and enrolment of a school.

**Mr Deputy Speaker (Mr Beggs):** That is the end of listed questions. We now move on to topical questions.

2.30 pm

## Crèche Places: Early Years Cuts

T1. **Ms Sugden** asked the Minister of Education how he is minimising the risk to 900 crèche places due to the impending early years cuts. (AQT 2701/11-15)

**Mr O'Dowd:** We are now down to 900 — originally, I was questioned about 2,400 preschool places. I have yet to see any figure on this that I believe can be stood over. I do not believe that there is a risk to a significant number of preschool places. I have already put on record that I have the finances to fund preschool places. The early years fund is a different fund from that for preschool places. The early years fund supported community and voluntary providers of preschool places. Preschool funding is from a different budget and has not been affected.

**Ms Sugden:** The Minister has laboured on what he believes early years to be and not to be, but my sense is that he is just ignorant of the facts. When will the Minister take responsibility for a fund that is within his remit?

**Mr O'Dowd:** With the deepest respect to the Member, if she can produce for me a budget paper that shows that the early years fund is the preschool fund, I am ignorant



of the facts. However, I suspect that there is one person in the Chamber who is ignorant of the facts, and that is you, because the early years fund is a separate fund.

**Ms Sugden:** *[Interruption.]*

**Mr O'Dowd:** You can mutter and interrupt me all that you want, but, if you listen, you might be surprised that you learn something. The early years fund is a fund separate and distinct from the preschool education fund. It was established —

**Mr Deputy Speaker (Mr Beggs):** Could all remarks be made through the Chair, please?

**Mr O'Dowd:** Sorry, Mr Deputy Speaker. It was established in the early 2000s as a result of the ending of one of the Peace funds. It was transferred from the Department of Health to the Department of Education, which continued to pay out the fund. It was a budget of around £2.2 million, and it was cut because of the drastic cuts that we face as a result of the British Government's economic policies. Preschool education is funded from a completely different budget line that has not been cut.

**Ms Sugden:** *[Interruption.]*

**Mr O'Dowd:** We are still muttering, and we are still not learning anything. If the Member wants a copy of all the budget lines in the Department of Education, I will send her one, and she will see that there is a clear distinction between the two. If she has been listening to the lobby from the Early Years organisation, she will know that it, too, accepts that there are two distinct and clear budget lines.

### Schools: New-build Process

T3. **Mrs Hale** asked the Minister of Education to inform the Assembly of any changes to the process for deciding on new-build schools now that the five education and library boards have been subsumed by the Education Authority. (AQT 2703/11-15)

**Mr O'Dowd:** No change is proposed or planned in how we decide to provide new builds or in the size of a school required for a new build.

**Mrs Hale:** I thank the Minister for his answer. Can the Minister provide details of the prioritised list of schools waiting for departmental and ministerial approval for new school buildings?

**Mr O'Dowd:** We do not have a prioritised list in that sense. I am aware that many, many schools out there require a new build and significant investment of capital, whether for a full new build through the school enhancement programme or through the minor works programme. If we get to the stage of deciding to make a new announcement, we will contact the relevant managing authorities and ask them to put forward a list of schools that they believe can be built in a timely way and fit within whatever funding envelope we have going into the future.

### Early Years Fund: June Monitoring Round

T4. **Mr McQuillan** asked the Minister of Education for an update on his June monitoring round bid for early years funding, given that, in a recent answer to a question on early years funding, he said that it was his number one priority. (AQT 2704/11-15)

**Mr O'Dowd:** It remains my number one priority. All Departments have now submitted bids to the Department of Finance and Personnel, and those will be processed in the normal way. If and when we ever reach a point at which the Budget Bill is passed and June monitoring arrives at the Executive, I hope that they will agree to provide funding to the early years fund.

**Mr McQuillan:** When does the Minister expect the Budget to be passed, agreed and all the rest of it?

**Mr O'Dowd:** If I had the answer to that question, I would be doing a tour of the radio and TV studios, telling everyone that the answer to all our woes had been found, but I do not have the answer. I am aware that the Budget Bill is progressing, and I think that its Final Stage is next week. I assume that June monitoring will be dealt with at some stage after that.

### Teachers: Voluntary Exit Scheme

T5. **Mr Milne** asked the Minister of Education how many teaching posts are being suppressed in this financial year as part of the voluntary exit scheme. (AQT 2705/11-15)

**Mr O'Dowd:** There are significantly fewer than first estimated. The Department received 214 teaching redundancy applications, which means that boards of governors have identified 200 teaching positions as being redundant. Eighty of those 214 applications relate to development proposals that I approved prior to 31 March 2015. Those have been approved as part of the ELB education incurred costs in the 2014-15 annual accounts and will be paid from those. The cost of the 80 approved redundancies is £3.1 million and the cost of the remaining 134 applications is £4.7 million.

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a fhreagra go dtí seo. How many teachers are in our schools now as opposed to three years ago due to reductions in budgets over recent years?

**Mr O'Dowd:** Despite several years of significant teaching redundancies, the number of teachers that we have has actually grown. That is as a result of the growth in the number of pupils in primary school over past years. We had an increase of 208 full-time equivalent teachers in the system in the 2014-15 year. We have paid off a significant number of teachers, but it is good to know that we have 208 more teachers in the system than we had in the previous year.

It is worth noting that it is very difficult to judge the impact across 1,100 schools of a reduction in the Department of Education budgets. To suggest that about 500 teachers could have been made redundant as a result of the cut to the Department of Education's budget was a fair estimate, but the schools have reported back, and we are looking at 214 redundancies, which will be covered through the voluntary exit scheme. That is a very welcome development.

We also estimate the number of non-teaching staff that might leave education to be around 1,000. That figure will not be necessary and will be significantly reduced. I think that we are now dealing with school-based non-teaching redundancies of about 140, but that number changes daily. The voluntary exit scheme of the Education Authority will be added to that at a later date.

## Educational Underachievement

T6. **Mr Sheehan** asked the Minister of Education what his Department is doing to tackle educational underachievement among working-class children, in light of the 'Firm Foundations' report, launched by the PUP last week. (AQT 2706/11-15)

**Mr O'Dowd:** The policy direction of my Department over the last seven years, and previously, during Mr McGuinness's tenure, has been about tackling educational underachievement. We have tackled the myth that we had a world-class education system. People used to say, "If it's not broke, don't fix it." We have now got the majority of political parties to the point of saying that something is broken. We may not agree on exactly what it is, but they now agree that greater focus must be aimed at young people from socially deprived backgrounds in particular.

Policies that we have put in place are paying dividends. The latest examination results show an increase in those achieving five good GCSEs, including English and maths. There is still a tale of underachievement that we have to tackle, but I believe that the policies that are in place have the potential to turn things around significantly.

**Mr Sheehan:** Go raibh maith agat. Gabhaim buíochas leis an Aire as ucht a fhreagra. Will the Minister tell us whether the measures that he and his Department have put in place have made any improvements to educational attainment?

**Mr O'Dowd:** The simple answer is yes. As I said during my original answer, we have had an increase of about 4% in the number of young people achieving good GCSEs, including English and maths. As to the provision of education in our primary schools, this international report states that we have some of the best primary schools in the English-speaking world. That is something that our schools, and those involved in education, should be proud of. The potential, moving into post-primary schools, is hugely significant.

We still face significant challenges in post-primary schools, and I welcome that the PUP document recognises that academic selection is a challenge to education. We often hear of this child or that child from a socially deprived background doing well, and people tell us, "academic selection worked great for me" and all that stuff, but the system has to work for all children. Pointing to one or two examples of children who have done well — and fair play to them — is not good enough. There has to be a system in place that ensures that all our young people achieve all they can. The PUP report is useful for many reasons, not least because it has again stirred up a debate about education. I think that debating education in the round is a very good thing, and I hope the debate continues.

## Schools: Free School Meals Formula

T7. **Mrs Cochrane** asked the Minister of Education to outline the main ways in which the money allocated to schools under the free school meals formula is spent. (AQT 2707/11-15)

**Mr O'Dowd:** It is up to schools, at the end of the day, as to how they spend their investment. We have provided them with additional information through the Sutton toolkit, which gives examples of how high-performing schools in socially deprived areas invest additional resources and best use them to improve education outcomes for young people. We have also made it clear to schools that we will monitor how

money is invested and that we want to ensure there is a turnaround in the education outcomes of the young people in the schools that the money has been awarded to. It will take a number of years for that money to make a difference. It will take a number of years for the schools to plan and invest that money with a strategic long-term view.

I have no doubt that the money will make a difference, but money on its own is not the answer to the problem. Money is part of the answer. Strong school leadership is crucial, strong boards of governors are crucial, parental involvement in education is crucial, and ensuring that parents who have had a poor education experience themselves have the confidence and knowledge to get involved in their children's education is crucial. Community and political support for schools are also crucial. Money is only one element. I was never of the view that providing more money to socially deprived schools was the answer; I always said that it was part of the answer.

**Mrs Cochrane:** I thank the Minister for his response. Does he believe that the free school meal percentage of school population threshold actually allows for the money to be targeted at the children it is designed for, given that the calculation means that some schools with more pupils on free school meals are receiving less additional support than some smaller schools? Should there be more of a focus —

**Mr Deputy Speaker (Mr Beggs):** I ask the Member to finish her question.

**Mrs Cochrane:** — on spending that money to develop quality teaching?

**Mr O'Dowd:** In the debate on the common funding formula, which took place around a year and a half ago, or more, I was constantly challenged by commentators and other political parties on the ground that the free school meal entitlement formula did not properly target children in need. A year and a half on, no one has come forward with an alternative or an analysis suggesting that free school meal entitlement is the wrong way to identify social deprivation. I do not think you can prove that it is wrong. I am not aware of any other social deprivation factor that identifies the individual to whom you give the money. Free school meal entitlement identifies children who are entitled to the benefit, and they are entitled either because they come from a low-paid family or a family that is on one or more benefit. The child therefore comes from a socio-economically deprived background.

When you have significant numbers of children from socio-economically deprived backgrounds in one school, that causes further pressures on the education attainment level and learning in the school. The money we have awarded to those schools is to tackle that additional factor against learning. Again, I throw out the challenge, a year and a half on from the debate, when many commentators and political parties told me that free school meals entitlement was not the right way to do it. No one has come forward with an alternative.

2.45 pm

## Employment and Learning

**Mr Deputy Speaker (Mr Beggs):** Thomas Buchanan is not in his place to ask question 1.

## Performing Arts

2. **Mrs McKevitt** asked the Minister for Employment and Learning what steps his Department is taking to support aspiring performing arts students from disadvantaged backgrounds. (AQO 8477/11-15)

**Dr Farry (The Minister for Employment and Learning):**

Widening participation in further and higher education to students from a disadvantaged background is a key strategic aim for my Department. As the main providers of adult education throughout Northern Ireland, colleges continue to encourage access to further education, including performing arts, by delivering a varied curriculum through their campuses and community outreach centres. Colleges have a strong track record in attracting enrolments from deprived areas. In the 2013-14 academic year, there were over 1,000 enrolments in performing arts courses in further education. Of that, 21% were from the most deprived areas. Performing arts courses are available from level 1 to level 5 and offer learners the opportunity to acquire the skills and knowledge that they need to gain qualifications to help them progress in their chosen careers. A range of financial assistance is also available to students with low incomes.

**Mrs McKevitt:** Has the variety of such arts courses taught in this region increased in line with any so-called 'Game of Thrones' effect given that we have benefited so much from the likes of the film industry here in the North?

**Dr Farry:** First of all, the Member is right to point to the benefits to our economy from the film and other creative industries being present in our economy. Indeed, the further education system is there to be responsive to the needs of the local business community and investors that come in. It is important to bear in mind that, while the question is on performing arts, it is part of a much wider landscape that involves a whole range of creative industries, from textiles and fashion through to multimedia. There are other aspects that are important in film production, such as sound. Our colleges are providing courses across the full spectrum of the creative industries, including the performing arts, and, in that way, we are bringing forward a range of people with the relevant skills.

It is also important to recognise that we continue to invest in the further education estate to ensure that we have modern, world-class facilities and to ensure that we are providing the best type of environment for our students to pick up the skills that are so important to those fast-growing industries.

**Mr Cree:** What support has been given to FE colleges so that they can deliver courses and supplement the good work that is being done in the film and television industry, which the Minister mentioned, and can encourage more people to get involved in that?

**Dr Farry:** I thank the Member for the question. It is difficult to say that we are in a position to give more support because, as the House will be aware, we are going through very difficult financial cuts. Indeed, the FE sector is bearing an element of those, though we are working with the colleges to ensure that we try to minimise the impact of those cuts on the front line and on the areas that are most relevant to the economy. The type of areas that have been touched upon by the questions to date would fall into those areas that are very relevant. As I said, we continue to

invest in the capital estate, and, as the Member represents North Down, he will be conscious of the imminent opening of the SPACE at the South Eastern Regional College's campus in Bangor, which will be a major asset to the whole community in Northern Ireland.

**Ms Sugden:** Is the Minister aware of the financial aspect of the business case not to continue dance and drama classes at Belfast Metropolitan College?

**Dr Farry:** It is not an issue of a business case as such. These are decisions to be taken by the colleges themselves, which are there to manage their resources. Obviously, all our colleges are facing very difficult circumstances and need to make difficult decisions. It is important that we bear in mind that our colleges are not simply there to service a distinct geographical area. It is important that we encourage specialism and collaboration across our colleges. It is also worth bearing in mind that the very particular direction of travel in Belfast Met is not just a product of the current financial climate, though that obviously has accelerated the approach that is being taken, but that the strategic direction to this was set out in the college development plan, which predates my time as Minister.

## Postgraduate Students: Funding

3. **Mr Ó hOisín** asked the Minister for Employment and Learning for an update on the introduction of a funding scheme for postgraduate students. (AQO 8478/11-15)

**Dr Farry:** At present, the majority of postgraduate students in Northern Ireland must finance their own studies. Of the minority who are funded, some are treated as undergraduates for student support purposes. My Department also funds a postgraduate awards scheme that will provide over 700 scholarships this academic year. These scholarships cover students' approved tuition fees and provide around £14,000 per annum to support them with their living costs. They are, however, limited in number and largely restricted to PhD students. They are allocated by our universities on a highly competitive basis. There is no standard student finance package in place for postgraduate students through the Student Loans Company.

Looking ahead, it is clear that our economic growth is going to be highly, and increasingly, dependent on higher skill levels. Those skill demands will only intensify under a potentially lower rate of corporation tax. Indeed, forecasting commissioned by my Department has shown that, in an environment of lower corporation tax, the requirement for postgraduate qualifications in our workplace will rise faster than any other type of qualification. However, Northern Ireland continues to enrol far fewer postgraduate students, relative to our population, than any other country in the UK. Supporting an increase in postgraduate provision is therefore not only a matter of social justice but an economic imperative. That is why, two weeks ago, I launched a policy consultation that considers a range of options for better assisting postgraduate students through the student finance system. The consultation will run until 11 September, and my Department will publish a summary of the responses after that date. For a range of legislative and administrative reasons, any new policies resulting from the consultation will carry significant lead-in times.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra

sin. I thank the Minister for his answer and commend him for launching the consultation. How important to the wider economy is increasing access to postgraduate degrees?

**Dr Farry:** First of all, I thank the Member for his comments and for welcoming the consultation, which I should mention also covers potential options for supporting part-time students.

On the issue of postgraduate students, as our economy evolves ever further, the demand for higher-level skills will increase. That includes primary degree level to level 7 and level 8, so it is important that we ensure we have proper investment in that regard. That will accelerate with a lower level of corporation tax.

At present, we have a system of support that tends to help those who are doing PhDs, but not those who are doing master's degrees. We see the same situation occurring elsewhere in the UK. A lot of people talk about the "broken bridge" between an undergraduate progressing to a master's and then to a PhD. That is why the consultation particularly focuses on what we can do to better assist master's students. That is where the greatest efficiency has been identified, not just in Northern Ireland but elsewhere in these islands.

**Mr Rogers:** Thank you for that detailed answer, Minister. You mentioned the economic imperative. Is it the preferred option of the Department that any such schemes target those subject areas identified as key economic drivers?

**Dr Farry:** We can certainly focus the scheme on particular subject areas. Cost implications may drive us in that direction. Also, some of the options in the consultation are across the board and recognise that there may well be interest in studying a range of subjects. The critical aspect affecting whether or not this will work — bearing in mind that we are going through times of major financial stress — is whether we can access a system of loans from the Treasury, making the system, in essence, almost self-funding, provided that repayments are made within the approved range allowed by the Treasury scheme.

The Member may be aware that, in England, the UK Chancellor of the Exchequer has announced the development of a loan scheme. That opens up the opportunity for us in Northern Ireland to have a similar scheme for our jurisdiction. That is hopefully the path that we are going to pursue, and if that falls in place, we may be able to extend the intervention beyond just those subjects that are most relevant to the economy to include a wider range of areas.

**Ms Lo:** Nowadays, many workers prefer to do their master's degrees part time. What plans does DEL have to support those students?

**Dr Farry:** I thank the Member for the question. Obviously, any scheme has to be one that can adapt to those who are full-time and part-time students. It is also worth stressing, as I did to Mr Ó hOisín, that we are seeking to look at options to support part-time students at undergraduate level. Undergraduate part-time study is an area where, again, there is significant scope for expansion. In particular, we seek to encourage and develop people from a range of different backgrounds beyond perhaps the conventional 18-to-21-year bracket, which is probably no longer seen as the exclusive source of students, to take up a wider range of study at higher-skill levels.

We also recognise that we are under pressure in how we fund full-time places. The importance of part-time study takes on an even greater presence in the way that we will be engaging in skills. It is also important that, as we look to link up our higher education system with the emerging strategy on apprenticeships, we look to funding mechanisms that will support students who are in an apprenticeship system but are also accessing their off-the-job training through university. By definition, they will be part-time students. That funding model may well be important in that regard, as well as for those students who are studying part-time on a free-standing basis.

## Apprenticeships: Small and Microbusinesses

**4. Mr G Robinson** asked the Minister for Employment and Learning to outline how he will ensure small and microbusinesses will provide apprenticeships that promote specific and much-needed skills in the workforce. (AQO 8479/11-15)

**Dr Farry:** With a very smooth link, I can say that we launched 'Securing our Success: The Northern Ireland Strategy on Apprenticeships' in June 2014, which committed to putting employers at the heart of a new apprenticeship system. Naturally, the success of the system will be reliant on successful engagement with employers, in particular those from small and microbusinesses that are the backbone of the Northern Ireland economy. That is why the apprenticeships strategy recognises the need for tailored support for such businesses.

A key aspect of supporting business will be the proposed apprenticeships central service, which will signpost employers, particularly small and microbusinesses, to appropriate sources of advice and guidance and which will administer any support and incentives that might be made available. That will be tested from autumn 2015 with a view to introducing a new central service by September 2016.

Last year, I established an interim strategic advisory forum comprised of employers, trade unions, providers of off-the-job training and other key stakeholders to provide advice on key issues concerning the implementation of the new strategy. A subgroup of that body has been established to look specifically at ways to support small and micro-employers to engage with the new system. That subgroup has met on a number of occasions to examine a range of measures, including financial incentives, group training approaches and wider administrative support that could be introduced to support small and micro-employers to engage with the new system. The subgroup will develop proposals and test them with a wider range of employers before presenting recommendations to me in the autumn.

**Mr G Robinson:** I thank the Minister for his answer. Does he agree that small and microbusinesses will play a vital role in the economic and employment development of Northern Ireland in the short to medium-term future?

**Dr Farry:** Yes, I very much concur with that sentiment. It is also worth bearing in mind that the structure of our economy means that we have a greater predominance of small and microbusinesses than many other societies. Indeed, what is viewed as an SME in Northern Ireland is probably of a different nature and scale than is the case in other jurisdictions. We have more smaller SMEs relative to some other countries in the world.



Whenever we talk about apprenticeships, it is important that we bear in mind that there will always be a differential take-up of those opportunities, subject to the size of the businesses that we are talking about. What I mean by that is that larger businesses are always more readily placed to create such opportunities. That is the pattern even in the most successful vocational training systems in the world, including the Germanic countries and Scandinavia. We are putting such a focus on particular types of interventions to encourage SMEs in Northern Ireland to engage with the system, because they will benefit very much from that type of approach to training. In particular, our discussions so far indicate that perhaps the biggest perceived blockage is in administration and bureaucracy. I think that that is where a lot of focus is going to go in trying to ensure that we have full participation from that sector of the economy.

### 3.00 pm

**Mr McKinney:** I thank the Minister. The SDLP sees the apprenticeship model as being a strong tool for freeing up the issues around long-term unemployment, but what steps can be taken to ensure that any such apprenticeships will lead to longer-term employment for students and not to a situation where we have a conveyor belt of reduced-cost labour, for example?

**Dr Farry:** It is worth saying a couple of things. First, I welcome the support from the Member for apprenticeships. I think there is a strong consensus across the House on the importance of apprenticeships as a way forward. To answer the question, it is very much in the self-interest of employers to ensure that this model is sustainable. It is not, and should not be, a source of cheap labour for employers. It is the means by which companies and organisations will find and be investing in their future talent. There will always be an investment that employers have to make. They will receive a return by way of productivity on the far side of an apprenticeship, so it is important that employers understand that this is something that benefits them. If they understand that, they will not simply be letting people go on the far side.

Secondly, I must stress that, from the outset, we in Northern Ireland have been very clear around the importance of quality and have not simply been badging anything that looks like training in an employment context as an apprenticeship. Members will be aware that there has been a change of approach in England, notably, over the past number of weeks, where greater care is being taken about labelling certain types of activity as an apprenticeship and avoiding labelling other types of activity as an apprenticeship. That way, if we have a focus on quality, we will be ensuring that young people who are going through apprenticeships will be well served, as will the companies that benefit from apprenticeships.

**Mr Deputy Speaker (Mr Beggs):** Alastair Ross is not in his place. John McCallister is not in his place. I call Barry McElduff.

**Mr McElduff:** I am in my place. *[Laughter.]*

### Undergraduates: Cross-border Mobility

**7. Mr McElduff** asked the Minister for Employment and Learning for an update on the removal of barriers to cross-border mobility for undergraduates. (AQO 8482/11-15)

**Dr Farry:** I am committed to improving cross-border student mobility. As part of my Department's higher education strategy, a project group, which includes representation from the Irish Higher Education Authority and the institutes of technology, has been established to take the issue forward. The project team has considered the recommendations of the IBEC-CBI report on undergraduate mobility and has made progress in a number of areas.

In relation to improving information, careers teachers and careers advisers have received additional training on the higher education opportunities available in the South and on the Central Applications Office processes. Extensive information regarding Northern Ireland's higher education sector is available through the NI Direct portal. As well as supporting our local students, that information can act as a gateway for other students, including those from the South, who may be interested in studying in Northern Ireland.

Northern Ireland students studying in the South now have access to funding support. The Irish Universities Association recently announced that it is planning to make changes to the Central Applications Office point system to improve access for A-level students.

My officials have been working with officials in the Department of Education and Skills to research and analyse the impact of future demographics on cross-border student flows in order to inform future policy development. A joint report was published on 15 of June.

I regularly meet the Irish Minister for Education to discuss a range of issues, including student mobility. I will continue to meet Minister O'Sullivan to discuss progress on these issues, and my officials will work closely with their counterparts in the South on that and other cross-border issues.

**Mr McElduff:** I commend the Minister and the Minister of Education for work done in this area by way of a lot of meetings with Minister Quinn and, subsequently, Minister O'Sullivan. Is the Minister satisfied that part of the training for careers teachers and careers advisers is touching on the range and type of courses that are available to local students along the border corridor in the likes of Institute of Technology, Sligo, Letterkenny Institute of Technology and Dundalk Institute of Technology?

**Dr Farry:** I thank the Member for his question and his comments. In some respects, he is right to focus on the careers aspect, because I would like to think that, in addressing the recommendations, we have addressed very clearly the issues around funding and the distortions that previously existed in funding. The issue regarding recognition of the qualifications from Northern Ireland is well on the way to being resolved, and we will see how that rolls out over forthcoming years. The key attitude now has to be around tackling attitudes and hearts and minds. Obviously, our careers teachers and careers advisers have a critical role to play in that regard. A lot of training has been provided, and people are much more aware of the mutual opportunities that exist across the two jurisdictions. We probably need a stronger public debate to encourage students, and I include in that other influencers, such as parents and friends, to think about the opportunities that may exist.

The Member is right to indicate that, as pressure on public finances continues, there will be a need for specialism in some areas, and, whether that is for our universities, institutes of technology or further education colleges,

we should be seeking to establish where we can find economies of scale in some very particular specialisms and trying to find a solution to the benefit of everyone. In some ways, we are doing that through the research offer across our different higher education institutions on the island.

**Mr A Maginness:** I thank the Minister for his very detailed answer. Is there anything further than can be done on the free movement of university students, North and South, and, of course, A-level and leaving-certificate students both ways? It seems an absurd situation to have all those obstacles. Surely the goal must be free movement of students, North and South.

**Dr Farry:** I thank the Member for his interest. We have been progressively removing the actual barriers to free movement on the island. That having been said, we have seen a reversal of trends over the past 10 years on the scale of movement in both directions on the island, and that is disappointing. It is worth stressing that the flow on the island, again in both directions, is much smaller than the flow between Northern Ireland and other parts of the UK. Undoubtedly, there is untapped potential. In common with what I said to Mr McElduff, the real focus has to be on attitudes and on using the careers approach and other key influencers in society to encourage young people to see the full range of opportunities that is out there.

I say this to any young person who wants to study outside Northern Ireland: by all means, pursue your dreams, but do not forget about us in Northern Ireland and please consider coming back to build your career here.

**Mr Allister:** The Minister may not have it to hand, but will he undertake to provide the figure of the cost to his hard-pressed budget of providing free education in our regional colleges to students from the Irish Republic?

**Dr Farry:** The figure is between £6 million and £7 million at present, but I will write to the Member and give him the precise figure. As he will be aware, that is an outworking of European Union legislation on the free movement of students. In case the House thinks that, all of a sudden, I am being converted to Euroscepticism, it is one small source of frustration in what is otherwise a very lucrative area from which Northern Ireland's economy and wider society massively benefits.

The real source of the cost that is being borne in Northern Ireland is less as a result of having students from the South coming to study in the North; rather, it is more the case that we do not see the flow going in the other direction. There is a real challenge for the Southern Government to work on improving the offer that they have, particularly around the level 2 and level 3 equivalents in the north-west, particularly in the north of County Donegal. By far the predominance of student flows from South to North occurs in that north Donegal/Derry corridor, which indicates that there is recognition that Derry, in some ways, has been a natural hinterland over history for that part of the island and that there is a real underinvestment in facilities outside the context of what is offered by the Letterkenny Institute of Technology.

### Youth Training: Industry Consultants

8. **Mr McGlone** asked the Minister for Employment and Learning whether his Department has identified or appointed the dedicated industry consultants referenced in the review of youth training. (AQO 8483/11-15)

**Dr Farry:** The consultation on the review of youth training closed in February 2015. When operational, the new youth training system will secure a step change in professional and technical training for all young people aged between 16 and 24 through a new system of learning. It will be accessible to those already in employment, those starting a new job and those not yet in employment.

The review is being finalised, and the strategy, when published, will include details of the new system, along with an implementation plan. There will be piloting of the strategy from July this year onwards including industry consultants, with a full system in place from September 2016.

**Mr McGlone:** Go raibh maith agat don Aire as a fhreagra. I thank the Minister for his response. Will he clarify for me how the strategy will be directed at those most in need: people not in employment, education or training?

**Dr Farry:** I thank the Member for his question and congratulate him on his timing in that he has got in a week ahead of the formal announcement of the new system. I hope to make a statement to the Assembly next Tuesday in that regard. Our new system will be open to all young people between the ages of 16 and 24 who are capable of achieving a level 2 qualification. There is a pool of people who, for various reasons, leave school and do not progress directly into further or higher education, apprenticeships or employment but clearly, with support, have the potential to do so. The new system is designed to be of assistance to them. Where people do not yet have a level 1 qualification and therefore are not in a position to access the new system of youth training, there will be support available to help them to get that far. That will include a lot of the projects that have been announced and will be resourced under the European social fund.

### Student Support Payments

9. **Mr Flanagan** asked the Minister for Employment and Learning for an update on the proposed consultation on the introduction of changes to the frequency of student support payments. (AQO 8484/11-15)

**Dr Farry:** At present, full-time undergraduate higher education students from Northern Ireland receive their maintenance support payments in three instalments, roughly at the beginning of each term of the academic year. A number of student union bodies and a number of fellow Members of the Assembly have raised concerns in recent months about the existing payment frequency. It is felt that larger and less frequent payments heighten the risk of financial mismanagement and, by extension, the risk of financial hardship among students. It has been suggested that smaller and more frequent payments would better prepare students for entering the working world, where wages are, in the majority of cases, paid monthly. Of course, there are other sides to the argument. Students contend not only with day-to-day living costs but, in many cases, with significant upfront costs in respect of things such as accommodation, books and equipment. Therefore, I intend to launch a consultation in the near future outlining options for the frequency at which the payments are made, including options for monthly payments. The consultation will clearly outline the pros and cons of each option and any additional administrative costs associated with the options considered.

I stress that the consultation will consider only the frequency at which the existing maintenance package is paid. In our current financial circumstances, it would simply not be realistic to consider options for raising the level of overall support available. The consultation is currently under development by my officials, and I hope to have the opportunity to consider the initial draft in the near future.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer and hope that, in the round, this will be seen as a positive move for students. He says that there is no money to increase the maintenance payments that students get, even though tuition fees are going up in line with inflation. Does it not seem a bit unfair that his Department continues to increase tuition fees, often above the rate of inflation, but there is no reciprocal increase in the maintenance support grants given to students to cover those costs?

**Dr Farry:** What I would say to the Member is that I would love it to be different. Things have been going so well so far today, and we were keeping ourselves reasonably calm and focused on the detail of policy. However, I must mention the elephant in the room: unless we have a major change in the nature of funding for higher education in Northern Ireland, options such as increased maintenance support will simply not be viable. The Member may well make a powerful case in that regard, but, in a context where the higher education sector alone faces in-year cuts to date of £16 million, on top of what is already a structural deficit, according to universities, of around £39 million with other pressures, including from the Member's colleagues, for expansion of the sector, notably at the Magee campus in Derry, we are in a very difficult position to proceed along the lines that the Member articulates.

**Mr Deputy Speaker (Mr Beggs):** That is the end of our time for listed questions. We move to topical questions.

### TA3 Conference: Benefits

T1. **Mr Lynch** asked the Minister for Employment and Learning to outline the outcome of the recent Trans-Atlantic Technology and Training Alliance (TA3) conference in Belfast and to state the benefits for the local economy. (AQT 2711/11-15)

3.15 pm

**Dr Farry:** I was pleased that our colleges in Northern Ireland were able to host the TA3 conference in Belfast earlier this month. This prestigious conference brings together practitioners from different parts of the world, including the United States, Denmark, Spain and Germany, to share best practice on further education and vocational training. Some of the biggest employers, such as Siemens, which use vocational training, were also represented. The conference built on a strong local track record of learning from best practice internationally around the successes of vocational training, and it provided a good opportunity to share that best practice further.

On the back of that, I had the opportunity to visit the Basque region in Spain in the same week and was able to sign a memorandum of understanding with the regional government there on exchange opportunities for our students and to allow our colleges to develop further their international strategies on learning about best practice in

each other's jurisdictions. I was encouraged that they were as keen to learn from us as we are to learn from them.

**Mr Lynch:** Go raibh maith agat. Gabhaim buíochas leis an Aire as a fhreagra sin. I thank the Minister for his answer. He has possibly answered my next question. What was learned from international input to the conference? You mentioned that some international companies were there.

**Dr Farry:** To add to that, I hope that the Member will see the lessons learned from the outworkings of the conference in the Department's ongoing policy development work and how, at a more local level, that filters through to the curriculum offered by the colleges, including the South West College in his area.

**Mr Deputy Speaker (Mr Beggs):** Questions 2 and 8 have been withdrawn.

### Life and Health Science Degree Courses: Budget Cuts

T3. **Mr McKinney** asked the Minister for Employment and Learning to what extent life and health science degrees will be impacted by the upcoming cuts to university budgets. (AQT 2713/11-15)

**Dr Farry:** As the Member will appreciate, Queen's University and Ulster University have announced in general terms the impact of in-year cuts on student places and potential staff reductions. This is a detrimental state of affairs that is not only sending out a negative image to the rest of the world but impacting on opportunities for our young people.

Within that framework, I have asked the universities to protect, as far as they can, what we term the "narrow STEM subjects": maths, physics, computer science, engineering and elements of life sciences and biological sciences. When the Member refers to health and life sciences, that is probably a slightly broader concept that will bring in what we would term "allied health areas". The requested protection, which the universities are intent on delivering, would not necessarily cover the full range of what the Member has outlined.

When we ask the universities to protect the subjects that are deemed most relevant to the economy, that comes at an additional cost. On average, those subjects are more expensive to provide than some arts and humanities courses. When we ask for such protection, that puts further pressure on places elsewhere in the system. However, we have to take a balanced view of what is most important for the future of the Northern Ireland economy and act strategically, including at times of great pressure and stress. All I will say is that, the sooner we have a change of direction in our finances and begin to reinvest in our universities, the sooner we will be on a much better course.

**Mr McKinney:** The Minister's answer reflects part of my concern, which is about making sure that degree courses that are relevant to the future economy will go ahead. However, in reply to a question for written answer and in this reply, the Minister indicates that, fundamentally, despite his advice or encouragement —

**Mr Deputy Speaker (Mr Beggs):** Can we have a question?

**Mr McKinney:** — it is up to the universities to make a decision. Given the importance of science degrees and the

potential expansion of the cancer centre in south Belfast, which could bring very well paid jobs, will the Minister indicate that he will put further pressure on the universities to look more favourably on the type of degree that could lead to those better-paid jobs?

**Dr Farry:** I am a little reluctant to use the term “pressure”. We need to be slightly sensitive, given that we are collectively part of a system that is already, in a sense, undermining what the universities have to offer. That said, I think it fair to say that the universities and the Department have in common a sense of the strategic direction. Even outside the context of how best to mitigate the effect of cuts, there has been, as part of our existing higher education strategy, a project that is about rebalancing the offer in our universities. That is not to diminish the importance of a range of other subjects, but it is about changing the balance on the margins so that we have a greater footprint in STEM subjects. Relative to other jurisdictions, Northern Ireland’s STEM footprint has a strong record. However, in the narrower STEM subjects, we have a small footprint relative to some of our competitors. We are aware of that imbalance, and we are encouraging universities to address it even before we hit the current round of cuts.

### Non-contracted Services: DFP Instruction

T4. **Mr McAleer** asked the Minister for Employment and Learning to clarify whether his Department received an instruction from DFP to cease the funding of non-contracted services. (AQT 2714/11-15)

**Dr Farry:** We have received a letter from the Finance Minister that requested that Departments be very cautious about further discretionary spend. I fully understand why the letter was issued by the Minister: we do not have certainty on what our budgets will be over the remainder of this year. A Budget might be agreed by the Assembly over the coming days, but that, in itself, will not resolve the underlying financial issues, including those in-year. The non-implementation of the Stormont House Agreement and welfare reform means a pressure of £600 million.

I have no certainty on where my budget will be in several months’ time or whether we will be asked to make further in-year cuts. That handcuffs Ministers who are acting in a responsible manner, because the more discretionary spend a Minister commits to at this stage, the further that constrains the scope to find savings later in the year. Even in a general sense, the later you act on the desire to find savings, the more difficult it becomes because more expenditure is committed. Look at colleges and universities: they will be locked into providing places come August/September this year. The Member has touched on the pitfalls of where we stand, not just in the general sense, which has been well articulated, but in how Departments manage their expenditure from day to day.

**Mr McAleer:** Go raibh maith agat. Does the Minister accept that the move could have a particularly detrimental impact on local community and voluntary groups, particularly in light of the changes to ESF?

**Dr Farry:** The attitude that the Member’s party and other parties in the Chamber are taking to the Budget is having a massively detrimental impact on the community and voluntary sector and large aspects of society as a whole. We do not have a sustainable Budget settlement

for Northern Ireland. We are in an extremely bad and extremely irresponsible place. A lot of very difficult decisions are having to be made on how to manage resources given the uncertainty. Frankly, the sooner the Member’s party comes to its senses on budgets, the delivery of the Stormont House Agreement and the implementation of welfare, including all the modalities, the sooner we will be able to give certainty to the community and voluntary sector on where they stand.

After I leave Question Time, I will meet the disability sector to discuss the challenges being faced. I would like to give them some good news about developments in the political context, but I suspect that we are not yet at that stage, if, indeed, we will ever be at that stage over the coming weeks and months.

### STEM Subjects: FE Colleges

T5. **Ms P Bradley** asked the Minister for Employment and Learning whether anything is being done in our further education colleges, and especially for women, to promote STEM subjects. (AQT 2715/11-15)

**Ms P Bradley:** I apologise to the Minister. I was talking to his party colleague earlier when I should have been listening. My question is also on the issue of STEM. It seems that today is the day for discussion of STEM. My question is more to do with our further education colleges and the people whom I represent. Some have lower attainment levels but are still interested in those subjects.

**Mr Deputy Speaker (Mr Beggs):** I remind Members to speak into the microphones so that everyone can hear them clearly.

**Dr Farry:** I thank the Member for her question. I am sure that her distraction was entirely caused by my colleague, as opposed to her initiating discussions, given that my colleague was sitting over there at the time.

She raised a couple of important points. First, when we talk about STEM, it is not solely an issue for our higher education provision but what is offered through further education (FE) and mainstream provision and, increasingly, the apprenticeship system. While the FE sector, in common with other parts of the public sector, is wrestling with very difficult financial challenges at present, it is also trying to act in a very strategic way in seeking to protect what is most relevant to the economy. That is about ensuring that people are brought through the whole range of STEM skills interventions.

The Member is also right to point to the importance of gender issues in STEM. That has been in the news over the past number of weeks, due to some ill-judged comments that were made by a particular academic. We always need to encourage more women to engage in STEM careers and to study in STEM areas. Unless we do that, we will not fully maximise the talent base in Northern Ireland in the sectors that are most relevant to growing our economy.

**Ms P Bradley:** I thank the Minister for his answers. He will be aware of the recent announcement by RLC, which is based at Global Point in Newtownabbey. Will he outline whether he is working with that company to look at getting more people, at all levels, into STEM subjects so that we can grow that and produce more workers for that business?



**Dr Farry:** I will say two things. At a departmental level, we are very keen to work with all businesses on careers to encourage more people to consider studying the relevant subjects and then move into jobs in those sectors and to address their very particular skill requirements.

The Northern Regional College (NRC) is a major asset to that area, and, as the Member will know, it has a very particular specialism in engineering. That goes back to the point that I made earlier about there being different emphases in different parts of Northern Ireland, given the different balance of the economy in different parts of the region. Obviously, given the constitution of companies in that area, the NRC has that reputation with respect to engineering.

### Further and Higher Education: Investment

**T6. Mr Flanagan** asked the Minister for Employment and Learning how he intends to deliver increased investment for our further and higher education sector without punishing students through increased tuition fees or punishing welfare claimants through cuts to welfare benefits. (AQT 2716/11-15)

**Dr Farry:** Oh, I suspect that the Minister is meant to walk into this one. The answer again lies in the fact that we do not have political consensus on the delivery of the Stormont Castle and Stormont House agreements and welfare reform. Until we have that, we will have a situation in which we are disinvesting in further and higher education and denying opportunities to students, both in their ability to finance their studies and their opportunities to go to college or university in the first place. We will see an impact on people's lives.

We hear all this talk about the importance of protecting the most vulnerable in society, but there is a whole host of ways that we support and help the most vulnerable. One of the key areas is giving them a ladder to escape poverty and deprivation, and one of the best ways out of poverty and deprivation is through education.

That applies to investing in early years education as much as it does to the provision of further and higher education and training and employment opportunities. If the Member has that aspiration, I suggest that the solution lies with his party and others providing leadership on those challenging issues.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I suppose that the problem with the question is that you might get an answer. If the Minister really thinks that the solution to the Executive's financial crisis is merely to implement welfare cuts, he is more naive than I thought. Our financial crisis is much bigger than that.

**Mr Deputy Speaker (Mr Beggs):** Could we have a question please?

**Mr Flanagan:** Yes. Does the Minister accept that the financial situation that we face is not solely the result of disagreement over cuts to the welfare system but is much bigger than that and due to the cuts that have been imposed on the Executive by the British Government, and that that is where the emphasis needs to be?

3.30 pm

**Dr Farry:** There are probably three elements to why we are in this particular difficulty. First, we have the situation

with the cuts to the block grant from the UK Government; but it is what it is. The Conservative Party has been elected for better or worse; worse, in my opinion, but it is there and will be there for the next five years. That is the reality that we have to deal with on where we get our money, because we do not have the tax base to do anything differently in Northern Ireland.

Frankly, what we are doing around current budget cuts is setting us further back from becoming self-sustaining as an economy rather than helping the situation. We also have structural difficulties in our budgets around the cost of division, which the Member's party is not particularly minded to address. Thirdly, we have the deadlock around Stormont House and welfare. What we had in Northern Ireland was a deal around welfare that provided a degree of protection for our local citizens that is above and beyond what is on offer elsewhere in the UK.

The choice is not between some idealised version of welfare that we cannot afford and what is currently on the table; the choice is between what was negotiated at Stormont Castle and the full-blown version coming from London, either imposed directly over our heads or through some sort of version of direct rule. I, for one, want to avoid a situation where we are simply being handed the Tory cuts on a plate, but I am afraid that the approach that the Member's party is taking is inevitably leading to a situation where that will be the case.

## Northern Ireland Assembly Commission

**Mr Deputy Speaker (Mr Beggs):** Questions 3 and 12 have been withdrawn.

### Language Strategy

1. **Mr D Bradley** asked the Assembly Commission for an update on the development of a language strategy, with particular reference to the Irish language. (AQO 8491/11-15)

**Ms Ruane:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for the question. Ar an drochuair tá dréacht-treoir teangan ag Coimisiún an Tionóil, ach níl Straitéis na Gaeilge aige. Unfortunately, the Assembly Commission does not have an Irish language strategy that you would expect under the Good Friday Agreement in relation to statutory duties and equality. The absence of an Irish language strategy adversely impacts on Irish speakers in the Assembly, including MLAs, staff, workers and also visitors to the Assembly. The Assembly Commission does have draft language guidance, but that is not a substitute for an Irish language strategy. I expect that there will be further discussion on this deficit at future meetings.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Chomhalta Tionóil as ucht an fhreagra chuimsitheach sin. I thank the Member for that comprehensive answer. Does she recall a number of years ago that a consultation was carried out by the Commission on the formulation of a languages policy? Some of us went to some trouble to respond to that. Can I ask her whether there is any chance, even now after three years, that the results of that consultation will be acted upon?

**Ms Ruane:** I share the Member's frustration, and I think that it is disappointing that we do not have a strategy. I cannot speak for everyone on the Commission and, while we are a corporate body, I believe that we should have an Irish language strategy. I pay tribute to the people who made representation, and I can absolutely understand their disappointment.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Bhí m'arscoil áitiúil suas anseo anuraidh agus bhí mé ag iarraidh turas a reachtáil ach ní raibh an Tionól in ann é sin a dhéanamh agus sa deireadh rinne mé féin é. Is there an option for tours and visits to be conducted as Gaeilge? If not, does the Commission have plans to facilitate these?

**Ms Ruane:** Gabhaim buíochas leis an Chomhalta Tionóil as an cheist sin. I thank the Member for that question. Unfortunately, we currently do not have an option in relation to tours, and this is disappointing for Irish language speakers and people who love our language. I believe that it is one of the direct results of the failure to have an Irish language strategy and of the Assembly Commission to fulfil its equality duties.

**Mrs Overend:** Can the Commission member detail the cost of translating all of the content on the Assembly education website into the Irish language in 2015?

**Ms Ruane:** I cannot, and I do not think that cost should be the only factor in relation to translation. I hope that the Member is not saying that. We do not ask how much it costs us to put English on the website. Indeed, I believe that we should also try to make sure that we reach out to people from different countries who speak different languages. However, I do know that it is not an exorbitant cost, and it should certainly not be used as an excuse for discriminating against the Irish language community. I am sure that the Member is not saying that.

## Gender Action Plan

2. **Ms McCorley** asked the Assembly Commission for an update on the gender action plan. (AQO 8492/11-15)

**Ms Ruane:** Gabhaim buíochas leis an Chomhalta as an cheist. I thank the Member for her question. Agus tá an Meitheal um an Dréacht-phlean Gníomhaíochta Inscne ag forbairt dréacht-phlean gníomhaíochta inscne do Fhoireann na Rúnaíochta. Tá foireann sinsearach trasna an Tionóil ar an ngrúpa. A draft gender action plan for secretariat staff is currently being developed by the gender action plan working group, a group comprising senior members of staff from across the Assembly.

The development of a gender action plan is a recommendation arising from the working group's gender findings report, which was approved by the Commission in December 2014. The report contains a review of research, including international research, and best practice in other organisations, as well as the results of the staff gender questionnaire, all of which will inform the development of the action plan. I am sure that we all agree that, given the make-up of directors and that in our Assembly, it is very important that we take action, because we currently have gaps in relation to gender.

Subgroups have been established to take forward key themes. Identified in the findings of the report are caring responsibilities; decision-making structures; flexible working;

gender identity; and learning and development opportunities. Of course, to make change, we need leadership from the top of the organisation to ensure success. The gender action working plan group is liaising with officials, considering Commission-related aspects of the Assembly and Executive Review Committee report. That is a review of women in politics and the Northern Assembly.

Lena chois sin, thionól an Meitheal imeacht le cainteoir inscne I bhFoirgnimh na Parlaiminte ar 1 Bealtaine 2015 le cur le cumas bhall na Meithle foghlaim faoi conas a thugtar faoi ceisteanna inscne in eagraíochtaí eile. In addition, the group held a gender guest speaker event in Parliament Buildings on 1 May 2015 to enable group members to learn about how gender issues are addressed in other institutions. It will be submitted to the Commission in September 2015 for its consideration.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle, Gabhaim buíochas leis an Chomhalta as an fhreagra sin. I thank the Member for that answer. An dtig liom iarr ar an Chomhalta an bhfuil an Comisiún ar an eolas faoi cad a bhí ráite ag an Choimisinéir Ceapacháin Phoiblí, atá ag dul as oifig, maidir le heaspa ban ar bhoird phoiblí? Is the Commission aware of comments made by the outgoing Commissioner for Public Appointments in relation to the lack of women on public boards?

**Ms Ruane:** I am aware of it. In fact, it was circulated to every MLA. I share the commissioner's disappointment in relation to women in public life. While we are looking at staff here in the Assembly and at the number of women politicians, of course there are not enough women on public boards. All of us in the Chamber need to make sure that we have more-representative public boards. I read the letter from the commissioner in detail and would like to pay tribute to him for outlining that to us and writing to each and every one of us.

**Mrs McKevitt:** In her last reply, the Member indicated some of the actions that have been taken by the Commission in order to implement parts of the plan. In the short term, in order to begin the full implementation of the plan, what actions can be taken?

**Ms Ruane:** I asked the Assembly Commission to carry out the gender action plan, because I know that there are serious gaps right across this institution in relation to gender. We just need to look around this Chamber to see that.

Some actions have been carried out. We have had public events, and I know that the Speaker has taken some action to ensure that we have more women in positions of leadership. In September, we will discuss gender action fully at the Commission meeting. I know that the Member, along with others in this Chamber, was with us in Sweden looking at how we can move forward on gender. Certainly I and, I know, other Commission members, would welcome any ideas that she has on this. It is a serious deficit that we really need to come to grips with.

## Flags: Unauthorised Flying at Parliament Buildings

4. **Mr Givan** asked the Assembly Commission to outline the actions it has taken following the unauthorised flying of flags from Parliament Buildings on Wednesday 3 June 2015. (AQO 8494/11-15)

5. **Mr Humphrey** asked the Assembly Commission, in light of the recent security breach, to outline what additional measures are being put in place to restrict access to the roof of Parliament Buildings. (AQO 8495/11-15)

**Mr Ramsey:** I propose to take questions 4 and 5 together. I thank the Members for their questions.

The Members will be aware that in order to facilitate the roof project, which is nearing completion, the fourth floor and all of the roofs of Parliament Buildings are presently in the possession of the main contractor for the works. As required under the contract, temporary barriers and signage are in place to deter unwarranted access to the contractor's site, although there is a requirement to maintain access and egress for the contractor's workmen in the event of fire evacuation.

Following the incident in question, the Commission, in conjunction with the contractor, took the following steps immediately to minimise the risk of any further recurrence. First, the flag-raising mechanisms on the flagpoles were temporarily decommissioned to prevent flags being raised on the flagpoles. Secondly, access to that particular area of the roof was restricted. This was achieved by the addition of one locking mechanism and the replacement of another on the two access doors that lead to that area of the roof. Finally, CCTV cameras were installed in the vicinity of the flagpoles. Images from these cameras are seen directly in the control room.

Further to this, the Assembly's operational procedures relating to workmen's security clearance and the issue of contractors' passes will also now be subject to review as part of the wide-ranging review of security arrangements in Parliament Buildings to be undertaken by the Commission. Members will have also noted that the Speaker wrote to all Members on 8 June providing a report on the Commission's consideration of this incident.

**Mr Givan:** I thank the Member for that response. Despite the best efforts of people in this House and indeed some outside it, Northern Ireland is still British. To have a foreign flag hoisted on this Building is something that people should not necessarily laugh about.

**Mr Deputy Speaker (Mr Beggs):** Can we have a question, please?

**Mr Givan:** That having been said, there are clear health and safety concerns, irrespective of one's view of the type of flag that was flown. We could have been talking about a fatality, given the location of where the flagpoles are on this Building.

**Mr Deputy Speaker (Mr Beggs):** Has the Member got a question?

**Mr Givan:** I do, Deputy Speaker.

**Mr Deputy Speaker (Mr Beggs):** Please proceed now.

**Mr Givan:** I will. Thank you for that, Deputy Speaker.

Can the Member assure this House that there will be no hiding behind the police investigation and that a proper investigation will be carried out by the Assembly externally that will lead to sanctions if it is found that individuals who are in this Building were responsible for this act?

**Mr Ramsey:** I thank the Member for the question. He raised the point of health and safety. I can assure him that

there was never any concern about health and safety. During the completion of the project, which is very close at hand, there were two minor incidents separate to the flag incident which were well under control and where there was no health and safety risk as we understand it. They were completely under control by the contractor.

With regard to going forward on the point on which the Member reflects, security is always a question. It is always something that the Assembly Commission reviews on a constant basis. The police are presently undertaking a further security risk assessment on Parliament Buildings. We are due to receive that report soon. The Assembly Commission's internal staff are, coincidentally, due to bring a report to tomorrow's Assembly Commission meeting. As a result of that report, we will then consider whether it is appropriate to seek an internal independent assessment on security risk as well.

**Mr Humphrey:** I note the laughter from across the Chamber in relation to the question that was asked by my colleague. Indeed, I understand that some members of Sinn Féin were very light-hearted and relaxed about the idea of the Irish tricolour flying over this Building for 10 minutes. It is a pity that they would not take that attitude about a six-minute parade along the Crumlin Road in north Belfast.

**Mr Deputy Speaker (Mr Beggs):** Can we have a question, please?

3.45 pm

**Mr Humphrey:** I thank Mr Ramsey for his answer. I appreciate what he said about health and safety, but, where security is concerned, can I ask the Commission member this: who had ultimate responsibility for the roof, and was that a breach of the contract?

**Mr Ramsey:** It certainly was not a breach of the contract. On the question of who had responsibility for the roof, let me say that the contractor has full responsibility for the upkeep of and access to the roof. That is the case in any project that is undertaken, particularly one of this significant nature. As the Member will be aware, there is a police investigation under way into the incident on the roof, and because of that, the Assembly Commission is not in a position to lay blame until it ultimately finds out the outcome of that investigation.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I think the people of Ireland saw it as a light-hearted moment. Does the member of the Commission think that it was a good use of PSNI time and public money to investigate this issue?

**Mr Ramsey:** I think that, because there was a breach of security to the Building and of access to it, it is imperative for the Assembly Commission to take appropriate action to try to ensure that it does not happen again. It is not a matter of the seriousness of whether it was a flag; it could have been a bomb.

It is important that the Assembly Commission takes appropriate steps, whether that means the police investigation that is under way to determine who was at fault and whether they can lay blame or prefer charges. I am sure that the Member would also agree that it is important and imperative for the Assembly Commission to ensure the safety of not just Members and staff but the

high volume of visitors. Look at the Public Gallery this afternoon and the number of children who were here. We have an imperative to ensure that safety is uppermost in our thoughts.

As I said, we are discussing this issue tomorrow at the Assembly Commission. We will be reviewing, as we constantly do, ongoing security and the threat to it. We look forward not only to the police investigation and assessment of the security risk but to our internal review of security.

**Mr Elliott:** I thank Mr Ramsey for the answers. He mentioned the PSNI investigation. I am wondering whether the contractor has carried out any internal investigation or whether there has been any report from the contractor to the Assembly Commission about the incident.

**Mr Ramsey:** I assure the Member that the contractor has cooperated fully with the investigation internally. As for laying blame, which most people want to do, as well as to find out who was responsible for this incident, it is the case that we are awaiting the outcome of the police investigation.

We are fully content that the contractor fully supported the police investigation as well, so we are awaiting the outcome of that before we can make a definitive statement about whether someone is liable or is to be prosecuted as a result of this.

**Mr Allister:** I want to press the Commissioner on why the Assembly's own investigation was suspended under the guise of a police investigation. Not so long ago, we had allegations about abuse of expenses. That resulted in a police investigation and an Assembly investigation going on in tandem. Surely there was no reason, other than an attempt to sweep it under the carpet, to suspend the Assembly investigation because of a quite different investigation addressing different issues, namely the police investigation.

**Mr Ramsey:** I thank the Member for his question. He knows fine well, with his career in law, that in any investigation, the police have the principal call in determining who is responsible. We are respecting that.

There are no circumstances where the Assembly Commission as a whole, or the directorate, wants to sweep this under the carpet as he implies. As I outlined to a number of Members, the Assembly Commission has taken this quite seriously. There is that police investigation, and, to date, they have interviewed all those employees who had access to the roof on that date. The Assembly directorate's team has clearly carried out its own internal audit of the circumstances leading up to the incident. I made it clear to the Member who spoke previously that the contractor fully complied and cooperated with the investigation. We now await our directorate's review of security in the House. Under no circumstances can he, or should he be permitted to, say that this is something that is being dismissed by the Assembly Commission, because that is not accurate.

## Union Flag: Parliament Buildings

6. **Mr Sheehan** asked the Assembly Commission what consideration it has given to the equality impact assessment on the review of the policy on the flying of the Union flag at Parliament Buildings. (AQO 8496/11-15)

**Ms Ruane:** Gabhaim buíochas leis an Chomhalta as an cheist. Rinneadh comhairliúchán formálta ar athbhreithniú an pholasaí ar chrochadh bhratach an Aontais os cionn Fhoirgnimh na Parlaiminte mar chuid de mheasúnacht tionchair chomhionannais. Chríochnaigh an comhairliúchán ar 2 mí Feabhra 2015. I thank the Member for his question. The formal consultation carried out as part of the EQIA on the review of the policy of the flying of the British flag ended on Monday 2 February 2015. At our meeting on 17 June 2015, a proposal was put by the DUP to fly the flag for 365 days. This was supported by the UUP but failed to secure enough support, and the proposal was defeated.

Vótáil an DUP agus UUP agus Páirtí na Comhghuaillíochta ar son laetha ainmnithe; vótáil Sinn Féin agus an SDLP ina gcoinne. Tá mé ar thaifead cheana féin nach é an Coimisiún an áit le déileáil leis an gceist seo. Tá easnamh ann fós i bhFoirgnimh na Parlaiminte maidir le gach traidisiún a chlúdach. Subsequently, we had a proposal by the Alliance Party for designated days. The DUP, the UUP and the Alliance Party supported this, the SDLP and Sinn Féin voted against it, and the motion passed.

I am on record as saying in the Chamber — I would like to reiterate it — that the Commission is not the place to discuss flags. In 2002, the Commission itself agreed that it should not discuss the issue of flags. There is a democratic deficit in decisions made at the Commission. Really, those decisions should come to the Assembly where we have cross-community voting.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Chomhalta Tionóil as an fhreagra sin. Does the Commission member believe that the flying of only one flag is in line with the intentions and spirit of the Good Friday Agreement?

**Ms Ruane:** Gabhaim buíochas leis an Chomhalta as an cheist sin. I thank the Member for that question. I do not believe that the flying of one flag is in the spirit of the Good Friday Agreement. We have in the Chamber people who designate themselves as Irish and people who designate themselves as British. The current policy of the Commission does not give equality to Irish citizens, whether it is those in the Chamber or, indeed, party staff, the secretariat and workers in the Building. I believe that it has an adverse impact.

It is interesting that, in the consultation, the highest number of people, 1,512, opted for two flags. It is very disappointing that that was ignored in the report. I, as an Irish citizen, do not believe that my flag is being respected in the way that it should be.

**Mr McCarthy:** I stand here as a proud Irishman. Will the Member explain Sinn Féin and the SDLP's reasons for voting against the EQIA even though they voted for it at Belfast City Hall?

**Ms Ruane:** I am speaking as a Commission member here. However, the question was asked of me as a Sinn Féin representative, so I will answer the Member. I will not speak for the SDLP, because I do not think that that would be right for me to do.

I am a proud Irishwoman, and I believe that the Parliament should have the Irish tricolour and the British flag, or no flags; equality or neutrality. The situation at City Hall was that the original 365 days was being brought down to 18 days. Here, we had 15 days and the proposal by the



Alliance Party was to increase the number of days. It is pretty logical that an Irishman or Irishwoman would not want to see an increase in the number of days, particularly when the Irish tradition is not reflected.

**Mr Humphrey:** Although she may well have voted one way and I another on the Belfast Agreement in 1998, does the commissioner agree that Northern Ireland's constitutional position was settled; that the issue of the sovereignty of Northern Ireland was resolved; that Northern Ireland is an integral part of the United Kingdom; and that the Union flag is the flag of this part of the kingdom and the flag of this Assembly as a devolved Administration?

**Ms Ruane:** The Member considers himself British. I consider myself Irish.

**Mr Allister:** Why is the commissioner abusing her position in this House this afternoon? She is here to answer as a commissioner on behalf of the Commission and to give us the Commission's policy. Why are we being treated to a diatribe of her partisan views on these issues?

**Mr Deputy Speaker (Mr Beggs):** I ask that Members show courtesy and respect to everyone.

**Ms Ruane:** I am here answering as a commissioner, and I absolutely reject that I have abused my position in any way. The Member will understand fully that there are deeply divided positions and attitudes in this Chamber and on the Assembly Commission. It is for that reason that I believe that the Assembly Commission should answer to the Assembly, rather than make decisions at Commission meetings.

I am a proud Irish citizen. I respect the fact that people opposite consider themselves British. I ask the same for me.

## Education Service: 2015 Uptake

**7. Mr Ó Muilleoir** asked the Assembly Commission to outline the number of schools and groups that have availed themselves of the Education Service since January 2015. (AQO 8497/11-15)

**Ms Ruane:** Ón 1 mí Eanáir 2015 bhain 272 grúpa feidhm as an tSeirbhís Oideachais; is ionann sin agus 8,901 rannpháirtí. Since 1 January 2015, 272 groups, comprising 8,901 participants, have availed themselves of the Education Service.

**Mr Ó Muilleoir:** Go raibh maith agat. Mo bhuíochas fosta leis an choimisinéir as an fhreagra sin.

Ba mhaith liom ceist a chur uirthi: ó tharla fás gasta iontach a bheith ar an Ghaedhilg le blianta beaga anuas, ó tharla é a bheith ráite ag an Chéad-Aire, Peter Robinson, go bhfuil meas aige ar phobal na Gaedhilge, agus ó tharla anois go bhfuil an Ghaedhilg ag leathnú amach go dtí an pobal Protastúinch fosta, an dóigh leis an choimisinéir go bhfuil go leor seirbhísí ar fáil do na scoileanna Gaedhilge?

In the context of the rapid growth of the Irish language across the North; the First Minister's commitment to the Chamber that he respects the Irish language community; and the cross-community nature of much Irish language promotion, as evidenced by the Turas project at Skainos in east Belfast, does the Commission member believe that enough is being done by the Education Service to accommodate Irish-medium schools?

**Ms Ruane:** Gabhaim buíochas as an gceist sin. I thank the Member for his question. Obviously, in any of the work that we are doing, we can always do more. The same is true of the Irish-medium sector. I absolutely support the Member's comments that the Irish language belongs to everyone. It is certainly not the preserve of any one community. I am delighted to see people right across the North, from all different communities, supporting and learning our beautiful language. It is our collective language. People from ethnic minority communities, who have brought such richness to our society with their languages, are also learning the Irish language. It is great to see that.

An education officer from the Education Service has been designated as Irish-language champion. An education officer has visited the Irish-medium post-primary school Coláiste Feirste and the Irish-medium unit in Scoil Chaitríona in Ard Mhacha — in Armagh. Two of the visits to Coláiste Feirste involved focus group workshops on behalf of the Committee for Education to consult young people on inquiries into shared and integrated education and the school inspectorate.

As part of the ongoing development of its website for schools and young people, the Education Service has been working with the Council for the Curriculum, Examinations and Assessment (CCEA) on a translation of the primary section of the website. That is almost complete and will be launched in 2015. A number of education videos have also been produced by the Education Service. It is good to see the work that has been done, but, obviously, there is more work that we can do.

## 4.00 pm

**Dr McDonnell:** As someone who may be leaving you in the not-too-distant future, I would like to take this opportunity to commend the Commission and the Education Service for the outstanding work they have done in my time here. It has been a privilege and a pleasure to work with the Education Service and the various groups it receives from all over the island of Ireland. It is worth putting on record the good work that it does and the tremendous service it provides to this Assembly.

I ask you to indulge me for 10 seconds, Mr Deputy Speaker, while I pay tribute to colleagues across the Chamber —

**Mr Deputy Speaker (Mr Beggs):** With a question.

**Dr McDonnell:** — and say what a privilege it has been to serve in this Chamber for some 17 years.

**Some Members:** Hear, hear. [Applause.]

**Mr Deputy Speaker (Mr Beggs):** That is the end of questions to the Commission.

**Mr Allister:** On a point of order, Mr Deputy Speaker. I ask that there be an inquiry into how far the performance of Ms Ruane breached the protocols and guidance for how members of the Assembly Commission are supposed to answer questions on behalf of the Commission in this House. It is surely not by such partisan propaganda stunts that the Commission is supposed to operate or present itself to this House.

**Mr Deputy Speaker (Mr Beggs):** The Member has put his views on record. That issue is primarily one for the Commission to address, and I will leave it to others to raise appropriate matters there. I ask Members to take their ease for a few moments.

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

## Committee Business

### Barnett Formula: Review Report

*Debate resumed on motion:*

*That this Assembly approves the report of the Committee for Finance and Personnel on its review of the operation of the Barnett formula (NIA 254/11-15); and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.*

**Mr Girvan:** I appreciate that this debate is on the back of the report that came through the Committee for Finance and Personnel. It was a very worthwhile exercise in gathering information on how the Barnett formula has worked historically. Northern Ireland has done very well out of the Barnett formula up to now. There were evidence-gathering sessions, and a number of recommendations came through as a consequence of the inquiry.

There is still a body of work that needs to be looked at on how we go forward with Scotland and Wales to ensure that we get a fair crack of the whip. Unfortunately, some people are looking forward to seeing some change. In the evidence that was received and is found in the report, Dr Graham Gudgin brought forward the argument, "Don't wish for change, because, if you do, it might not necessarily get you what you want." We should remember that, in the overall scheme of things, Barnett has been quite helpful to Northern Ireland.

Before we consider going down another route, which would be deemed to be needs based, we need to remember that some of that is built on assumptions of what need is, how you actually define it and get it on a level footing, so as to make it the correct way forward. Unfortunately, what one person deems to be need and another person deems to be need are two different things. It was to ensure that there would be some measurement if that were to be brought forward. Due to various factors, it is possibly no longer a safe haven. Professor Holtham was at another evidence session. Up to now, it has been a safe haven for funding. The convergence issue was mentioned, and we have done well up until a certain point, and, after that, it could be less favourable. On the basis of it being less favourable, it could mean that we might get what is, in a GB-based stance, a fair crack of what they believe we should get. Up until now, we have been quite happy, and I am reluctant to raise too many issues about wishing Barnett away. That needs to be put forward.

We appreciate that this has been ongoing since 2012. Professor Holtham undertook a study on behalf of the Welsh Assembly, and his report indicated that Wales has not necessarily come out as well as other regions such as Scotland and Northern Ireland. At least one thing has been clear in that it has given us a clear stance and a formula to calculate exactly how much we will get. It takes away the need to go to Westminster every year to fight our corner to see whether we can get additional moneys. I appreciate that, up until now, the formula has worked very well as opposed to having to go across every year and fight your corner, not knowing what you will get for the next financial year. There is an element of security in knowing where we stand. That has been good.

There was mention of HS2, the high-speed rail network, and how there should have been Barnett consequential for its inclusion. Unfortunately, we probably did not do as well out of the Olympics as we might have under Barnett. We got some £5 million as a Barnett consequential from that, but the potential opportunity is there. We have to ensure that we fight our corner to make sure that —

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

**Mr Girvan:** — major national issues such as HS2 are factored in and that we get a consequential that we can add through.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm an deis cainte a fháil sa díospóireacht seo ar an fhoirmle Barnett. I welcome the opportunity to contribute today. The Barnett formula is much talked about and discussed, and I suppose that we could say that it has some advantages. It can be applied simply and largely automatically, and it avoids direct negotiations annually on public expenditure between the Treasury and the devolved Administrations. It also provides stable and largely predictable allocations without huge fluctuations. However, as the report quite rightly highlights, there are also disadvantages to the formula, including the fact that it does not deliver an equitable share of funding between devolved Governments and does not take account of the relative spending needs across the regions. A major flaw in the Barnett formula is the lack of transparency on the data used for calculations and on the basis for decision-making surrounding the formula. That lack of transparency is very concerning indeed. There should be transparency. The fact that the Institute for Fiscal Studies has access to the data that determines Barnett consequential, and the data is not available to the Executive or the Department of Finance here, underlines the lack of transparency and hinders the ability of the Assembly to scrutinise effectively adjustments to the block grant. Without a doubt, one of the initial changes could be to make that data freely available to the Department and the Assembly.

The Committee report on the review of the formula made recommendations, including that DFP establish how a needs-based assessment mechanism could be best designed to take account of the context here. We also recommended that the chosen methodology be piloted using current data. The Committee suggested that the Minister engage with her counterparts in the Scottish and Welsh Governments, with a view to presenting jointly agreed proposals to the UK Government for at least initial improvements to the operation of the Barnett formula and related devolution funding arrangements. The SDLP supports that Committee recommendation.

In conclusion, I will underline some points. One of the recommendations in the report is that DFP put forward proposals on how the Assembly can be afforded the opportunity to scrutinise effectively any planned adjustments to the Northern Ireland block grant. We are very concerned about the secrecy — some would say "the black arts" — surrounding the calculations of the Barnett formula that result in changes to the block grant. We call, strongly, for transparency and for an opportunity for the Assembly effectively to scrutinise adjustments. That means that the British Government — the Treasury — should provide us with clear and transparent data on which

we can assess and scrutinise those changes. With that, I will end. Thank you.

**Mr Cree:** In 2012, the Committee for Finance and Personnel received preliminary evidence from a panel of expert witnesses, indicating that while, historically, due to various factors, the Barnett formula had provided generous funding to Northern Ireland, it might no longer carry out that function. The major parties in Westminster were looking at need — or relative need — and contemplating a new system. In September last year, the Committee agreed the terms of reference for a review of the scope for improving the Barnett formula, with a view to ensuring that the future needs of Northern Ireland will be safeguarded. Much work is being done, and evidence, written and oral, has been taken from a wide range of expert witnesses and stakeholders. The Committee also commissioned research from a range of areas and has provided a comprehensive report.

The Barnett formula works on the basis of a calculation that takes into account population and planned spending by Departments in Westminster on comparable services in the rest of the United Kingdom. It provides additional revenues, known as Barnett consequentials, because of extra in-year spending by the rest of the Kingdom. Barnett certainly worked well for Northern Ireland in the past, but the imminent possibility of increased devolution is likely to change that. The report covers the pros and cons arising from the evidence.

Treasury has had a long-standing commitment to the continuation of the Barnett formula, and it is easy to see why. The process lacks transparency and accountability, but, as devolution becomes more intricate, we need — I am repeating what Mr Bradley said — transparency and accountability, particularly when dealing with Treasury.

#### 4.15 pm

As part of the review, the Committee explored how convergence works and the factors that influence it. The purpose of convergence is to ensure that relative public spending per head will converge on the English spending level. In his evidence, as has already been mentioned, Dr Gudgin said:

*“The worst situation for Northern Ireland would be if real spending was stagnant or falling while prices were rising. Northern Ireland would then be hit twice, once by the real fall which would affect all regions and secondly by a falling share of national spending due to inflation.”*

The evidence to the Committee highlighted the potential for significant constitutional reform across the United Kingdom to have a bearing on the future operation of the Barnett formula and the wider arrangements for devolution, funding and finance. The debate on UK constitutional reform is still taking place against the backdrop of a growing number of studies calling for the Barnett formula to be replaced or supplemented. These are in the report, and I trust that Members will have considered them, as they are of significant importance. The conclusion and recommendations are in the report, and I commend them to the House. I wish to place on record my thanks to the Committee officials for their excellent work in compiling the report and, as many will have seen, for their illustrations.

**Mrs Cochrane:** As a member of the Committee for Finance and Personnel, I support the report's recommendations, although the limited number of recommendations is perhaps evidence that, over the years, the Barnett formula has indeed served Northern Ireland well. While the allocation is based on population and does not take account of need, it would appear that this has not proved to be detrimental to Northern Ireland because the baseline from which the allocation is made to us has been historically generous.

The Committee report recommends that DFP and the Executive look at how a needs-based approach would benefit Northern Ireland. The Welsh Government have been vociferous about that and may indeed be able to provide further information on it. I suggest, however, that, in doing so, we need to be careful that we do not aim for a system that incentivises failure. When that happens, we end up stuck not wanting to improve our circumstances for fear of losing out on money coming into Northern Ireland. We often see that with some EU moneys, when staying poor actually gets you more.

Furthermore, there is an assumption that our relative needs in Northern Ireland are higher than those in other areas of the UK; but are we, perhaps, being naive? There is a good chance that when we truly compare our need to that of, say, inner London, the Black Country, parts of the north-east or the Welsh valleys, we will find that a needs-based mechanism of distributing public funding might not be as favourable to us as Barnett is. However, the Barnett formula may not always be so beneficial to Northern Ireland. That is partly because of the long-term feature of the Barnett squeeze, where funding gradually converges across all the nations. While that has not occurred as much in recent years due to spending cuts, it is a long-term process and it can be expected to rise again in future. The Committee, therefore, recommends that DFP examine the impact that that could have in Northern Ireland in the coming years in order to inform discussions on any proposed new mechanisms for distributing moneys.

The constitutional situation of the UK is also incredibly fluid at the moment. Additional devolution to Scotland, significant tax-levying powers over corporation tax here and potential changes to the voting rights of non-English MPs will have an effect on how the UK's public finances operate and might make moving to a new system more likely to be considered. However, I would be amazed were any new system to result in more for Northern Ireland than we already get. Having a system based on Westminster policy decisions has meant that Northern Ireland is not in the invidious position of having to raise its own taxes. However, I appreciate that there are downsides to that approach. Until Northern Ireland is in a position to fully fund its public services it is still, on balance, the preferred option.

While Barnett is still in place, therefore, the Committee has made some minor suggestions to ease the operation of the formula, including that the Treasury publish the data on which the Barnett consequentials are based; a requirement that the statement of funding policy be subject to approval by the devolved Governments; clarity on the arrangements for block grant adjustments; and improvements to the intergovernmental machinery. Perhaps if those issues were addressed, Northern Ireland could make a balanced assessment and offer other solutions for positive change. However, I suggest that we must also demonstrate

responsibility with our own finances before that is likely to happen.

**Mr McQuillan:** I start by thanking the Clerk and the Committee staff for all of their help during the review and, indeed, throughout the past year.

In February 2012, the Committee for Finance and Personnel received preliminary evidence from a panel of expert witnesses that while, historically, the Barnett formula had provided generous funding to Northern Ireland, it was no longer safe, due to various factors. It was in that context that, on 24 September 2014, the Committee agreed terms of reference for a review into the scope for improving the operation and administration of the Barnett formula, with a view to ensuring that the future needs of Northern Ireland would be met.

The Committee has received written and oral evidence from a number of expert witnesses and stakeholders. In the evidence, it was pointed out that the Treasury had a long-standing commitment to the continuation of Barnett because it can be applied simply and, largely, automatically; it avoids direct annual negotiations over public expenditure; it has minimised conflict between the four jurisdictions of the UK over spending levels; it provides stable and largely predictable allocations without large fluctuations; and it prevents the devolved Governments from having to face many of the problems of revenue raising. While acknowledging those benefits, the drawbacks of the Barnett formula were also highlighted and identified to the Committee.

The Committee is also mindful that while the three main UK-wide parties have made a commitment that the Barnett formula will continue, it is unclear what that means going forward.

In my humble opinion, and in view of all that the Committee has heard and seen during the review, the Barnett formula is, at the minute, the best placed formula for Northern Ireland to be funded by from the UK, and will be in the future. Leave well enough alone.

**Mr Ó Muilleoir:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Thank you, Mr Principal Deputy Speaker. Ba mhaith liom buíochas fosta a thabhairt don fhoireann a chuir an tuairisc seo le chéile. I thank the team — the staff — who put this material together and the Committee members who took so much evidence over a lengthy period.

Three issues continue to concern us. I would argue that we cannot just leave it alone. I think we need to take a very engaged position in relation to the Barnett formula. Mr Girvan talked about the twin areas of trust and transparency. It has been repeated by Members, and several witnesses have said, that you need to have the correct figures; you need to have access to the data. If we cannot have that, we cannot trust the figures. None of us would accept in any other area a situation in which only those who decide what you are entitled to have access to the data. Are we talking about improving Barnett? Are we talking about a new approach or a new formula? Certainly, we need to find a way to have transparency around figures. It is very interesting that the Treasury is willing to share these figures with other organisations but not with the devolved Administration.

That is particularly important, of course, in relation to corporation tax. The Treasury has held tight to the figures, the estimates and the guesstimates, but that is a crucial issue for us. Regardless of how many speed bumps we hit in the time ahead, or have hit to date, it seems to me that we need to have access to the key data that is involved if we are to get corporation tax right.

Many expert witnesses said that convergence is on the cards — that it will come. It is my opinion that convergence will not be good for those of us in this part of the world and it means that the areas that need the most investment will not necessarily get it. I think you need to provide more TLC and investment to any enterprise where you have an area that is lagging behind. The Barnett formula makes some accommodation for that, and it is important, if convergence comes, that we do not lose that. So, we need an extra element of need and consideration of how that should be assessed to make sure that the gap between the rich and the not-so-well-offs, between the Londons and the devolved areas, does not widen. That would create economic stagnation instead of help us to grow our economy.

I also noted the comments around Barnett consequentials. I have written to the Minister in relation to HS2; I hope that there will be a consequential relating to that. There has not been a lot of money spent on that yet, but it is vital that there is a Barnett consequential around high-speed rail. There was a consequential to Crossrail but, as Mr Girvan pointed out, only a very peripheral one around the Olympics.

I will finish with an organisation that I do not quote every day, Mr Principal Deputy Speaker — the British Institute of International and Comparative Law. However, according to paragraph 80 of our report, it:

*“concluded that the machinery for financing devolution ‘can no longer be left to the sole discretion of HM Treasury’ and included in its recommendations a call for an independent body to advise Treasury, an external review function in respect of block grant calculations and deductions and an independent disputes resolution function.”*

It is my hope that the Minister and her team, when they go to the Treasury — she will think that I am angling for an invite to one of those meetings with the Treasury — put those hard questions to it around the key issues for us and make sure that we get the best deal possible for all our people.

**Mr I McCrea:** The Member who spoke previously may wish to attend meetings with Treasury; I am not sure that those who have had those meetings have enjoyed them in the way that he might have. I suppose that that is another lesson: they need to get their act together to ensure that the Stormont House Agreement is agreed in its totality to ensure that we have a budget and money to spend, so that there can be future meetings with the Treasury.

I join the Member and others who thanked the Clerk and the staff of the Committee for all their work in pulling this together. It is not easy when you are trying to get 11 members of a Committee there on time when witnesses are there to give evidence, so I thank them for the effort that they put in. I also thank those who came and gave



evidence because, without them, it would have been a waste of our time and a waste of a report.

As has been said, the DUP, in principle, supported the need to have the review of Barnett, or at least the Committee's inquiry. Whilst we did so, it was predicated on the fact that, sometimes, if it is not broken, do not fix it. It is important that when we do so, we do it with the belief that Barnett is, for now, the best formula that ensures that we get our fair share of the public finances. No one has been able to contradict it so far. We have had our fair share, and we look forward to continuing that practice in the near future.

Whilst the recommendations are there, there are not many, as other Members have said. Nonetheless, I look to the Minister, and I have no doubt that she will deal with those when she responds to the debate. If — I say that with a big "if" — there was another way that we could get a formula similar to that of Barnett, and we talked in yesterday's debate about new thinking, maybe there will be Members in the SDLP — they are not here — who could come up with new thinking in respect of how we get a better share and something other than Barnett. I will await that with bated breath. Nonetheless, if there is something, I will be the first to say that we should see the colour of their money.

**Mr McCallister:** Principal Deputy Speaker, I apologise to you for missing Employment and Learning question 7.

I also want to thank the Committee staff. I found that looking into how we are financed was a very interesting subject. In light of yesterday's debate, which will continue tomorrow, I say to those who are critical that it is ironic that the opening part of the report says that we have been very generously dealt with through the Barnett formula, and we should all be mindful of that. You listen to Budget debates and you hear how bad the national Government are and all of that, and when you look at the evidence and do a Committee inquiry into this, you see that it uncovers the fact that we have been very well served through Barnett.

We listened to expert witnesses who told us that we are very well served by this. One of the dangers of opening up a debate like this is that any future arrangements may not meet our requirements quite as well as Barnett has served us, particularly in the past.

#### 4.30 pm

On some of the wider issues that the debate has opened up, we hear people, predominantly Sinn Féin and the SDLP, talking about austerity. We have been largely protected from that austerity because of Barnett. In answering a question from me at last week's Committee, the Minister explored the idea that, when the coalition Government protected health spending, we got our share of it through Barnett. It came at 100%, because it has a 100% comparator effect on the consequential. That made a huge difference to our spending. When there were increases in spending in education in England on things like free school meals, we had a Barnett consequential on that as well. Those eased spending dramatically. I suspect that, even as we move through this Parliament, if the current Government meet their obligation to increase health spending by £8 billion, there will be Barnett consequentials on that that will have a dramatic impact on the spending situation of the Department of Finance here. So, on those positives, I think it has been good.

On other aspects, I think that we should, of course, look to and speak to other Administrations about this. For probably 18 months, even before the Scottish referendum, I have been warning that, whatever its outcome, it would change the United Kingdom in a very different way. The debates are on English votes for English MPs and on devolving tax-varying powers. I have very often warned that we do not seem to be at the forefront of that debate or engagement. We have focused exclusively on corporation tax. We have not looked at other areas, while the Scots and Welsh are much further ahead.

I am sure that the Minister shares my concerns. Yes, I would like us to be at that debate, and yes, I would like the Executive to be in a position to have more tax-varying powers devolved to them. But given the state of paralysis that the Assembly and Executive face at the minute, we just do not have the political maturity to devolve anything to them. I think that that is hugely regrettable, given the state of flux that the UK is in.

I think that a constitutional convention being set up would be a very positive step. The big question is whether parties like Sinn Féin would participate in a UK constitutional convention. That is the big challenge. Would they participate in and debate issues such as the powers that the Parliaments and Assemblies around the nations of the UK should have, and how we can tap into things like the English northern powerhouse?

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

**Mr McCallister:** What linkages can we build up to that and what changes can we make? However, all that depends on the funding that we get, and we must always be mindful of that funding coming from the centre.

**Mr Principal Deputy Speaker:** The Member's apology has been noted and is now on the record.

**Mrs Foster (The Minister of Finance and Personnel):** I can only imagine that the SDLP is not at the debate because there is obviously a leaving party for Mr McDonnell that none of us have been invited to.

**Mr I McCrea:** Some of them might not have been invited to it either.

**Mrs Foster:** That is a matter for the SDLP.

I very much welcome the debate. I thank the Committee for producing the report that we have before us. I think that the debate yesterday on the Budget (No. 2) Bill shows the sort of tough choices that can no longer be avoided if we are to put our finances on a sustainable footing. Therefore, it is important to look at how the block grant is allocated to Northern Ireland. I think that it is a very timely debate.

From the very outset of this debate, let me assure the House and the few Members here, for the avoidance of any doubt whatsoever, that I am totally committed to ensuring that we have available to Northern Ireland the maximum resources possible. As Finance Minister, it is I who must develop a Budget that balances the many competing needs of our public services and responds to the many pressures that we face. So, I would certainly welcome more money coming to Northern Ireland.

Where there are discussions to be had with Treasury or with colleagues in other devolved Administrations, I will be there to ensure that the best interests of Northern Ireland

are served. I note Mr Ó Muilleoir's offer to hold my hand at those meetings, to help me fly the flag — to use his phraseology from yesterday — for Northern Ireland, but let me assure him that if there are hard questions to be asked, I am quite capable of asking them.

When I was with Her Majesty's Chief Secretary to the Treasury just last week, we had a brief conversation about the respect agenda. It is important to talk about the fact that the Government in Westminster have respect for the devolved Administrations and respect the fact that we are elected to our different devolved institutions to deal with issues in front of us. So, we had a good discussion around that, and I hope that it is something that we can develop at our next meeting.

The Committee's report raised, as have Members, a number of very familiar issues and concerns about how Northern Ireland is funded. I am not going to stand before you today and argue that the Barnett formula is perfect. However, Members need to recognise that, as it stands — and this is a point that was made by Mr McCallister and Mrs Cochrane — Northern Ireland, on a per capita basis, has the highest level of public expenditure of any of the devolved Administrations. Mrs Cochrane made the point that it really was to do with where we started in relation to baselines. That is why Wales is not in as good a position as we are in Northern Ireland. Therefore, we need to acknowledge that and look at the fact that our position, with the higher level of expenditure available to us, is one that the Westminster Government are very quick to remind us of when we are arguing for more funding from Westminster. That is a very natural thing to do. When we are pushing for more money, they will point out the fact that we have a high level of spending here.

I will deal with the report's conclusions and recommendations in a moment, but, before I do, I strongly caution that those present today who believe that an alternative approach is guaranteed to yield a better outcome for Northern Ireland should tread carefully. There is a risk that seeking to fundamentally reopen or renegotiate the basis on which we are funded could result in less funding, not more, for Northern Ireland. That would be disastrous and would mean that we would be less equipped than we are at present to respond to and address the greater level of need that exists in Northern Ireland. Indeed, many in this House have expressed grave concern about the Conservative Government's determination to press ahead with its so-called austerity agenda. I wonder if those same Members genuinely believe that, with their renewed mandate in Westminster, the Government will agree to a new settlement for Northern Ireland that is better than the one we have at present. I think that Members should be careful what they wish for.

That said, I want to touch on some of the individual conclusions and recommendations in the report. First, to touch on convergence, there has been much discussion about how the Barnett formula leads to convergence in per capita spending. The Committee has called on the Department to examine the extent of convergence to date and the outlook going forward to assess the risk for Northern Ireland being significantly underfunded in the future. The report draws on the evidence provided to the Committee, sets out the extent to which convergence has taken place in public expenditure per head, standing at

124% of the UK average. The report suggests that that is down from around 135% back in the early 1990s.

There are a couple of points worth mentioning in that regard. First, it is important to recognise that those are relativities. Actual spend has increased significantly over this period. For example, our identifiable expenditure increased by almost 50% in cash terms over the 10-year period from 2003-04 to 2013-14.

Secondly, it is important to emphasise a point that the report makes; namely, that, in times of decreasing public spend, the Barnett formula works to our advantage. It is important that Northern Ireland receive the best deal from any funding mechanism. Should the Treasury indicate that the Barnett formula is to be reviewed, we have always been clear that we need to have a detailed analysis of the impact of any change, including on the issue of convergence.

The Committee suggested that consideration be given to a needs assessment. In principle, the suggestion that funding be based on need is not one that can be argued with. Significant work was undertaken in that regard locally back in 2001-02, and various approaches to measuring different aspects of need were developed, based on demographics and on health and economic indicators. Indeed, that was not the first time that that had been done, with the methodology building on previous research, going back to the 1970s.

However, the Calman commission highlighted a key concern, which I share, relating to the difficulties in agreeing on a fair measure of need. The key concern is the subjective nature of any needs assessment designed to replace the current Barnett funding mechanism. We therefore need to exercise caution before pressing for any review. Based on experience, a needs-based system is not likely to be any less complex than the Barnett formula — in fact, it would probably be more complex — nor is it certain to produce a more advantageous funding settlement for Northern Ireland. That is my main concern, and I am not alone, because Dr Gudgin, in his evidence to the Committee, cautioned against the assumption that a needs assessment will lead to us having higher levels of public expenditure.

Professors Birrell and Cairney pointed to the disputes that could arise over how need might be identified. The Treasury and the other Administrations could well take a different view from us, which, if that analysis were to prevail, would lead to an inferior outcome for Northern Ireland, recognising, of course, that we are the smallest Administration in the UK.

The Committee's report also suggests that we engage with our Scottish and Welsh counterparts, with a view to presenting jointly agreed proposals for improvements to Barnett and wider funding arrangements. Looking further forward, the report suggests that we develop a longer-term view of funding arrangements that would best suit us in Northern Ireland. Both are laudable suggestions. The concept of producing a joint set of proposals from the devolved Administrations is very attractive, but, in practice, that may prove difficult, as each of us will have different priorities. As I indicated to the Committee last week, my job as Finance Minister is to do what is best for Northern Ireland. The Scottish and Welsh may have different priorities when it comes to what they need to look for.

I will take each of the report's suggested improvements in turn. First, any publication of data by Treasury that provides greater clarity on how UK public spending is calculated and agreed is to be welcomed, and I would support a joint call by the devolved Administrations on that. Publication of that data, however, is a matter for Treasury. Treasury does provide my Department with high-level figure work for the Barnett formula calculations, and that is sufficient for officials to ensure that it is being correctly and consistently applied. Mr Bradley referred to the black arts of the Treasury and suggested that we did not have data. We do receive data, and it is certainly enough for us to make sure that the Barnett formula is correctly applied.

Secondly, the Committee suggested that the statement of funding policy be subject to approval by the devolved Administrations. It is currently, by convention, agreed by the Secretaries of State for the devolved regions in consultation with the devolved Governments. I, on behalf of the Executive, will engage with Treasury on the statement of funding policy at each review, but ultimately, going back to the constitutional issue, it will be for the UK Government to decide how they fund the devolved regions. I cannot envisage a scenario in which they relinquish that control, because, at the end of the day, we are devolved, which means that power remains at Westminster. We act as a devolved Administration under the ultimate power of Westminster. There are processes in place, such as the Joint Ministerial Committee, which can be used if we are of the opinion that amendments to the statement of funding policy are unfair, but we have not yet had the necessity to call on those.

#### 4.45 pm

I understand that the Scottish Government have been briefed by experts on a possible independent commission to agree the statement of funding policy. I will certainly analyse carefully any proposal that is forthcoming from Holyrood in that regard and look forward to discussing that with my counterpart there.

Work is also under way on a review of the memorandum of understanding between the United Kingdom Government and the devolved Administrations, and that, again, is being led by the Joint Ministerial Committee. I welcome any improvements to intergovernmental machinery, but I remind the House that significant business with Her Majesty's Treasury is conducted bilaterally and that that has worked well for Northern Ireland in the past. Members will be aware of the St Andrews Agreement and the Stormont House Agreement. Both involved financial adjustments to the block grant, which, it has to be said, were to the advantage of Northern Ireland and took place outside the formal mechanisms. Those worked well for us.

More broadly, I want to assure Members that I am very mindful of the ongoing constitutional reform that was referred to by Mr McCallister and the implications that that could have. In the near term, it is anticipated that Her Majesty's Treasury will update the statement of funding policy in advance of the United Kingdom spending review this autumn. That will reflect the new fiscal arrangements that will be in place for Scotland at that time.

I want to briefly mention corporation tax, because there has been a lot of mention of that over the past number of days. Whilst the more routine adjustments of the Budget are clear, the report highlights an issue with the

lack of clarity when it comes to significant block grant adjustments, such as the one that will be required as part of the devolution of corporation tax powers. Let me assure the House that my Department and others have been working with the Treasury on the devolution of those powers and that significant progress has been made.

The broad principles upon which it will go ahead were set out in a letter from David Gauke from the Treasury on the Corporation Tax Bill back in February. First, the Barnett formula will continue to operate. Secondly, a deduction will be applied to the Barnett-based block grant to reflect the corporation tax revenues that are foregone by the UK Government as a result of devolution — that, of course, is to abide by the Azores ruling — and, thirdly, the tax revenues generated by the Northern Ireland corporation tax regime will be retained by the Executive and added to the Barnett-based block grant.

Estimates have been developed that suggest that the net cost would ramp up to £325 million three years after implementation if a 12.5% rate were applied. The precise costs to be incurred have yet to be agreed with Her Majesty's Treasury, and my Department continues to engage with it on that. Clearly, the objective in relation to the devolution of corporation tax is to get a fair outcome for us in Northern Ireland in terms of the cost, and we continue to work with the Treasury on that. Of course, the European Commission will also need to be worked upon and kept in the loop in relation to everything that we do.

I appreciate the Committee's concerns about the need for effective scrutiny at Stormont, but the reality is that much of the work is ongoing and we are not really in a position to present the detail of that to the House as it has not been agreed. We continue to talk to the Treasury. Once the UK Government have turned on the power, via the commencement clause, it will be for the Assembly to agree a Northern Ireland rate and implementation timescale following a recommendation from me as Finance Minister. That process will provide a very clear scrutiny and approval role for the Committee and, ultimately, the Assembly. We work towards that point, and I will seek to ensure that that work is as transparent as possible. We are obviously not yet in a position in which we can have the devolution of corporation tax, because it is all part of the Stormont House Agreement, and we will have more discussion on that when I speak on the Budget Bill tomorrow. It is important to recognise that the process will be as transparent as possible and that I will work with the Committee on that.

The Committee report rightly highlights the significant need for public expenditure in Northern Ireland on many measures, which is greater than any part of the UK. They are a reflection of our poorer relative position on deprivation, ill health and economic weaknesses, which come from years of violence and the Troubles in Northern Ireland. It is not hard to find examples of that deprivation. Our levels of output per head, a measure that economists often use to assess regional prosperity, are more than 20% lower than the United Kingdom as a whole, and our inactivity rate is higher than any UK region. We are taking steps to deal with those issues, particularly through the economic inactivity strategy, which Stephen Farry and I developed when I was in my previous role. Of course, we have had to deal with the global downturn over the past

number of years, but I think that there is a real issue that we need to get to the heart of with productivity.

I accept that the Barnett formula could lead us towards convergence with England on relative public spending, but that will take time and will require a growth in public expenditure, which, from where we are now, looks a long way away. While I understand why the Committee's report recommends a re-examination of the needs-based approach, it needs to be appreciated that this is not straightforward, agreement would be difficult to reach, and, fundamentally, there is no guarantee that it would lead to an improved or even sufficient outcome for Northern Ireland.

I also fear that the other side of this argument is missing and that we are in danger of missing this important point. The reason why I entered politics was fundamentally to change the picture of need here. In the years to come — if, indeed, I am here — I do not want to be in the position of having to go to the Treasury arguing that we are the most deprived part of the United Kingdom. That is not a position that anyone in here should aspire to. We should be moving to a position where we are one of the fastest-growing regions of the United Kingdom. That is certainly where I want to be.

We need to change the game. How do we do that? The route is mapped out in our economic strategy. It paints a vision of an economy and a society that is characterised by growing employment opportunities and prosperity for all. More than that, it identifies the actions that will deliver on that vision. That includes, of course, the lowering of corporation tax to spur investment, and we are closer to delivering on that commitment than we have been at any time before. We cannot miss that opportunity. I reflected on the comment that someone made yesterday that that is the one trick that we have, and of course it is not the one trick that we have. That sits in the context of everything else that we have been doing, including our economic inactivity strategy, which has just been launched and deals with all the issues.

I am not saying that we should not seek to put our best arguments to the Treasury to ensure that our people are treated fairly on public expenditure; rather, we must not allow that to sidetrack us from what should be our primary focus, which is the creation of wealth and prosperity and making sure that that is shared across Northern Ireland society so that we can close the productivity gap. That said, the Committee has compiled a significant body of work in producing this report and drawn on the evidence of many experts and stakeholders. As such, my officials and I will give it careful consideration. It deserves that, and I will give it that. Now that I have received the report, we can move on. Thanks again to the Committee for all its work.

**Mr Principal Deputy Speaker:** I call the Deputy Chair of the Committee, Mr Daithí McKay, to conclude and make the winding-up speech.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Thanks for the demotion, a Phríomh-LeasCheann Comhairle.

This has been a useful debate on the Committee's report, and I thank Members and the Minister for their worthwhile contributions. Historically, I tend to listen to ministerial responses to Finance Committee inquiry reports with an equal measure of hope and trepidation. Hope, because I am mindful of the conscientious and constructive way in

which the Committee approaches its work, and trepidation, because I have, in the past, experienced the typical DFP signature response, which tends to be unduly sceptical and defensive, attempting to create the impression that there is no need for concern, everything is in hand, and there is little room for improvement. Sometimes, of course, the Department moves quietly to the Committee's ground at a later stage. We welcome that when it happens.

I welcome the Minister's response and am pleased that she has agreed to go away and look carefully at the detail of the recommendations. I might not agree with her analysis of the Committee recommendations, but I feel that we urgently need to look at them and give them priority, along with all of the other economic priorities that she and the Executive have.

Three key facts need to be highlighted in summing up the debate. First, we cannot be certain how or whether the Barnett formula will continue to operate, given the potential for wider constitutional reform and further fiscal devolution. Secondly, we cannot be certain whether we are being underfunded, overfunded or adequately funded, because we have not completed a local needs assessment. Thirdly, the key issues that the Committee has identified for action will need to be addressed whether or not the Barnett formula is retained.

I turn to the key themes in contributions by Members, and we heard how the Barnett formula has a range of strengths and weaknesses. That was often at the centre of the debate at Committee. Paul Girvan made the point that it was a very worthwhile exercise and said that we need to ensure that we get a fair crack of the whip. He posed a fair question about how you define need. There will be numerous definitions of need. Obviously, Treasury may have a different definition from that of the respective Assemblies and devolved institutions. He also made an important point about the Barnett consequentials, referring to the high-speed rail link, HS2, and the fact that, sometimes, we do not do as well as we could from Barnett consequentials, and that was especially true of the Olympics.

The Deputy Chair, Dominic Bradley, highlighted some disadvantages and argued that Barnett does not take into account the needs of regions. Of course, lack of transparency was a point that a number of Members raised. Máirtín Ó Muilleoir made the point that it is very hard to operate or trust data if you do not have transparency and have only an incomplete set of figures in front of you. Dominic Bradley made the point that the IFS has the Barnett consequential data, yet devolved Administrations, including the Assembly and the Scottish Parliament, seem to be denied that same information. That, in a sense, is quite disrespectful of our autonomy as devolved institutions, and I certainly feel that, in our interests and those of the people whom we represent, that should be challenged. Mr Bradley argued that data should be freely available and that the Minister should work with her Welsh and Scottish counterparts. Of course, he referred to the black arts of the Barnett calculations.

Leslie Cree argued that increased devolution could impact on the benefits of Barnett, which, he argues, we have had up to this point. He, too, echoed the point made by other Members, which is that the process lacks transparency and accountability. We need to have that transparency and accountability when dealing with Treasury. The Committee heard that from a number of officials and Scottish Finance



Committee members when it went to Edinburgh. Mr Cree thanked the officials, as did most of the other Committee members, for their sterling work on the report. I would like to echo that and thank them for their work with the Scottish officials and the very worthwhile connections that we built with our Scottish counterparts, which we should follow up on with the Scottish Assembly and the Welsh Assembly.

Judith Cochrane argued that we need to be careful about having a system that incentivises failure and that a needs-based assessment might not be favourable in our local circumstances, but she recognised that additional devolution and English votes for English laws will have an impact on public finances.

### 5.00 pm

Adrian McQuillan argued that the simplicity of Barnett was one of the pros: you know where you are with the Barnett formula. His argument was that you should leave well enough alone; and that was echoed by a number of Members.

Máirtín Ó Muilleoir made the point again that we need correct figures and data, because we cannot trust these figures otherwise. He also said that convergence will not be a good situation for us; so it is important that we plan for that situation if it happens or not and regardless of how far down the road it will be. He made the important point that the machinery cannot be left solely to the Treasury as regards this matter.

Ian McCrea also argued that Barnett is the best model, and he challenged others to come forward with alternatives. John McCallister echoed points made by Mr I McCrea and others. He was mindful of the generosity of Barnett in the past and that we have been well served by it. He referred to past Barnett consequentials. I suppose that he put forward the Pandora's box argument: that you need to be careful about what you are opening up with the Barnett formula and tinkering with the system that is in place. He did make a point with which I agreed regarding the Scots and Welsh in that they are much further ahead in the debate on fiscal powers in areas like income tax; and that there is a lot that the Committee and the Assembly can learn from other jurisdictions in these islands. Part of the experience of compiling the report was that it was refreshing to get a range of views, some quite similar to our own, on the experience with the Treasury and the relationship between the Treasury and other jurisdictions.

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

**Mr McKay:** I will.

**Mr McCallister:** Can I ask the Member whether, if the UK did set up a constitutional convention — and I realise that he will not answer this as Chair of the Committee but as a Sinn Féin MLA — would his party take part in it?

**Mr McKay:** I would remind the Member that I am speaking as Chair of the Committee. As a party, we would be willing to look at any proposals. If proposals relate to the devolution of further fiscal powers — and if it is about powers and levers that can help us to balance our Budget better and to benefit the lives of those whom we represent — we would be interested in looking at them.

The Minister welcomed the debate and agreed that it was important to look at the Barnett formula and its operation but also made the point that there is a risk in reopening Barnett that could lead to less funding and not more. She

went over a number of the recommendations in the report on the needs assessment and said that there was previous work by the Department in 2001-02. She also agreed with the Calman commission regarding the fair measure of need but that we need to be careful about being lead into something a lot more complex than Barnett. As I said, I welcome the fact that she is willing to look at these recommendations in further detail.

The Committee's view is that we do not want this to be another report that simply sits on the shelf. I think that the Committee has done quite well in bringing this report together and having cross-party consensus, and that, regardless of your views on the Barnett formula, the pros and cons — and there are clearly those who fall on either side of the argument in the Committee and in the Assembly — there are areas such as transparency, data and arguments about Barnett consequentials on which there is consensus. The Department can look at the areas of consensus, and there is no good reason why we cannot get to work on implementing some of the report immediately.

I believe that an immediate output from the Committee's review and from this debate is that we now have a strong and balanced analysis of the pros and cons of the Barnett formula. We also have a clearer picture of the risks that need to be mitigated and of the issues that need to be addressed.

I would underline this point that I made in my introductory remarks and which has been reiterated during the debate: the experts are telling us that we may no longer rely on the Barnett formula as a safe haven. We need to keep our options open and to take a long-headed view as to what may be round the corner.

Yes, we have benefited from the policy of protecting spending on health and education in England. That may or may not continue to be the policy of the Westminster Government. The more significant point, however, is that we have neither influence nor control over such policy decisions for England, yet they have massive implications for our Barnett consequentials. Therefore, we must not use the current policy of protection for health and education in England as an excuse for not acting strategically.

Similarly, we must not find an excuse for inaction in the possibility that further convergence might be offset by further austerity. In my view, that would be short-sighted. In opening the debate, I quite deliberately pointed to the general trend of convergence and to the fact that it will depend on the particular mix of influencing factors that exist at any point in time.

With regard to action versus inaction, the Chartered Institute of Public Finance and Accountancy was quite forthright in its advice. It countered the argument that we should not be raising issues because of the perception that we do well out of Barnett by stating:

*"if you want to get to a fair and equitable position funding-wise, there is an opportunity to be at the forefront of that debate, rather than putting your head in the sand ... if you are going to influence policy, keeping your head down and saying nothing is probably not the best way to go about it. You are then going to leave it in the hands of Treasury and others to make those decisions for you".*

I believe that that advice is all the more compelling given the external pressures for change, which we have discussed, and the external pressures that will be before us in the next five years in further devolution within these islands and other significant political changes.

As a result of the work of the Committee and today's debate, we know what needs to be done. Without diminishing the challenge of the work involved, it is now time for a local initiative by DFP and the Executive to examine convergence and to establish a needs-assessment methodology that is appropriate for our local context. That would give us a clearer picture of present and future funding requirements. It would also serve to inform our position in any future negotiations.

Finally, it is evident that the current intergovernmental decision-making and dispute resolution arrangements are inequitable, ineffective and outmoded. The research and evidence has highlighted the potential for controversy around the relationship between the Barnett formula and political power. This focuses on the level of central Treasury control and influence over devolved funding and policy decisions.

Some might argue that that is the correct and proper role of any state treasury. However, that view misses the point. It ignores the elephant in the room — the level of devolution to date and the potential for wider constitutional reform, which has gained momentum following recent political events.

I am conscious, a Phríomh-LeasCheann Comhairle, of the clock running out on me. I will just say on behalf of the Committee that we look forward to receiving a formal response to the report after the Department has reflected further. I urge it to reflect further more. I therefore commend the report to the House and ask for its support for the Committee's motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Finance and Personnel on its review of the operation of the Barnett formula (NIA 254/11-15); and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.*

## Private Members' Business

### STEM Subjects

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Buchanan:** I beg to move:

*That this Assembly notes the importance of the promotion of science, technology, engineering and mathematics (STEM) degrees for the future of the Northern Ireland economy; considers that there should be a greater emphasis on STEM subjects in the education system; and calls on the Executive to investigate innovative ways to promote the uptake by students of these degree programmes to encourage young talent to remain in Northern Ireland post their degree programmes.*

A STEM education plays a pivotal role in enabling Northern Ireland to once again lead the way economically and technologically in the global marketplace of the 21st century. As politicians, it is our job to ensure that future policy is informed by the underpinning of this key area, and in particular that Departments work together to ensure that STEM is dealt with on a cross-departmental basis. Our outlook as politicians must be united towards a sustainable development of the economy here. Northern Ireland is synonymous with the Troubles and the shipyard — most notably, the building of Titanic. What is not so widely spoken about, though, is the innovation and inventive legacy that formed the background to the Province. The Royal Victoria Hospital was the first building to use an air conditioning system, in 1906. Defibrillators and ejector seats were the brainchildren of inventors here in Northern Ireland. That is the legacy on which the brilliant minds of Northern Ireland have made their mark on the world stage, and that is the future that we aspire to for our next generation.

However, in relation to the enormity of that task, we have a fundamental problem: for children, parents and the wider community who are not involved in STEM, it has an identity problem and needs a makeover. Perceptions of the STEM sector need to be changed if we are actively going to make any inroads into the sector. It is essential that we change the image, which appears to be more male-dominated, and replace it with the truth of the matter, which is that STEM is the butterfly that will emerge from its chrysalis and on which Northern Ireland's economy will fly high and compete on the world stage. This country may be small, but we have a history steeped in engineering, innovation and manufacturing, and those industries are founded on STEM. It is time to make over STEM and make it attractive, bright and innovative to attract the brightest and best young minds of the future.

The promotion of STEM programmes is important for the future of the Northern Ireland economy. It is widely recognised that STEM underpins economic development, yet funding difficulties sometimes make progress impossible. One local example of that is Sentinus. Such organisations are meeting needs that are not being addressed in the education curriculum. Sentinus runs valuable STEM schemes and projects right across

Northern Ireland that are closing the gaps in STEM education not being met by the school curriculum.

Sentinus cannot keep up with the demand from thousands of children in schools across Northern Ireland who are keen to attend its projects, yet its budget has been cut by up to 32% by the Department of Education. That is a backward step, and it is precisely that type of short-sightedness by the Education Minister in cutting some of the smaller budgets that is having drastic and lasting consequences for the future of our children.

The Education Minister should be paying more attention to STEM subjects in primary schools. I call on the Department of Education and the Minister to reconsider the relatively minuscule budget for Sentinus to enable it to continue with the good work it has been doing over the years.

Insiders within STEM suggest that it is not a priority for the Department of Education. This is a prime example of where two Departments are practically working against each other. On the one hand, DEL is working to push STEM forward, and, on the other hand, the Department of Education is cutting a relatively small budget, and that is having an adverse effect on the current and future projects being delivered for primary schools. For future sustainable growth in this sector, all Departments must work together to focus efforts and collaboratively drive this forward for the good of everyone in Northern Ireland.

#### 5.15 pm

It is too late to leave STEM initiatives until post-primary education. That is where the problem lies. Primary-school children need to be engaged and to understand the significance of STEM subjects for their own futures. Organisations like Sentinus are doing an excellent job in advancing the cause of STEM amongst the entrepreneurs and inventors of the future, who are currently in our primary sector.

Behind the scenes, STEM is a good news story. Innovative schemes are being run right across Northern Ireland in collaboration with schools, colleges and universities. Those are resulting in increased numbers of students applying for STEM subjects at university. Yet, that is still not enough. Much more needs to be done by all the Departments to support the range of initiatives that are already in place.

Ulster University has put a lot of work and effort into ensuring that its degree places are filled with young people who know precisely what degree they are entering. Insight into the degree pathways is given in years 13 and 14 to encourage young people to focus their minds on the degree that they will be pursuing so that it meets their needs. It is essential that we build on that success and support the projects that are already in place.

To kick-start the process of changing STEM's image, we have to start with the primary-school sector. In the primary-school curriculum, STEM subjects are practically non-existent. Yet, it is at this age that children are constructing imaginative contraptions from Lego, building blocks and other toys, which is planting the seeds of engineering in their minds. Minecraft is an extremely popular game that has exploded on to the scene. It essentially involves 3D Lego where children form elaborate constructions and build worlds within worlds. These are the engineers of the future, yet, at this stage, there is no

link with their academic careers. It is at this stage that we are losing children. It is essential that we broaden the perception of science, technology, education and maths at this early stage to ensure that the children recognise that these subjects form the backbone of any creative problem-solving solution in the world around us.

Universities have also come on board at this stage. Dedicated community-based outreach schemes to bring STEM to primary schools are already in place in the university system, but, again, that has been hampered by funding cuts. It is time that the Department of Education began to take a closer look and to consider how important it is for STEM subjects to be introduced at primary level. With the widening access schemes at university level, there is the will and determination to bring innovative projects to schools, but, time and again, practical issues stop those types of projects going ahead. Schools have to pay costs to bring their children to those events, and they simply cannot afford that. If we are serious about bringing STEM to the top of the agenda, those types of practical aspects must be addressed. Extra funding must be allocated to schools for attendance at those types of events. Priority must be given to STEM. The Department of Education must not bypass it and leave it on the back-burner in favour of other less pressing subjects.

Changing attitudes to STEM is also a priority. It is necessary to move away from gender stereotypes and to actively encourage everyone to consider careers and education in STEM subjects. That will take everyone involved, from policymakers to business leaders to schools and those in higher and further education (FE) establishments, working together in an active and coordinated way to push that and to promote STEM.

As has been mentioned in previous debates, there is a massive discrepancy in the gender balance within STEM. Men outnumber women by nearly three to one in high-level posts, and this is not helpful going forward, as the need of the Northern Ireland economy for more skilled scientists and engineers can only be met when greater emphasis is placed on recruiting and retraining women in the sector. It is very clear that the current model is not working. The gender gap widens from GCSE to A level, when girls choose to follow alternative career paths. This is a key stage at which girls need to be actively encouraged into STEM, after they receive their GCSE results and are thinking about A-level choices. Perhaps more needs to be done at this stage through careers education —

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

**Mr Buchanan:** — and academic pathways to widen the choice and the type of subjects on offer. I support the motion.

**Ms McGahan:** I also support the motion. I thank the Member for bringing the motion to the House. Recently, I was successful in having a motion adopted by this Assembly expressing concern that men outnumber women by nearly three to one in high-level science, technology, engineering and mathematics posts. There can be no doubt that our economy needs more skilled scientists and engineers, and that need will not be met unless greater efforts are made to retain women in STEM careers. 'Addressing Gender Balance', a report published in 2013, identified that, while high-level STEM posts constituted

over 11% of the workforce, men outnumbered women by nearly three to one in those roles. In the North of Ireland, we do not have a strategy that specifically addresses the issue of women and gender imbalance in STEM careers. The most relevant government strategies are Success through STEM and the gender equality strategy. Success through STEM contains 20 recommendations, one of which pertains to the issue of gender imbalance.

It is with much regret that I find myself having to comment on the headline-grabbing and dire comments of Nobel Prize winning scientist Sir Tim Hunt who only days ago felt that he had to share with us his trouble with girls. His comments were reported as typical of the lack of self-awareness by men in places of influence in STEM fields, which reinforces subtle sexist stereotypes and behaviour. Dr Jennifer Rohn, a cell biologist at University College London, was correct when she told the BBC that as a Nobel laureate:

*"he does have some sort of responsibility as a role model and as an ambassador for the profession."*

Comments such as Sir Tim's set back all the good work that is being done in our schools to promote STEM and gender equality.

While the problem of, and solutions to, gender imbalance in STEM have long been identified, more needs to be actively done to improve the situation. Careers should not be constructed in a way that deters talented women from remaining and progressing in STEM. Women remain under-represented at senior levels across every discipline. The gender imbalance in STEM is caused by a range of factors, and while it is commendable that an emphasis is placed on inspiring young women to choose STEM subjects, such efforts are wasted if women continue to be disproportionately disadvantaged in STEM subjects in comparison with men. It is disappointing that biases and working practices result in systemic and cumulative discrimination against women throughout STEM study and academic careers.

The inquiry in Britain found that scientists are susceptible to the same unconscious gender bias as the rest of the population, and it is unfortunate that some are unwilling to accept this simply because professional research requires them to be objective. As employers of academic STEM researchers, our universities and higher education institutions and secondary schools have ultimate responsibility for employment conditions and the greatest obligation to improve STEM careers for all researchers. More standardisation is required across the higher education sector.

Recommendations in the report commissioned in Britain also call for diversity and equality training, including unconscious bias training, to be provided to all STEM undergraduates and postgraduates by their higher education institution.

It is clear that a lack of careers advice and support for academic researchers can affect women disproportionately. Higher education institutions should encourage mentoring, support networks and seminars at the research group level and monitor that practice.

In conclusion, the promotion of STEM subjects is a key plank of our economy's prosperity, and we need to do

more to inspire our students, including females, to study science. Go raibh maith agat.

**Mr Rogers:** I thank the Members opposite for bringing the motion to the House, and I am delighted to have the opportunity to speak to it. I welcome the Minister as well.

STEM subjects are not simply a collection of facts and figures. They are an active and practical way of investigating the natural world. The motion targets third-level education, but we will not get third-level education right if we do not get post-primary STEM provision right, and we will not get post-primary STEM provision right until we get primary provision right. To me, it is the experimentation that brings the learning to life. I am concerned that, particularly in our primary schools, science is being delivered a bit like any other academic subject, without the messy learning and experimentation.

The World Around Us (WAU) is an integral part of the curriculum at Key Stage 2, but science and technology are buried in that curriculum area along with history and geography. A recent Education and Training Inspectorate (ETI) report, 'The World Around Us', stated:

*"it is disappointing that just 54% who responded to the web-survey believe they include the progression of the relevant practical and experiential (science and technology) skills within their WAU planning."*

What the Department failed to tell us is that 35% of schools replied to the ETI survey. You do not need to be a mathematician to work out that 54% of 34% gives you less than 20%. Although that may not be the true figure, it is very worrying that only a small number of our primary schools are proficient at using science.

The primary-school experience is an essential foundation and building block of our children's learning. In those early years, children are sponges for learning. That creativity and sense of adventure needs to be satisfied then. Children will stop asking why if, for years, they do not get a satisfactory answer. In my previous life, I met many 11-year-olds who said that they hated maths, but, in most cases, when you answered the why, they gained the confidence and got their GCSE in maths. They perhaps never got around to loving maths, but they managed to get their GCSE in it. The same is true in other STEM subjects, and it can even be more profound. You will not turn a 14-year-old boy on to physics if the only experience that he gets of physics is his textbook.

I remember well the early days of computer coding at Queen's in the 1970s and teaching it in the 1980s. Then we had the ICT revolution. If we are advance the next generation, it must be about more than simply learning about word processing, spreadsheets and slide shows. We must teach our children to problem-solve, to code and to design programmes that perform useful functions. Learning to send emails is useful but will not make the next talented software engineer. All too often, the real computer whizz-kid is not the teacher at the whiteboard but the student at the back of the class who is programming in his or her spare time.

One of the barriers is the lack of qualified STEM teachers, especially in our primary schools, where it is between 1% and 2%. Another quotation from the report states:



*"Eighty-seven per cent (251) of schools who replied to the web-based survey have one or more teachers with specific knowledge and/or experience in key aspects of WAU."*

They have specific knowledge in the World Around US. The report does not, however, talk about specific knowledge in STEM subjects. Most STEM graduates are snapped up and choose more lucrative careers. The lack of time and resources for quality continuing professional development for our science teachers can lead them to play safe and be less adventurous in the science experiments that they deliver in the classroom. We have some good examples, but, at best, it is sporadic. The lack of adventure is encouraged by a system that does not judge the quality of practical science delivered or learned by students. School practice is driven by what teachers believe is valued by the ETI. Everything in education is driven by grades. Students want better grades as their passport, while schools want to climb the league tables, but, by removing the contribution of practical work to grades, you inevitably remove the value of practical work.

We must ensure that we have a sufficient number of talented teachers in all Key Stage areas if we are to have a highly skilled workforce that is necessary for our future economy. We need subject specialists who can inspire students with their passion. Many teachers are crying out for that extra support and the opportunity to develop their teaching skills and subject knowledge.

### 5.30 pm

We must ensure that our curriculum is future-proofed. Computer programming and coding is already part of the curriculum in other areas, including two of our nearest neighbours, England and the Republic. We welcome workers from other areas, but will our students be at a disadvantage when applying for jobs in the digital economy? Digital opportunities are huge, both economically and socially, because technology is such a great leveller.

We will be supporting the motion. We do not need a sticking-plaster approach. We need a strategic approach that tackles the STEM deficit. Yes, there is —

**Mr Principal Deputy Speaker:** The Member's time is almost up.

**Mr Rogers:** — a problem at third level, but the source of the problem is back in our primary schools. Today, lots of our children are having an enriched STEM experience in the University of Ulster through Sentinus, but all children —

**Mr Principal Deputy Speaker:** The Member's time is up.

**Mr Rogers:** Thank you.

**Mrs Overend:** Given the latest impending Budget crisis facing the Assembly, private Member's motions, no matter how worthy, seem somewhat superfluous and unreal. Nevertheless, we have another motion in front of us noting the importance of the promotion of science, technology, engineering and maths degrees for the future of the Northern Ireland economy, and calling for a greater emphasis on those in education.

I am fairly sure that the House will not be dividing on the motion, and I am pleased to speak on the subject for the Ulster Unionist Party as it is an area that I have a particular

interest in. As a patron of Semta, the sector skills council for science engineering and manufacturing technologies alliance in Northern Ireland, I hosted an event in the Long Gallery in March, celebrating the success of women in STEM careers. While underlining the work that still needs to be done to support and encourage young women to enter those industries, the Semta Northern Ireland Women in STEM programme has played an important part in providing that encouragement, and will hopefully continue to do so.

The Women in STEM programme set out to support 20 SMEs, and four large companies, to develop 50 females in a successful career in STEM, promote STEM to 1,000 schoolgirls and establish a women's network to mentor and support women and girls in those industries. That is the sort of innovative approach to encouraging STEM subjects and careers that the Assembly and the Executive should support. Promotion of STEM subjects and matching the skill set of our young people to the demands of the workplace are central issues that we should focus on. That can and should begin at school, and it is another example of where proper joined-up government would be welcome.

Sentinus, the leading educational charity that delivers science, technology, engineering and maths engagement programmes to over 60,000 pupils across Northern Ireland, has had its budget cut. As a result, a STEM smart technology primary-school programme had to be shelved. Other valuable Sentinus programmes are being shelved or greatly reduced in size, yet those are the type of initiatives that the authors of the motion are presumably referring to: programmes aimed at improving the teaching of science, technology, engineering and maths in primary schools, while developing the skills and confidence of trainee teachers through school-based experience. We will not get STEM graduates if we do not develop the narrow and broad STEM subjects at school.

On 2 March, the Assembly debated a Committee motion highlighting the importance of science, technology, engineering and maths in schools, recognising the role of STEM as a key driver of the economy. It called on the Minister of Education:

*"to support and encourage the full implementation of the STEM aspects of the curriculum in order to bring about high quality learning for all children."*

In that debate, I described an increase in A-level STEM entries between 2005 and 2011 as "underwhelming". That increase was only 1,957 over six years. I called for more political leadership to encourage pupils to pursue those fields of study. This is where it all must start: in the schools and as early as possible. I am pleased to hear other Members in the House agree with me on that point.

Last week, the Department for Employment and Learning published a higher education statistical fact sheet on its website. The most up-to-date statistics for participation in STEM subjects at higher education level are for 2013-14, and are worth reading into the record. I will not overload you with figures, but suffice it to say that 46.3% of students enrolled in Northern Ireland higher education institutes were enrolled in broad STEM courses. We are in a slightly better situation than England and Wales, but worse than Scotland. Only 23.5% are on narrow STEM-related courses. That shows that we are worse than England, Scotland and Wales in that area.

In the four years up to 2013-14, the total number of students who were enrolled in broad STEM-related courses increased by only 1.2% and by 14% in the narrow STEM subjects. Therefore, it is right to express our concern and our support for improving this situation.

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

**Mrs Overend:** I commend the motion's support for promoting STEM courses and careers.

**Ms Lo:** The workforce of the future will need to be skilled in science, technology, engineering and mathematics for many reasons. We know that many employers view students who have studied STEM subjects as being more employable, with over 50% of STEM students being employed in a career that is related to their long-term employment aims. The promotion of STEM subjects is also needed to meet the growing demands from an economy that is increasingly dependent on ICT and innovation from research and development. An increase in STEM skills will aid economic prosperity and attract more inward investment to Northern Ireland. For those reasons, it is vital that more young people are encouraged to study STEM subjects.

As other contributors mentioned, we need to address the female deficit. Female students tend to do better than their male counterparts in GCSE and A-level results and are more likely to enter higher education, but less than 30% of females graduate in STEM subjects. The under-representation of women in STEM jobs is not just a gender equality issue; there are wider economic consequences for our economy and our international competitiveness. My personal experience growing up was that boys do STEM, and girls do languages, but, while this gendered view of professions is, thankfully, starting to shift, we must continue to challenge the idea that STEM is a man's trade. We must also challenge the idea that STEM is too hard, and schools must continue to do what they can to make these subjects more accessible. I agree with the two previous contributors that it is important to encourage primary and secondary schools to have knowledge of and interest in STEM subjects.

Minister Farry and his Department are aware of the importance of STEM and the challenges involved in increasing its uptake. DEL has led on the production and implementation of the skills strategy — Success through Skills: Transforming Futures — and the STEM strategy — Success through STEM — which particularly aims to encourage more young people, especially females, to study and pursue a career in STEM. Of the 25 recommendations in the STEM strategy, five are for businesses to carry forward. To address the problem of under-representation comprehensively, the approach must be collaborative, including parents, schools and agencies.

The STEM business subgroup was formed with a DEL-funded post of business coordinator to deal with the strategy's business-specific recommendations. The coordinator has taken forward innovative work on gender in STEM in conjunction with the Equality Commission and has produced several careers supplements to encourage young people to study STEM.

DEL has been busy with many other initiatives, such as the one in partnership with Bombardier and Belfast Metropolitan College. Last year, it set up an aerospace

summer scheme, which was funded by the Department to promote the STEM agenda. Thirty young people aged 16 to 24 participated in the programme, which was designed to encourage interest in entry-level jobs in aero technology. I am advised that the 2015 aerospace summer school is scheduled for August, with a target of 60 participants. That is just one example of an extensive list of DEL initiatives, which includes the public-private ICT apprenticeship scheme —

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

**Ms Lo:** — the continued funding of the Bring IT On campaign and the higher-level apprenticeship in engineering, among others. I support the motion.

**Mr Hilditch:** I, too, support this evening's motion, which is the latest in a number of motions relating to STEM. As recently as March, we looked to address the gap in the number of males and females enrolling in science, technology, engineering and mathematics. During that debate, we acknowledged much of the work being done and efforts made by the Departments and various stakeholders, not only in bridging the gender gap but in making general progress: the number of students enrolling on STEM courses has already increased. However, is it enough? In reality, the answer is probably no. In recent days and weeks, we have listened to many of the big players in Northern Ireland — the movers and shakers of our economy — tell us, repeatedly, about the shortage of software skills, and skills in science and engineering. Ultimately, the motion wants to encourage young talent to remain in Northern Ireland post-degree, but the Executive need to drive the consideration of greater emphasis on STEM subjects in the education system.

It is my opinion that we will have to drill down into the grass roots before we can begin to initiate change. The interest in STEM subjects must be instilled at a very early age, even as young as the formative primary-school years, with parents having a vital role to play at home as well. There has to be an integrated approach. Let us be mindful that STEM subjects, in the main, are still considered by many as unattractive subjects to choose. Parents are the strongest role models for their children, so they must have an input. Education cannot be left solely to teachers.

Can more be done at nursery age to convince parents that these subjects are no longer unattractive as they help to map their children's future? Places like W5 go some way to breaking down the barriers. They provide a unique experience in proving that learning about science can be educational and fun in the early years. It is that type of initiative and innovative project that the Executive should look to and support. It is, I believe, a case of concentrating on teaching self-worth, instilling confidence in students and allowing them to map their future realistically as they move forward in life.

Back in March, I highlighted a number of initiatives that not only encouraged many students in my constituency to take an interest in science subjects but brought national and international recognition to their schools by highlighting the talent that exists here in Northern Ireland. Hopefully, together, the stakeholders can change the mindset. Prompt actions and collaboration can promote how financially rewarding a life-changing STEM career can be.

Finally, the Executive must encourage young talent to remain in Northern Ireland post-degree. That, in itself, is a cross-cutting challenge for Departments and, indeed, society. Over the last couple of decades, Northern Ireland has certainly become a changed place, and many career opportunities exist that were lost to previous generations. Now, as the Executive attempt to revitalise the economy and boost the private sector, the supply of skilled students is crucial in sustaining and expanding the companies that make Northern Ireland an attractive location for investors.

It is key that the Executive investigate innovative, career-guided and STEM-based initiatives as a matter of importance. I look forward to the Minister's response.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the motion and the opportunity to take part in the debate. The Assembly can be in no doubt about the importance that STEM subjects — science, technology, engineering and mathematics — have in building a modern and prosperous economy. This morning, I attended an event in Cookstown that was organised by Danske Bank, with local manufacturers, many of which were from precision engineering works and the engineering industry. The constituency is very successful in that regard. Their emphasis was on a skilled, good workforce, and they said that they have the jobs.

Previously, the Assembly —

**Mrs Overend:** Will the Member give way?

**Mr McGlone:** Sure.

5.45 pm

**Mrs Overend:** When you were talking about how successful Mid Ulster was, I thought that you might be interested to know that, today, Cookstown High School won the young engineers' award to attend Birmingham next year. I thought that we would promote Mid Ulster together.

**Mr McGlone:** Absolutely.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr McGlone:** I concur with the Member in extending our sincere congratulations to the students of Cookstown High School. Hopefully, that is the future. I hope that they are not on their own, because the work will be there for them, and, rather than people having to go to mainland Europe — as some of the top firms in the locality have done — to seek workers, they will be here.

Previously, motions called on specific Ministers to lead the way and, in previous debates, I noted that it is not simply one single Minister's role, as has occurred during our inquiry in the Enterprise Committee. Such major shifts in our educational focus in skills development require the joined-up approach not just from the Education and the Employment Ministers, but from the entire Executive. I am happy to see that today's motion argues for that as well.

Increasingly, we see the demand rising for individuals who have qualifications in STEM subjects and for those in training in specific and technical skills. Naturally, as demand rises, so too does the value of skills, and those who possess STEM qualifications find that they are in a much stronger position in today's competitive job market.

I have no doubt that studying STEM subjects opens up a wide variety of exciting and rewarding career opportunities, and I know from successful students in my constituency — Mrs Overend has already mentioned some — that those opportunities may range from positions in Dubai to the United States of America.

As the economy modernises and progresses in Northern Ireland, we see the natural expansion of our job market and, in particular, we see the increase of STEM-related industries. I specifically make note of the yearly 10% expansion of the digital sector in the North, and I find such statistics very encouraging. The expansion of such industries being taken advantage of depends entirely on the guidance that we provide to pupils on STEM-based subjects.

In February, the Department for Employment and Learning produced a report on the enrolments at higher education institutions during 2013-14. Unsurprisingly, less than 50% — 46.4% — of NI students were studying broad STEM-related subjects, and even less — 24.5% — of the North's students were studying narrow STEM subjects. The report also indicated that non-STEM-related enrolments remained among the most prominent in Northern Ireland — education, business and administration, and social sciences.

Last March, the Committee for Education debated another STEM in schools motion that asked the Committee to recognise the merit of several reports highlighting the importance of STEM subjects. Those reports included the Education and Training Inspectorate's (ETI) evaluation of the implementation of The World Around Us, referred to earlier by my colleague Mr Rogers; the Confederation of British Industry's 'Step Change: A new approach for schools in Northern Ireland' report, Momentum's digital sector action plan, and the Engineering UK 2015 report.

During those discussions, I recognised that all those reports held consistent themes. For instance, the Education and Training Inspectorate's evaluation of the implementation of The World Around Us in primary schools found that schools remain more confident about the quality of their provision in history and geography, in thinking skills and in personal capabilities. Nearly 50% believed that they did not include the progression of the relevant practical experiential skills in science and technology in their planning. Those schools cited various reasons for that, including competing priorities such as literacy, numeracy, assessment and the lack of access to training.

Just this morning, I spoke to a couple of very successful local employers who go to schools to invite them into their businesses, and they are investing in the training for those subjects in their businesses; they are not reliant on the education sector. Such is the demand for success in those businesses that they cannot wait, and they are doing it. I know of two very successful businesses in my constituency that are doing precisely that. That is why they are successful: they get on with it.

During the discussions previously mentioned, I recognised that all those reports held consistent themes. For instance, the Education and Training Inspectorate's evaluation of the implementation of The World Around Us in primary schools found that those schools remain more confident about their provision in history and geography.

The report argued for the need to encourage and support the full implementation of the science and technology

strand of The World Around Us to bring about high-quality learning for all children.

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

**Mr McGlone:** Thank you. The need to investigate how primary schools can be supported in the delivery of The World Around Us through a variety of means is crucial.

**Dr Farry (The Minister for Employment and Learning):** The skills strategy 'Success through Skills — Transforming Futures' and the STEM strategy, 'Success through STEM' both highlight the need to increase the number of people with high-level skills and those who qualify from graduate- and postgraduate-level courses in science, technology, engineering and mathematics, the STEM subjects.

These will be essential if we are to achieve our economic aspirations of export-led economic growth. The strategies examine the skills we will need in the future to grow the Northern Ireland economy and highlight the increased demand for STEM skills. If we are to ensure a steady pipeline of STEM skills for the future, it is essential that our young people are encouraged to study STEM subjects at school, college and university. Recent forecasting also demonstrates that, in a lower corporation tax environment, the demand for those skills will intensify ever further. Potential investors will be attracted to Northern Ireland, not for our attractive tax structures but, first and foremost, for our people and their skills. Under that scenario, the demand for STEM skills is forecast to account for 28% of total higher-level skills demand.

Skills provision, with a major focus on STEM, is now the most crucial component of our investment narrative. The business community, the education sector and my Department will all have a fundamental role to play if we are to achieve our STEM aspirations. A range of measures has been undertaken to promote STEM during this Assembly term by the wider Executive and through the efforts of my Department. Funding for an additional 700 full-time undergraduate places, specifically in STEM areas, was made available as a commitment under the last Programme for Government. To date, my Department has been able to exceed that target twofold, with over 1,400 additional places made available over the last three academic years: just over 1,000 in the universities and 353 in the FE colleges.

It is regrettable that we will not be able to build on those achievements in the incoming academic year. I was to fund a further 168 STEM undergraduate places in the 2015-16 academic year, but I am not now in a position to do that, for obvious reasons. Indeed, we are expecting to see significant reductions in student places as a result of the Budget situation. Nonetheless, both universities have committed to protecting narrow STEM places despite those budget pressures.

Similarly, significant progress has been made in supporting an increase in provision in economically relevant subjects at postgraduate level. In the past two years, my Department has supported an additional 234 postgraduate awards on top of a baseline of 495. All additional awards have been reserved for economically relevant subject areas, mainly STEM subjects, and I made the commitment, in my Department's higher education strategy, to reach 1,000 awards by 2020. Though it is disappointing that, as a result of the Budget settlement,

we will not now be able to build further on these increases next year, I have, nonetheless, ensured that the current number of postgraduate awards will be maintained.

Our efforts have revolved around more than simply funding additional places and awards. Our universities and colleges are also committed to rebalancing their existing provision in favour of more economically relevant subject areas. We are working towards a goal of having at least 22% of all qualifiers from our higher education institutions in narrow STEM subjects by 2020, from a current baseline of 18% in 2008. Good progress has been made to date, with almost 21% of all qualifiers in the 2013-14 academic year in narrow STEM areas.

Of course, there is little point in investing in the provision of higher-level skills in Northern Ireland if our graduates then leave to contribute to economies elsewhere. Retaining graduates in Northern Ireland therefore depends on the availability of high-quality and sustainable employment opportunities locally. This relies on the success of our indigenous companies and also on attracting new investment to Northern Ireland. Retention problems do not begin with graduation. Every year, some 30% of our students pursue their higher education in other parts of the UK, and the majority do not return to Northern Ireland when they finish their studies. With very few students coming the other way, Northern Ireland is the only net exporter of students in the UK. In order to continue the pipeline, we often have to retrain those who have not studied STEM degrees. Conversion master's courses are particularly useful vehicles for graduates to upskill and reskill in areas more relevant to the economy. In the current academic year, my Department has supported 90 tuition fee scholarships for master's students in a number of STEM areas at Queen's and Ulster University.

In the current financial year, my Department is already facing unprecedented levels of budget reductions, and the indications are that finances will continue to be constrained during the next Assembly term. Indeed, further in-year reductions have appeared on the radar for this year. I will continue to call for the Executive to increase their investment in the provision of skills and, in particular, in STEM subjects, and will also seek to be more creative with the resources that we have.

At the moment, our universities are funded for their teaching based in the main on what they provide rather than on what they achieve. From 2015-16 onwards, I will be asking our universities to submit outcome plans, outlining how they intend to contribute towards the key strategic aims of the Department and the wider Executive in return for our investment. Among those strategic aims will be outcomes pertaining to the provision of STEM subjects.

Under my Department's new system for apprenticeships, apprenticeships will span right up to the PhD level. Students will have the opportunity to combine degree-level study with paid employment in a range of sectors, with a focus on those sectors most important to our economic growth. A range of pilot apprenticeships at the higher levels are already in place in many STEM areas, such as computing, software development and engineering.

I have also recently launched a student finance consultation on support for part-time and postgraduate students, who, under current arrangements, largely have



to finance their studies themselves. The consultation considers a range of options to better support those students through the student loan system, some of which are expressly focused on students in economically relevant subject areas.

The Department has led on the production and implementation of the STEM strategy and continues to take forward activities and initiatives to promote the uptake of STEM subjects and careers to young people in Northern Ireland. That has included continued focus on funding for successful campaigns such as Bring IT On and Tasty Careers, and the establishment of innovative academies in areas such as data analytics and cloud computing. DEL was also the largest funder of the inaugural Northern Ireland Science Festival in February 2015, which promoted science through over 100 hands-on events to all age groups. The festival had quadruple the expected audience figures and a total social media reach of over four million people.

The Careers Service also plays an active role in encouraging the uptake of STEM subjects and raising awareness of current and future job opportunities in STEM sectors. Careers advisers promote impartial careers advice to young people at key decision points in their careers. Part of that guidance involves the use of labour market information, which can demonstrate the potential benefits of STEM subjects and raise awareness of opportunities in STEM and growth sectors. The Careers Service recently hosted four careers information sessions specifically for parents of young people facing career decisions, including subject choices at GCSE and post-16 and post-18 options. Part of each session was dedicated to providing an overview of STEM and other growth sectors. Through an industry placement scheme, careers advisers spend time with employers in STEM sectors, giving advisers first-hand experience of working in STEM areas. The scheme was piloted in 2013 and, after its success, it was agreed to run the scheme on an annual basis as a key element of careers advisers' continuous professional development.

Recommendation 4 of the STEM strategy, which falls under the responsibility of business to take forward, is to address gender bias. In November 2012, to help business take forward that and other relevant recommendations, my Department funded the seconded post of STEM business coordinator. Significant progress has been made by the coordinator in the area of gender balance, in partnership with my Department and the Equality Commission. In November 2013, a report entitled 'Addressing Gender Balance – Reaping the Gender Dividend in Science, Technology, Engineering and Mathematics (STEM)' was launched. The report demonstrates the business case for gender diversity and contains several tools to help business engage with the issue, including a STEM CEO charter, good practice guidelines and case studies.

The STEM CEO charter, which enables STEM organisations to demonstrate their commitment to equal opportunity for women in their employment, recently had its thirty-seventh signature company or organisation.

## 6.00 pm

Organisations that have signed up to date include Allstate; Atkins; Asidua; Bombardier Aerospace; Intel; Liberty IT; Magellan Aerospace; Michelin; Moy Park; NACCO; Schrader; Seagate; Ulster University; Queen's University;

and the Open University. That is almost a who's who of the major STEM employers in Northern Ireland.

The coordinator has also established a STEM employers' equality network to help employers to benchmark their practice against the 22 good practice guidelines and to identify areas of further development that they would like to support. The sharing of existing good practice by the STEM organisations is integral to the network.

To further highlight gender in STEM, the coordinator has worked with the three main daily newspapers and STEM businesses to produce four 24-page supplements at crucial decision-making times of the school year. Those supplements, which have been universally well received, have highlighted the world-class opportunities available in the STEM companies across Northern Ireland and have featured many female role models in STEM.

My Department also takes forward opportunities to encourage more females to study and pursue careers in STEM. For example, I am providing funding of over £70,000 through the skills collaboration fund for the Women in STEM — Upskill to Compete project. The aim of that project is to address the gender imbalance that exists within the advanced manufacturing and engineering services sector. The project supports SMEs and larger companies to develop female employees in STEM roles, to promote STEM to schoolgirls and to establish a women's network to mentor and support girls and women who are progressing on a STEM career pathway.

In partnership with industry, I have established a computing and engineering scholarship programme that offers funding to support employer scholarships for undergraduates who are studying relevant degree courses. There will be 16 scholarships this year, with 10 in computing and six in engineering. Further employers and students will be recruited for the forthcoming academic year.

We have worked with our colleagues in the Department of Education throughout the implementation of the STEM strategy. It is vital that STEM skills are promoted from primary school through to higher education. The Department of Education has supported professional development for teachers of mathematics across Key Stage 2 and Key Stage 3, introduced a range of STEM intervention and business education programmes led by Sentinus and will have fully implemented the entitlement framework by September 2015.

CCEA is continuing to develop STEM curricular resources for primary and post-primary schools. In addition, it is continuing to develop new and more challenging GCSE and A-level specifications to meet the needs of further and higher education and employers.

FE colleges continue to be the cornerstone for training across all sectors, including STEM, and they play a crucial role in ensuring that those learners who are participating in courses are fully equipped with the relevant high-quality skills and qualifications. The emphasis on high-quality provision is driven by the colleges' focus on responding to local, regional and national priorities, as well as by employers' demands for upskilling and reskilling their workers.

Higher-level STEM skills are vital for the future of our economy. My Department continues to lead on those initiatives, and I outlined just some of the initiatives and activities that are being taken forward.

As the STEM strategy was originally published in 2011, it is now time to take stock of it and to refresh the way forward, taking full account of the changing economic and policy environment. It will be important to assess the effectiveness and impact of the implementation of the recommendations of the strategy as a whole within Northern Ireland's economic context.

It will focus on three areas. The first key area will be a detailed trend analysis. It is necessary to consider whether more needs to be done to better match the supply of specific STEM skills from our schools, colleges and universities to those sought by employers. We will examine statistical trends on relevant STEM subjects along the pipeline from GCSE through to higher education.

The second key area will be on gender. In 2012-13, 62.5% of STEM enrolments in our higher education institutions were male. Recommendation 4 of the strategy, which falls under the responsibility of business to take forward, is to address gender bias. The STEM business coordinator has already undertaken significant work in this area, but additional analysis will be required to consider what further actions might be appropriate or possible.

The final key area will be on how we define STEM and its subcategories. Do we retain the definition of narrow STEM, which is defined as biological sciences, physical sciences, mathematical sciences, computer science and engineering and technology? We will consider that and even the possibility of a more focused approach, concentrating particularly on subjects such as mathematics, computer science and core science subjects. The stocktake of the strategy will also involve reviewing international best practice and proposing new, focused, evidence-based actions, with an emphasis on integration with current programmes and initiatives and a greater coordination of activities.

**Mr Weir:** At the outset, I would like to highlight the final remarks that the Minister made. As many Members who spoke said, this subject has come up before — we have had a number of debates on it. The intention today was not to reinvent the wheel or, indeed, to try to produce something that was very much out of kilter with what has been done before. Much good work has been done. I particularly welcome the remarks of the Minister in indicating that what we were driving at was a refresher approach to make sure that what we had was fit for purpose. Indeed, the study that was indicated by the Minister on the concentration of some of those areas is the sort of thing that is very much in the spirit of the motion.

I welcome all the contributions from around the Assembly, and it was good that we found ourselves in vigorous agreement, particularly on the significance of STEM as we move forward. Mr Buchanan referred to the very proud tradition that we have on STEM subjects in Northern Ireland. He mentioned, for example, the invention of the mobile defibrillator by Professor Frank Pantridge. As an invention, that is possibly the single greatest contribution to saving lives that anyone in Northern Ireland has produced. As we move forward, it is important that we do not simply rely on past triumphs but that we look to the future. As Seán Rogers said, it is important, particularly from educational and training points of view, that we stay ahead of the curve ball when it comes to developments in science.

We see the great opportunities that are there with the investment in and support for science. I am sure that the Minister will concur with me when I say that, today, we have seen the announcement of 32 new jobs in Denroy Plastics in our constituency. Those jobs are based particularly in the new aerospace industries, Denroy's contribution to that and the aeronautics that it is providing. Therefore, there is a very positive reason for us to back STEM.

Also in the spirit of positivity, it is important to acknowledge that a lot of good work has been done in this field. As has been highlighted, there are a lot of good projects, for example on the gender issue, and I know that Mrs Overend referred to a number of things that she has been involved in and has seen happening. While we have a dispute with the Department of Education on the reduction to its funding, we look to Sentinus, which was mentioned by a number of the Members who spoke. It is doing very good additional work in our schools, and one of the positives is that it received such a steep cut in funding.

While we can identify areas where we would like to see additional spend, much of it is not about additional spend but looking at the structures we have and how, for example, we can adopt strategies that try to close the gender gap and looking at the way we do things.

We are obviously looking for a holistic solution that involves the good work that is happening in DEL, the Department of Education, DETI and other institutions. Without doubt — it was mentioned by a number of Members who spoke — one of the key issues is very early interventions in science teaching. Particular mention has been made of the need to inspire young people at primary-school level. Indeed, if you look at the decisions that people make in life, particularly from academic or work points of view, you see that their first interest in what they later pursue in life is quite often sparked at a primary level.

One of the areas that we need to look at are some of the criticisms that have been made and the opportunities for improvement on the current delivery of The World Around Us. The recent ETI report on the addition of science with history and geography in The World Around Us indicated that the weak link was the teaching of science. That was not because there is a lack of ability amongst teachers, but a lack of confidence. Teachers often had a greater level of confidence on the history and geography sides and, consequently, the desire to go into areas in which they feel a greater degree of understanding and confidence was important. Therefore, that is an issue that we need to address.

We need to see whether, — for example, through CCEA — there can be additional templates and materials; whether we can look at increased professional development in that area; and whether we need to think more radically and look at a review of STEM to say whether we need to separate some of the sciences from The World Around Us and have a two-tier approach. There is a range of things that need to be considered as part of that. Again, good work is going on in that field. I saw one good example, which is not particularly financially driven, when I visited Stranmillis University College recently. Student teachers from Stranmillis with a particular science background were targeted and paired up in schools with experienced teachers who did not have a science background. The student teacher with a science background was able to learn the experience of teaching from a much more experienced teacher, while the teacher who had plenty

of experience but little knowledge of science was gaining from the scientific knowledge and, indeed, from working as a team. That strikes me as being something that is not massively financially driven but that seems to be a common-sense approach.

The Minister mentioned careers advice. I think that some of this is about changing the broad cultural aspect and, indeed, the valuation of science degrees. Recently, a survey was done across the UK that indicated that around 44% of students who had gone to university felt that it was almost a bit of a waste of time and that they would not necessarily do it again. However, a message to be got out, particularly from a careers point of view, is that it was very noticeable that the satisfaction levels among those who had done STEM subjects was much, much higher. Around 66% of students were very pleased with their choice, so I think that we have to think a bit more widely about how we sell the message.

Many of us in the Chamber have been faced with that choice in our own life. Perhaps the more appropriate choice from a careers point of view, particularly at university, was to move to some of the professions, the humanities or the social sciences. I give myself as an example. Three out of my four A levels were in STEM subjects, but I ended up doing a degree in the social sciences. There may even be an accusation levelled that, had I gone down the STEM route, I would not be in the Assembly today, and there are many other good reasons why we should be backing the motion. I look around the Chamber, and I am struck by the number of our MLAs who are graduates whose background is in the humanities or social sciences. I believe that Mr McElduff fits into that category, as do Mr Attwood and Mr Farry. I think that, similarly, the leader of the Ulster Unionist Party comes from a humanities background, as does Mr Bell from our party. All five of them, had they gone down the STEM route, may not be in the Assembly today, so the case for greater emphasis on STEM subjects becomes more and more compelling by the minute.

**Dr Farry:** Will the Member give way?

**Mr Weir:** I will indeed.

**Dr Farry:** I draw to the Member's attention the fact that China traditionally draws its political leadership from the pool of engineers. I am not sure whether there is a lesson there for us.

**Mr Weir:** I suppose that, if we are trying to put the counterargument, the person who would certainly claim to be most versed in science in the Chamber, Mr Basil McCrea, is a science graduate, so there are downsides to pushing any particular subject.

All joking aside, I think that today we have had a debate in which there has been a considerable level of consensus. We have to be fair and acknowledge the good work not only that has been done but that is being done. If we can use this debate as an opportunity to encourage the refreshing of the approach, as the Minister indicated, we will have done a good day's work. It is a recognition that STEM subjects, on a holistic level, with cooperation between the different Departments, have to be given a greater level of emphasis and a greater level of encouragement. Although money will help, a lot of this is not about money but about changing attitudes, informing people and having better practices. Consequently, I

believe that we have reached that consensus, and I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the importance of the promotion of science, technology, engineering and mathematics (STEM) degrees for the future of the Northern Ireland economy; considers that there should be a greater emphasis on STEM subjects in the education system; and calls on the Executive to investigate innovative ways to promote the uptake by students of these degree programmes to encourage young talent to remain in Northern Ireland post their degree programmes.*

*Adjourned at 6.15 pm.*

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# Northern Ireland Assembly

Wednesday 24 June 2015

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

*Members observed two minutes' silence.*

## Assembly Business

### Resignation: Dr Alasdair McDonnell

**Mr Speaker:** Before we begin today's business, I wish to advise the House that I have received a letter from Dr Alasdair McDonnell, giving me notice of his intention to resign as a Member for the South Belfast constituency, with effect from midnight on Sunday 28 June. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

## Executive Committee Business

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

*Debate [suspended on 22 June 2015] resumed on motion:*

*That the Second Stage of the Budget (No. 2) Bill [NIA 53/11-16] be agreed. — [Mrs Foster (The Minister of Finance and Personnel).]*

**Mr Speaker:** This item was unfinished when the Assembly adjourned on Monday and, in accordance with Standing Order 10(3C), the Business Committee agreed to reschedule it today. As I agreed when we adjourned on Monday, we will recommence the debate with the Members who remain on the speaking list.

**Mr McNarry:** Such is the system in here that, having seldom had the opportunity to be given time to speak in numerous debates, this is an occasion not to be missed. I appreciate the Minister's attention after her long stint on Monday.

There are those who would proffer the idea of placing Northern Ireland outside the United Kingdom in some kind of financial renegade state, joining up with Scottish and Welsh nationalists in a contrived Celtic coalition. Another fantasy that will no doubt be sung about in the bars one day, telling how the war against the Brits was lost not once but twice and lamenting how the financial gurus of the combined forces of republicans failed to convince the wider representation of pro-people parties that not only should they grant a scheme for a fiscal UDI but that Her Majesty's Treasury should pay for the transition into fiscal independence.

We pay for the carnage of financial ruin, we pay for the rejection of the Welfare Reform Bill and we pay for a tactical readjustment of corporation tax, all because, in a bout of madness, politicians made a promise that they could not keep when they failed to deliver the biggest handout of all time, promising everyone on benefits that not now and not ever would they find their benefits income reduced.

Let us tell everyone, including those who work for the minimum wage or living salary, those who work for less than the £23,000 cap that will be introduced on what is paid to some for lying in bed all day, those who pay rent from earnings or are paying a mortgage — the so-called more fortunate — that the less-well-off are blaming you for the cuts in their benefits, and, in doing so, wipe out the hypocrisy that the cuts that we are in a stalemate over are Tory measures. The position that some are sleepwalking into is actually the sole work of those renowned economists, business tsars and fiscal innovators from a party of mass employment who, at taxpayers' expense, use their political payments from Stormont and Westminster



pots to fund a growing army of economic migrants. Who am I talking about? None other than the Provo protégés out there and their worn-out tactic that, if the Brits agree, the unionists — the other Brits here — are up for it and even the Alliance Party are with them, then something is not right; they have to be against it. That is what is wrong with the mentality of some, especially those in the moving-on movement who have not yet worked out where they are moving to or where they want to take others.

Then, we came to the Stormont House Agreement, incorporating the former Tory/Lib Dem United Kingdom Government's latest financial package for Northern Ireland, which, going back to the song in the pub, will no doubt be heralded in folklore as the one that Martin McGuinness received orders from the high command in Dublin to choke on and deliver another wasted promise of an all-Ireland anti-austerity campaign. Only, this time, on Monday, following a weekend huddle, he has done half a U-turn. He brought forward his conditional agreement to proceed with a £600 million black-hole Budget. Sinn Féin's temerity knows no bounds. All that it does is perpetuate and dirty the deceit, which many will see through, but, unfortunately, the brainwashed will fall for. The disciples will not recognise the ruse to save McGuinness's face amid the talk spun about his resignation should ever his London paymasters step in and do us all a favour by doing welfare reform for us, an option that he has only bought time on but not prevented.

On top of the conditional agreement — do not hold your breath waiting for an explanation or detail of what "conditional" means — Mr McGuinness then threw in for good measure glib talk of a united coming together on the Stormont House Agreement and tactics to confront George Osborne after 8 July. Is that code for a put-off until the autumn, with the prospect of another Christmas Eve special still to come? Having caused the crisis in the first place, stumbling from one ard-chomhairle to another, revising tactics and stalling on dates, Sinn Féin has effectively stopped the clock. It is nothing other than manipulative, careless sidestepping that is designed to keep afloat their dreams of knocking the Treasury back through an all-singing, all-dancing unity chorus in adopting what they, and only they, called a "fantasy Budget". It is clear that, when it comes to fantasies, Mr McGuinness, on this issue, is right up there, high in the clouds.

What do Mr and Mrs Ordinary Person in Northern Ireland ask? What does the worker who is thinking of retirement ask? What does the lifelong carer at home ask? What do the nurse, consultant, teacher, student and the whole lot of us ask? My apologies to anyone I have left out.

What do people caught up in this unedifying morass of financial chicanery and ransom ask? What does everyone, except those in whose name all this is being done, ask?

Let me make one thing clear: it is not being done in my name. Choking the Welfare Reform Bill does not have my support. Nor, I suspect, is it being done in the name of by far the greater number of people in this country — and why would it? Why would the vulnerable be put in a more vulnerable position? Why would Sinn Féin be putting the so-called more fortunate in the demonising dock? After all, they are not to blame, so perhaps we will have an explanation.

The simple fact is that there is not enough money to spend. People are being told — not asked — to forfeit what little we have because Martin McGuinness pushed too far with a promise and is not big enough to admit that it was impossible to deliver. That is what Sinn Féin wants, along with respect. Take account of our mandate, they say, which I gladly do. To their 176,232 votes, I add the SDLP's 99,809 and the local Greens' 6,822. That is a grand total of nearly 283,000 votes. I would go further and put in the SNP and Plaid Cymru, that accumulation of the Celtic coalition, which comes out at an impressive two million votes, to be respected as a mandate. However, no mention do they make of the other votes, also to be respected — the votes that did not go to Sinn Féin or their local sidekicks and fellow republicans in Scotland and Wales. It is called a majority, and substantial it is, too. Including UKIP's four million votes, it is an overwhelming, massive 27 million. That is 27 million to two million, so when it comes to respect and mandate, the figures themselves make my case for me.

Let us not forget the party that, as you announced this morning, Mr Speaker, is sending its leader packing to Westminster, London, hoping that it was Coventry. Let us not forget the Labour Party's sister act, the SDLP. Their health spokesman knows a pickled party when he sees one, even when the pickle is not vinegar and the party looks more like an onion. He knows that the SDLP are losing credibility in carrying Sinn Féin's bags for them. They are, more and more, looking like losers and rejects in backing their fellow travellers in hurting the very people who, Mr McKinney came close to acknowledging on 'The Nolan Show', had been caught up in the consequences of their crazy partnership with Sinn Féin. They are intent on self-destruction. How many financial casualties will there be in the SDLP as a result of their crazy partnership? Like the DUP did and will continue to do to the UUP, Sinn Féin will gut them and toss them overboard once the voter catch is weighed. Their stance on Monday has changed nothing.

What is there on offer that cannot be turned into advantage and opportunity for by far the greater number of people investing in their own futures in our country? Tell them the things rejected by Sinn Féin and the SDLP, and yes, who else, although they are not here, but the tree-hugging Green Party. When is an agreement not an agreement? Tell them it is when Sinn Féin and the SDLP sign the paper with vanishing ink.

It is not a bad thing to admit that you got it wrong, even something as serious as handling the economy; handling expenditure, income, growth and instructions. It is much worse when you cannot or will not admit your errors, keep digging a deeper hole for yourself and go into self-denial.

#### 10.45 am

I want them to take a while and listen, to take help from the experts out there when they are clearly out of their depth. I know that economists are like lawyers and consultants: you rarely get a clear answer from them. You rarely get a definitive answer on which you can hang your hat, let alone your country's future. For every solution saying to go this way, you have another telling you to go in a different direction. The whole point is to tell them the direction that you want to go. That is what we call leadership. Identify the reasons to go there and weigh them up against the reasons not to go there. It is called leadership. Once you

have solid information in front of you, take the decision and use it. Sadly, in this case, Martin McGuinness did not do that. He has shown a lack of leadership.

Can the House say today that, laid out in front of us, we have an outcome or even a sense of direction based on confidence, based on togetherness and not shafted by division? Have we got leadership in this House? I think not. Frankly, the public do not think so either. They have not got the message because no clear message is being sent. Confusion reigns and frustration rules in the public's perception of this place today. At this moment, people are angry and cross, because they do not like division, least of all over money. They are right to think that we, including me, are a bunch of amateurs who could not organise whatever it is you do in a brewery. That is not good for them or for us.

We are failing people when we fail to do what is expected, which is making a proper fist of governing our country. It is absolutely ridiculous to poison public opinion by claiming the moral high ground, as some parties do, as saviours of the vulnerable as if they had a monopoly and no other parties cared about vulnerable people. The vulnerable need health, education and services as much as anyone else. Sacrifice these services and you hurt the vulnerable, the very people who, because of their situation, require access to services more than many others. It matters that we care because we understand hardships and because we believe in the people we serve.

If we are really committed to policies of no additional water charges — all except the Alliance Party — and if we are intent on keeping free prescriptions and retaining the SmartPass for buses and trains, which are the envy of other regions in the United Kingdom, and if we support our students with low tuition fees, then add it up. Which do we remove? What do we take away in order to guarantee anyone a lifetime on benefits? Bust this place over this argument and you bust your credibility. Bring in the direct-rulers. They would not countenance this Assembly's Budget distribution. The Treasury would bring us into line with Westminster policies and ensure that there is no difference between benefit allowances here and in other United Kingdom regions.

On Monday, I heard the loose talk about thinking outside the box. What that means is never defined, and it was not defined on Monday either. It has been our consistent inability to think inside the box that has put the lot of us in the dock, guilty as charged by public opinion for pursuing a fraudulent economic hijack robbery. Not all of us are factually guilty, but the accusation of negligence by association is difficult to defend in public.

When it came to bullying over putting a welfare albatross around our economic necks, the Executive proved to be then, as they sit now, not fit to govern. The very essence of the hype and scaremongering over this Budget typifies how dangerous it will be in the future if tug-of-war tactics became normal. It is a future doomed to failure.

At this point, without embarrassing her, I would like to put on record my appreciation for the precise timing and stoic action of the Finance Minister, who stands out, not just in defiance of stupidity, but in defence of the vulnerable and the standards our economy must protect overall. Unfortunately, the vote or decision to adopt her Budget fails the scrutiny radar because the issue of welfare

reform, which has been hanging over us since last year, has taken centre stage.

It seems that the negligence of passing over these current welfare reforms has passed some people by. Make no mistake: such negligence continues to prove costly and does nothing for the vulnerable. People can go over hurdles, but not hoops, worsening, not fixing the problems we have. This takes me to the question of how one moves this dysfunctional Executive, made up of two dominant parties and three makeweights, beyond this repeated falling out? Perhaps leaving two to their own devices might make more sense. It seems to me, however, that if we are to move beyond today, with only a bandage and sticking plaster result, the outcome has to be based on satisfaction, or on holding the party line without wrecking the advancement forward. Not just an Executive, but hopefully a genuinely united Assembly, must put the case to London for an easing of pressures caused by further announcements of depressing fiscal damage to our own needs to govern, which, by all accounts, we will be unable to take.

Corporate reasoning against further disproportionate reductions, which will damage our attempts at economic recovery and our entitlement to develop economic growth on a par with all other regions, seems to me to be a far better weapon to go into battle with George Osborne than the tactically inept, doomed to fail, Sinn Féin crude job of putting vulnerable people on the front line, as if somehow our vulnerable people were different from anyone else's. That stupid promise could not be kept, and this incompetent thinking outside a caged box has plunged all of us into a deep sea of public perception of dishonesty.

When I talk of the next step built on corporate action, I do mean us. I mean Northern Ireland plc. I mean the collective, all-inclusive stakeholding population, who have placed in our hands their economic and social future. I mean proving to that public that we are capable of governance and that we have confidence in our abilities to strengthen our case, rather than continuing the fragility in here, which could tip this place over the edge.

As we sit, Ministers are roaring like pussycats over cuts, selling out students and university staff, scaremongering and even begging for money for street lights, potholes etc, and even promoting a winter of discontent, to think of a couple. They are all at it. How they can remain in office, presiding over failures in money management created way before the Stormont House Agreement came along to hide behind, is beyond me. Mr Speaker, that is a view for another day, perhaps when honour might be debated and incorporated into the ministerial code.

Let me turn to the potential opportunities offered by the current difficult financial situation that we find ourselves in. For years, the Stormont departmental budgets have lumbered on with very little adjustment and were mainly based on historical data that was moderately adjusted from year to year as new programmes were taken on by Departments and old ones were dropped or modified. During the year, in-year monitoring was widely used to balance the books, but that system has been violated by lazy departmental senior officials. Through time, in-year monitoring became the basis of budgeting, and departmental deficiencies, bad planning and ineffective delivery were covered up in the process. As long as the money flowed out of Westminster, that seemed to be OK. Many of us thought that it was not OK and said so

repeatedly. We were not listened to until the black hole that was prophesied for years suddenly materialised when Departments failed to earn the projected revenues stipulated in their budgets. That is when the first cracks began to show in our budgetary planning process. What is happening today is not just down to welfare reform but down to a bigger and deeper problem. It is a problem that was years in the making.

What is needed is root-and-branch reassessment of how we run government here. I have often said that we should apply a zero-based budgeting approach to our delivery of government programmes here. We should be asking what the purpose of business is, what the business of government is and what programmes are government obliged to deliver by statute. Once the size and scope of our government task is determined, we should ask the following questions. What does it take in manpower to deliver? What is the business that we are in? What money will it take to secure that delivery?

There is one point to make, which I raised last week. The entire Department for Regional Development was censured by 67 votes to 13 in the Assembly, and I regarded that as a very serious matter. That is where I found that there is a financial crisis. Departments in that position need to go into what I call a pay-and-take-away delivery service. That means that they deliver only those programmes that they are obliged to deliver by statute and hold back on big new costly spending programmes. Last week, I said that that meant that DRD should cut the grass, repair the roads, clear the ditches and, if anything was left, only then consider other pressures in that sector. That applies to all Departments that may fear what a zero-based budgeting approach would throw up. It could throw up serious overmanning — likely as not, it will. It could throw up bad planning. It could radically reshape how we deliver government services in Northern Ireland and, more than likely, would expose all the bad practices. The crisis that we find ourselves in is of the order and dimension to demand a zero-based budgeting reassessment of government and government programme delivery. I believe that it can be delayed no longer.

At the same time, we need to apply imagination. I listened with interest to Mr Alastair Ross's contribution on Monday. We need to apply imagination to address the difficulties. Even that might provoke a crisis in this place. Should we approach the Westminster Government with, for example, a 10-year rolling programme to cut the costs of division in our society? When negotiating a financial package with Westminster that would keep us solvent, should we use a 10-year rolling programme to cut the costs of division in our society as a necessary leftover that was left out of previous agreements?

There is no one, I fear, who would disagree that there was failure at every agreement process to demand that a proper peace dividend is paid out in real money, real cash value and that it is long overdue in settlement for 30 or 40 years of terrorist turmoil. What is a peace process without the cash to stabilise it? Is that why, in this crisis and in this debate, we have found the peace process being used as a kind of threat?

#### 11.00 am

There is another thing that troubles me about the present developing situation in the Budget. Let me explain it this

way. When a general election occurs, the Civil Service analyses the policy manifesto of at least the two main contending parties and prepares a legislative programme based on those policies so that a Government can work quickly, smoothly and seamlessly and the business of government is carried on. In short, it plans ahead. It is my understanding that the Civil Service even prepares for a cross-party national Government, should that prove necessary in a national crisis.

I believe we need to look more carefully at the role the Civil Service in Northern Ireland plays in producing policy options that bridge the admittedly substantial gap between major parties in our Executive. Is enough being done, dare I ask? Is the Civil Service merely reactive in the situation, rather than proactive? Some might even argue that the Civil Service, still steeped in the “no questions asked, no accountability given” traditions of direct rule, is itself part of the problem.

Few in the House would argue with me that the hands organising departmental policies are not, in every case, the Ministers' but the hands of departmental directors. After all, the budgetary practices of the Civil Service, which led directly to the censure of one major Department, DRD, two weeks ago, certainly seemed to underpin the culture of big spending and lack of proper financial control that has played such a major role in creating that Department's serious and present financial shortfall.

As I said, this financial crisis is more deeply seated than welfare reform. Welfare reform has simply exposed the underlying weaknesses in our budgetary system and how it is managed. That some have not just abused the weakness but rushed to lay out unreasonable conditions sets today's context in this debate. There are issues that must be addressed by telling people where we are going, and if it is good enough to bring the people with us, let us do it.

I will support the passage of the Budget to a conclusion not because it is a brilliant financial script — the script was not there for the Minister — or because it delivers a panacea for an economic miracle to deal with our problems, because it does not. I will support it because, until we get out of the quagmire that we are standing knee-deep in and can position ourselves in a better place to talk to the Treasury, it is all we have. It will keep us afloat for a while. It will keep us honest, I hope, until the decisions are based either on pulling the shutters down and handing over all we have worked for to Tories who do not give a hang about us or on the idea that there is a genuine confidence building in our own abilities taking us forward. If the confidence is there for majority decisions, show that confidence and show it to the people today.

**Mr B McCrea:** I see that people are busily engaged in their business, and I promise not to detain you too long. I sometimes wonder who we are talking to here. As I listened to Mr McNarry, I thought it was some form of counselling session. I found myself wafting off to a wonderful land, far, far away and heading off to sleep. I just thought to myself, “No, you have to get back and say your piece because the world is listening”. Well, a few of us in here are listening, maybe. I have a few short, salient points that I hope to make; perhaps people will listen to them, perhaps not.

The first thing is that we are here and we are being asked to pass a Budget today that we do not have the means to fund. That is the fundamental issue. Some people take issue with that approach, and some people might even question its legality, but we have decided, I think, that this is what we have to do.

The Minister of Finance and Personnel has made it clear repeatedly that this Budget is predicated on the Stormont House Agreement. I know that this may sound a little sad, but I watched her at length in her presentation to the Committee for Finance and Personnel. As you, Mr Speaker will know, it has been highlighted under Standing Orders that the Committee must have a look and decide whether we are going to grant accelerated passage to the Bill. I hope that she does not mind me quoting her, but it is worth reiterating the point. She had this to say:

*“as I have repeatedly outlined, failure of the Executive and the Assembly to find a way forward on welfare reform would put our spending plans at risk”,*

That was quite gentle, and then she really hits the nail on the head:

*“present Ministers and the Assembly with the unenviable, and, I would say practically impossible, task of imposing further spending reductions on what are already hard-pressed departmental budgets.”*

There you have it. We are going to go through with this Budget without welfare reform or additional funds, and we are going to hit something that is impossible to do. If we do not pass this Budget we do not have the legal authority to spend.

The presentation to the Committee was quite interesting. I do not know whether any other Members have had the opportunity to look at the Finance Committee's scrutiny discussions; it was quite illuminating. Looking at what came across, I think that the Minister came prepared for a bit of a tussle and an argument about whether we have had proper consultation so that we can provide for accelerated passage. She was anticipating that, perhaps, those who oppose this Budget might oppose accelerated passage, but she need not have worried, because it came to nothing. Ostensibly, that was what the Committee meeting was called for, but it was barely mentioned.

Those of you who argued that Mr McGuinness, the deputy First Minister, had somehow softened his position or changed it slightly were wrong. If you had read what the Finance Committee was looking at, you would have seen that there was no opposition to accelerated passage, nor was there any discussion about it at all. It is extremely difficult to see how you might oppose a Bill later if you did not oppose accelerated passage.

I have to put a question to the SDLP, which had representatives on that Committee. It stated that it is implacably opposed to this Budget. As a guardian of the institutions in this place, I find it interesting that it did not probe this particular issue, given that it had the chance to stop accelerated passage. Why would it not use the institutions that are in place to scrutinise when it is such a champion? Why would it later call for more cross-party talks if it had not even raised the matter at the Committee that is looking at the Budget?

While I am on the subject, I might just register the fact that since we were looking at accelerated passage and since it

was so important, we are not able to get the official record of that meeting. Maybe Hansard might consider doing a little bit of accelerated passage itself so that we can read what was agreed and what was said. As it is, thanks to modern technology, if anybody wants to go through the record, I recommend that they do, because there are some really good contributions from Máirtín Ó Muilleoir and others about their positiveness on the way forward and such like. I think that they deserve an airing, so let us have a look at that.

Mr McGuinness has not softened Sinn Féin's position. Why would he? He is getting a Budget that he wants.

Who funds it, how it is funded or where the money comes from is for another day; that is somebody else's problem. This Budget will trundle on through with a big black hole in it.

I have heard most of the debate that we have had here; I have actually been in the Chamber, because I waited to see if I would get to speak late last night. I did not, but I got to hear a lot of arguments. I heard calls from all sides and from every person standing up as Chair of their Committee or with some special interest saying, “We need more money for this” or “We need more money for that”. All of them ignore the elephant in the room. I will attempt to put a little clarity into this. I do not know if I have got this right — if I have not, I am sure the Minister will take me to task on it — but it seems to me that we do not have sufficient money to do even what we want to do. Without welfare reform, we have no money.

There is another issue that some mentioned in the Committee and a few mentioned here, but it has not really been talked about. Maybe I missed it — I did not hear every speech — but few mentioned the voluntary exit scheme and the funding for it. Not only do you have reduced budgets for Departments but the savings for the voluntary exit scheme are already factored in. You cannot get the voluntary exit scheme money unless you have got this Budget. We will have even less money than the already draconian cuts that we have put through. I have to tell you that it is causing huge concern and huge distress. Government out there is effectively in paralysis because you cannot make these numbers balance. The voluntary exit scheme is important in meeting our budgetary commitments, and you cannot do that without access to the additional funding.

There is a third bit. It is not even just about welfare reform and the voluntary exit scheme: we now have George Osborne discussing what cuts he might make in his emergency Budget on 8 July. Mr Givan, who is not in his place, and I had a discussion about that. On Monday night, when she was talking about the issue and was challenged on this, I heard the Minister say clearly:

*“I said that we were doomed if we do not implement the Stormont House Agreement and welfare reform, as it currently stands and not what is coming in the future.” — [Official Report (Hansard), this Bound Volume, p57, col 2].*

That means that there is more pain to be had from 8 July, if we believe what is written in the press. My understanding is that the Minister was not supportive of any further cuts and that she would oppose those issues. That is the right way forward. But that is the order we have got; that is the



financial issue which, perhaps, is not receiving the clarity it deserves.

We go through all of this and say, "OK, so far, all we've had is a litany of 'This is bad', 'It's going to get worse' and 'What are you going to do?' or whatever". There are some things that we have to look at. We have to look at a different approach. Sometimes, people say things and they are lost in the melee; you do not get to hear what was said. But I heard some positive ideas coming from the Minister of Finance. I am not trying to join the sycophantic queue of people saying, "You're great. You do all of that", but some good points were raised. I would like to encourage her, such as it is, in taking some initiatives.

One of the things that were talked about was a regional economic strategy. There is an argument that you can put forward about peripherality and how Northern Ireland is, by any definition, on the periphery. We are on the periphery of Ireland; we are on the periphery of the United Kingdom; we are on the periphery of Europe. We have higher costs in getting to market, higher energy costs and low economies of scale. There are all sorts of issues about how we should move forward with our economy. It may well be that we should look at how we could join up with the Scots and the Welsh in coming along to that position, but I think the Minister is the person to take that forward as a regional economic strategy. She can make the right argument to London, not with her begging bowl out and saying, "We're a special case", but by saying, "You know what? London has got real problems. Let's talk to London in an argument in terms that London understands." London cannot get teachers; London cannot get workers; London cannot get refuse disposed; London cannot find any way of getting people into the place. London, the centre, must understand those issues, and it is in London's interests to develop the regional economic strategy.

#### 11.15 am

When I am talking about that, one of the issues coming forward is the High Speed Two investment — some £50 billion that the House of Lords recently had a look at. It decided that it was a really good idea but was not sure whether it would work. It was interesting that the Minister was talking to none other than the Rt Hon Theresa Villiers MP, because she announced support for the scheme at the Conservative Party conference in 2008. She said that the high-speed rail concept would relieve overcrowding, generate huge economic benefits and close the north/south divide. However, the House of Lords Economic Affairs Committee report concluded that there were more ways of investing £50 billion than simply building a railway; you could invest £50 billion in regional economic activity. There is a pot of money that we should argue for. We should be able to say to the Government, "Do you know what? This also helps you in your constituencies". This is not Northern Ireland going to London with a begging bowl saying, "Please help"; this is Northern Ireland going to London with a plan to save London, a plan to help London.

I hope that the Minister believes in the issue. Maybe I have misinterpreted, but I took that from her speeches. I believe that she is the right person to take this argument forward. I would like her to seize the initiative so that, when we go to London, we are not seen as being recalcitrant or trying to go back to the past or all of the negative images that are out there. I urge her to take the initiative.

Some people commented on the messages that had come out from the deputy First Minister. I take that to mean that Sinn Féin would join in an approach to speak to the Conservative Government about how we might invest in Northern Ireland in its totality — not simply in welfare reform but in a positive way. The real issue for us is this: if you do not have the money, you must appeal to your creditors.

I can say — everybody else said it in their speech; I am coming to the end of this — that there are some really positive things that I would like to see done. I would like to see better transmission power lines; I would like to see them go cross-border and transmarine; I would like to sell London cheap renewable energy from Northern Ireland. We have to find somebody who will spend the money to put that capital in. To my mind, that is a capital spend, like the high-speed train network, that we should approach London for, not having it come out of this Budget. I would like to see action on air passenger duty. I raised the point, and the Minister made it clear that you needed to be careful in terms of the balance: if it costs you too much money, why would you do it? As a peripheral region, we need to reduce transportation costs. There should be a reduction in air passenger duty from internal sources, but it should be funded out of London. You can make the argument to London that this fits in entirely with London's transportation strategy — entirely with London's strategy for decentralising.

I also want to point out an issue that was not brought up, and I am surprised that it was not mentioned by the Green Party: the issue of climate change is real. I have mentioned in the House the drought in Texas, the lack of water in California and the issues that will come round and change. We have to do something about it. Northern Ireland has abundant resources of renewal energy, and that is something that we can offer to the rest of the United Kingdom. We should be making that argument.

I am disappointed that Members putting forward arguments do not understand the severe economic difficulties that the United Kingdom or Ireland, for that matter, faces. There is a £75 billion gap in public expenditure this year. People talk about the deficit going down. The deficit is going down, but the debt is going up and up — massively so. Some people say, "You are a big country. You can afford it". That may well be, but, if you are going to get investment, you have to come to people with a very proper argument. That is where Máirtín Ó Muilleoir's contribution to the debate was interesting. He was optimistic about the way forward, and he supported an initiative led by the Minister of Finance and Personnel to explain matters to London and say, "We need to get additional funds, but we are doing it not with a begging bowl out, or stamping our feet and demanding that we get it. We are saying it is in your best interests and ours. It is in our collective best interests. It is the right thing to do, and this is where we should go".

The final bit is an appeal to the SDLP: I hope that you will review your position. I want you, as a party, to provide the leadership that you once gave. I want you to come forward and try to be part of the solution in this. Simply setting your face against the Budget will not help matters; we need some credibility in the way that we approach things. You have a contribution to make as a sensible party that thinks about these things. Your opposition to the Budget

or the reason behind it is understood, but not voting for it and not being part of a package where we go together is unacceptable. If you cannot find a way to vote for the Budget, you should not be in government. You should do the honourable thing: resign and go into opposition. You simply cannot be in government and not vote for the Budget. That is the reality of it.

Just in case anybody doubts my credentials about opposition, let me say to the UUP that, on 26 October 2007, I put the cat among the pigeons by saying the same thing at its conference. I said that opposition was the only way forward if you wanted to disagree with the Government. You have a choice: you are either in the Government, working for it, not being critical of it and supporting it together or you go into opposition.

My observation in all this, for anybody who cares to listen, is that the financial hole will not be plugged. The strong-arm tactics on Sinn Féin or anybody else will not work. An appeal to reason and a joint approach by people going to London with a well-argued case is the only way forward. If you do not get that, catastrophe looms. In the words of the Finance Minister, we are doomed.

**Mr Speaker:** I call Mr John McCallister.

**Mr McCallister:** I am sorry, Mr Speaker, I could barely hear that.

Before coming to the House, as is probably well known, I used to be heavily involved in the young farmers' clubs. At that time, one of my interests was three-act dramas. We used to do a few Sam Cree comedy farces. This has all the farce but not much of the comedy. It would probably, unfortunately, mean that, if we were doing the casting, the Minister would have to be the stern mother-in-law and the Chair of the Finance Committee would be the feckless son-in-law who was never good enough to marry her daughter. *[Laughter.]* We face having to do a Budget based entirely on the Stormont House Agreement, but we have no real knowledge of who still supports that agreement. The Budget is entirely based on it. We do not know who supports it because it was signed or agreed on 23 December 2014.

By 24 December, major cracks in the unity of purpose around it were appearing, even though parties had negotiated for 11 weeks or something in the lead-up to that. Then, suddenly, what was agreed was not agreed, everything was agreed, and nothing was agreed. I have said this before: was the Secretary of State serving too much egg-nog? Did people sign up to something that they did not quite understand? How did we get into such a mess?

I have to say to the parties involved that we can look at the primary cause of the failure on welfare reform. I will go back to quoting Alex Neil, the Scottish Cabinet Secretary for Social Justice, who is the equivalent of our Minister for Social Development. He said that the three points that Scotland would like to be different about welfare reform are the bedroom tax, or the spare room subsidy — take your choice — the fortnightly payments and housing benefit paid directly to landlords. I will say this again to the House and to Members opposing welfare reform: does any of that sound familiar? I think that it is almost identical to the deal that the then Minister for Social Development, Nelson McCausland, maybe had a year, 18 months or two years ago, yet we are about to run out of track because we literally will not do welfare.

As I see it, we probably have up to four options on welfare. We could do nothing and keep spending £2 million a week and sending it back to Treasury. I know that the Green Party says, "It is all right Minister. You should be happy to send £2 million, because that is going out into the community. Isn't it great?". It is a pretty irresponsible way to deal with the public finances if we are saying, "Just because we cannot get our act together to do the legislation, let us give the people £2 million a week extra."

We could do the Stormont House Agreement. I have been critical of the £564 million that was set aside. I have been critical that we have been gutting our skills budget and gutting early years spending to help to pay for this. That, I think, is a real crime that we are almost committing, because we are trapping people in poverty by not investing in those.

The third option, of course, is that the UK Government could do it without any of the mitigation measures. Then we get the threats from Sinn Féin that say, "If that happens, Mr McGuinness will resign as deputy First Minister."

We could do a fourth option. We could have all welfare devolved to Northern Ireland. We could have negotiated how much our share was and had it added in to the block grant. We could entirely design our own welfare system. That would require policy ideas and parties like Sinn Féin and the SDLP to say, "What do you want from welfare?"

Mr McNarry was critical of the Civil Service. It is not always up to the Civil Service to provide policies and manifestos; it is the job of political parties. It is what we fight and stand for elections on. That is where the policy driver should come from, but there have been no suggestions from Sinn Féin and the SDLP about the changes you would make if you had total control of welfare.

The Minister also mentioned at the Committee last week that we need to have a "mature debate" on revenue raising. There is no comprehension from the SDLP or Sinn Féin about how you would have a mature debate. Even when Mr Wells was Health Minister and talked about some modest charge of or options for prescriptions, everybody ran for the hills. There was no effort to engage in a debate on how you would move an issue like that forward.

We have got so far away from the broad principles of welfare reform. Does anybody object to the idea that work should pay? Does anyone think that families should be better off when they are in work than when not in work? I find it very hard to go to my constituents who are working and paying for fairly expensive childcare because we do not have our act together in some of the childcare strategy. They are paying dear for that, yet they see families who are on benefits and are better off financially. That is a hard thing to sell. The Department's figures showed that a third would be better off, a third would receive the same amount and a third would be worse off. It is sheer recklessness to leave welfare reform hanging.

**11.30 am**

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

This place needs serious reform. One of the things that we abuse most often is the petition-of-concern mechanism. There are petitions of concern to the right of me and to the left of me; it is a case of into the valley of the petition of concern. Everywhere I look, people are signing petitions of concern. We have heard of petitions of concern to

legislation that we have not even seen, namely Paul Givan's conscience clause. I think that it is a ridiculous piece of legislation, but why do we have a petition of concern to legislation that we have not yet seen?

We had a petition of concern signed last week against mandatory minimum sentencing. I voted against mandatory minimum sentencing, and the vote was 46 to 41, so it was not needed. We had petitions of concern against something like 50 amendments to the Welfare Reform Bill, most of which were not needed, as you will see if you check the voting record. We had something like 10 to amendments to the Education Bill, and they were not needed. That damages the system. Everybody is doing it — the DUP, the SDLP, the Green Party and Sinn Féin — and that abuses the system. The House should be finding its own system. *[Interruption.]* Mr Girvan wants me to name others. The Alliance Party as well, if that is any use to him.

**Mr McNarry:** What about your mate?

**Mr McCallister:** As does NI21.

That should not be done. Because of the very principles of this place and the ability to criticise, we should not be using the petition of concern in such a way. It never was designed for that, yet every party is at it and must accept that level of responsibility.

On the issue of money, we keep hearing from Sinn Féin and the SDLP, "Oh, Minister, get you over to London and take on the evil Tories. Get over to London and tell the Prime Minister, the Chancellor and the Chief Secretary what's what." I have no difficulty with sending the Minister over to London, and I have no difficulty with her or with this Administration working with the Scots and the Welsh and going to London to get as good a deal as they can. However, the Conservative Party won the general election. Some people do not like that, and you hear the talk about the Conservatives not having a mandate in Northern Ireland, barely having one in Scotland and not having one in Wales. That is the electoral system. I am sure that Mr McNarry is not delighted that UKIP got four million votes and won one seat in Parliament. I am sure that that is a difficulty. Barack Obama won 26 of the 50 states, but he is still the president: he won the election under their electoral system. So, you need to get over it. We held an election to elect the Parliament of the United Kingdom, after which an Executive were picked from the majority party that won. That is the system. The Conservative Party won the election. It has a mandate for welfare reform, as did the Coalition Government between 2010 and 2015.

It comes back to the basis of some of our politics. I am someone who voted for the Good Friday Agreement and believes in it. As many know, I believe in power-sharing, although I want to change the model that we use. Do Sinn Féin and the SDLP accept a democratic system in the UK? They continue to question the Government, yet Dr McDonnell has the great record of having the lowest percentage vote — 24% or 25% — to be elected to Parliament. I do not see them objecting to that electoral system.

If you believe in democracy, you have to accept the system. I would like a UK constitutional convention. I keep asking Sinn Féin whether it would participate in such a thing. I want a debate about an electoral system and how we change the UK. From my perspective, I want to see how we bind the four constituent parts of the UK together in a much stronger way. It is a UK-wide event, and, quite

frankly, the Dublin Government should be absolutely embarrassed to be asked to be involved in the financial arrangements of the United Kingdom. When Dublin pulled the money out of the A5 project, I do not recall the Prime Minister or anyone getting involved in the internal finances of the Republic of Ireland. Why on earth would the Republic of Ireland want to get into the internal finances and fiscal transfers within the United Kingdom? It is a position and a matter for the sovereign Government of the United Kingdom. It just does not make sense.

Why, then, is Sinn Féin intent on fighting this ideological republican ideal? It seems to think that it can take on the democratically elected UK Government and that somehow we will all eventually morph into this mythical all-Ireland republic where everything will be great. I have to say to voters in the South, if anybody is watching this debate: be afraid, be very afraid of who you vote for in your next Dáil election. Quite frankly, if you are not fit to govern and run an Administration up here, why on earth would anyone think that you could run a national Administration? Why would anyone set out a grand vision: "Vote for us and put Ireland up there with Greece". It would be heading towards a bailout again or an exit from the eurozone and, possibly, the European Union. That is where it would take Ireland to.

Ireland has slogged its way out of an economic quagmire in the last seven to eight years and had real austerity, so do not give that up lightly. Let us remind ourselves that the Republic of Ireland had to cut its public spending by 18% of its GDP. That is a fraction and makes George Osborne's cuts so far look fairly minimal and a bit of trimming around the edges.

I am not saying that real pain is not being felt, but we have been shielded from some of it, because, as the Minister acknowledged last week in Committee, we have had health and education increases from Barnett consequentials. Our real difficulty here is that we have not made the necessary reforms. We are set to borrow £700 million, and this Budget almost depends on us starting the voluntary exit scheme. We are borrowing that, when, had we put a recruitment freeze on four years ago, the public sector and the Civil Service would have reduced naturally to where we want them to be. We keep ducking these decisions and putting them off. We keep laying down a wee bit more track to take us another few yards down the road. At some point, we have to realise that you guys are in government. This is the problem. There seems to be no way that you have realised that there are any links to being in government or that there is any semblance of responsibility to govern.

I listened intently to the many contributions during Monday's debate. I have to say that some of them were pretty mythical creations. I hear from many contributors that we need to support early intervention, we need to be doing this and we need to be doing that.

To Sinn Féin and the SDLP, I say this: that is not what you voted for. You voted to put most of our resources — £564 million initially — into welfare reform to mitigate certain measures and to let us breach a £26,000 welfare cap. You pushed for and voted for that. Meanwhile, you have gutted everything else to pay for it. You have gutted our skills budget, so Minister Farry has an Enabling Success strategy with no money attached to it. Constituency colleagues will know that, in the community and voluntary sector in Kilkeel, we are almost stopping our childcare and

nursery provision from early years funding. Such projects deliver real social change. They are lifting the reading ages of children by two years and improving children's numeracy by a significant margin. We should be intervening early. We should be telling our Health and Education Ministers to work together and to intervene with families from as early as 20 weeks into pregnancy. We should be helping and supporting them. We should be working on things such as Home-Start and Sure Start, yet we are gutting all of that. We are dismantling all the infrastructure that we have to deliver those services. In the meantime, what are we paying for? You negotiated £564 million at Stormont House to mitigate welfare, and then you petition-of-concerned it. There is no logic to any of that. It is fair to say that this place rarely has any logic to it.

I have huge respect for Mr Attwood. However, he accused everybody of being a spokesperson for the Tories and the NIO. I wrote down some of the highlights for the Minister. He attacked Dr Stephen Farry for talking about the consent principle. He has to realise at some point that we are in a regional Government for one part of the United Kingdom. We get a large and generous fiscal transfer of £9.6 billion a year. There are pretty much no questions asked about what we do with that. It is ours to spend as we like. We hear that the Tories need to be taken on. The Minister will confirm that we spend £2,000 a head more in Fermanagh and South Tyrone and in South Down than is spent in Witney or Chipping Barnet, the Prime Minister and the Secretary of State's constituencies respectively. That is good, because we have a need for more spending. We have the lowest household charges, as Finance Ministers like to remind us. We never want to go to any of the difficult places. We never want to discuss and debate the issues. Mr McNarry rightly mentioned bus passes, water charges and prescription charges. Those are all decisions that the Executive and Assembly have made, but they have budgetary consequences, whether for tuition fees or whatever. If you want to keep tuition fees low, can you fund apprenticeships? You cannot have your cake and eat it, and Sinn Féin and the SDLP need to realise that.

Mr Attwood talked about power-sharing being in jeopardy. The Welsh probably have more cause to complain, because, in the recent Barnett review, they hit convergence. They probably have more cause to complain than the Scots or us about funding. However, are First Minister Carwyn Jones or First Minister Nicola Sturgeon threatening their institutions? Is Cardiff bay or Holyrood at risk of collapse? No, Wales and Scotland are getting on with it. They are taking a fight and a debate to the national Government, but they are not threatening their institutions. They have passed Budgets and are getting on with the work of being in government. They know the difference between being in government and being in opposition, and they know that you cannot do both. You have to be in one or the other.

#### 11.45 am

The SDLP was a party that grew up and that was involved in social mobility, in education and, particularly at that time, in lifting and creating a Catholic middle class that was socially mobile and was moving out and getting professional jobs and a university education. Why have you abandoned those people? Why have Sinn Féin and the SDLP abandoned social mobility? Why do you not want to give people the tools in life, through early intervention and

proper schooling, to get out of poverty? That is something that we should all want.

They talked about west Belfast and how its poverty indices have been the worst and are so bad. West Belfast has had a Sinn Féin or SDLP MP from 1966 — almost 50 years. What have you done about it? Where is the game changer? Sinn Féin has been in charge of education in Northern Ireland for about 10 years out of the past 15. It cannot all be the Tories' fault. It cannot all be someone else's fault. The only policy initiative that I hear from Sinn Féin and the SDLP is that the Brits should send us more money. That is the only policy, never mind whether we are spending what we get wisely.

Mr Attwood went on to talk about the great work that Mark Durkan and Brian Cowen did on roads. I suggest that Mr Attwood was probably foolish to remind us of the link that he was trying to create between the SDLP and Fianna Fáil. When the SDLP looks around and thinks about other parties that it wants to partner with, it might want to think about other people. Fianna Fáil did not exactly have a great track record on managing the Irish economy when it hit the dust.

It is probably worth a reminder that the SDLP's other chosen party is the UK Labour Party. It is worth reading into the record of this Budget debate the words from an interview by Shadow Secretary of State Ivan Lewis MP about what people in the UK voted for, that it is democracy and that that is what happens:

*"I would not have been able to knock on Ed Balls's door and said 'We needs loads more money for Northern Ireland.' So why would I ... pretend that that would be the case?"*

That same party was the party that the SDLP unashamedly said that they wanted to be in government during the election campaign. Everyone down here wanted a Labour win. It is also worth stating that Mr Lewis went on to state:

*"No UK government can be writing blank cheques or be seen to be blackmailed ... No UK government wants to go back to direct rule."*

He added:

*"the implicit threat which is always there that if we don't get what we want the institutions will collapse cannot be allowed to shape the government's response."*

I agree that it should not be able to shape the Government's response. You cannot continually hark back to that and say that you are going to collapse if we do not get what we want.

Mr Attwood also spoke about wanting to create a radical middle politics. He suggested that we should join the euro, although the euro is a pretty tough old sell at the minute. I encourage the SDLP to create that radical middle and to come up with ideas. It should either participate properly in a Programme for Government and get on with being in Government, or it should get out of Government, go into opposition and give itself the breathing space to create some radical thinking. You cannot continually do both.

The other great call from Sinn Féin and the SDLP — I think that it was Dr McDonnell who made the call — was, "I have a brilliant idea for the Minister. Let us have more



negotiations." I am only a couple of years younger than the Minister —

**Mrs Foster (The Minister of Finance and Personnel):** Are you sure?

**Mr McCallister:** I know, Minister, you have had a tougher seven or eight years than me. For anybody who did not believe that, I thought that it was worth reading that into the record.

We have been negotiating literally from when the Minister and I were born. The SDLP grew up and was born into political negotiations, from Sunningdale, the Anglo-Irish Agreement, the Hume/Adams talks, the Downing Street declaration to the Good Friday Agreement. We have toured about every country home in the UK. We have done all that. We have had the Hillsborough Castle Agreement, Leeds Castle, the Weston Park talks — we have been around them all — St Andrews, Hillsborough, Stormont House and Stormont Castle, just in case the house was not enough. We have done them all, and what do we have to show for it? "Oh, no; we didn't agree to that. Who would sign up to that?" Everybody is running for the door. I have no idea which parties agreed to anything. They do not seem to have any idea what they agreed to or what their negotiators agreed to. We have parties that have reserved their position on it, yet every part of this Budget is based on the Stormont House Agreement.

I will just remind the House and the Minister of some of the highlights of the Stormont House Agreement. It includes up to £150 million over five years to fund bodies to deal with the past. Is that up for renewal or is that out the window? Have we lost that money? Have we lost the flexibility to use £700 million of capital borrowing to fund the voluntary exit scheme, with up to £200 million in 2015-16, the Budget year that we are debating? There is a huge reliance on that. Is that going to happen? Will that go ahead?

The Minister knows my view that, had we done the recruitment freeze earlier, we could have been borrowing the £700 million to invest in other infrastructure and various projects in roads, rail, schools, hospitals and wherever it was needed, but we are where we are. The payback on it is remarkably quick if we get a managed scheme, but will it happen?

There is a contribution of up to £500 million for new capital to support shared and integrated education. That is Mr O'Dowd, and he is in the Chamber. There is £300 million for infrastructure projects, profiled over four years, with £100 million of it in 2015-16. Is that going to go? What about allowing asset sales to be retained in their entirety to allow a combination of capital and resource spending? Is that flexibility allowed, and should we even proceed with asset sales if there is some doubt as to whether it can be used? There is the flexibility to repay a £100 million loan from Treasury and £114 million in welfare deductions from asset sales and capital budgets. Are we now in danger, if Stormont House is not implemented, of selling off or not selling off assets because we are not sure whether we have the flexibility to repay that £214 million between the loan and welfare fines?

To continue with welfare, the figures that the Minister gave last week at Committee showed that the welfare penalty would go up to £196 million. Are more things coming down the track on 8 July, going by the Prime Minister's speech the other day in the north of England? I have said some of

this before. I am happy to have a debate with Sinn Féin, the SDLP and others in the House about the merits of a living wage. I am on record as saying that companies that can afford the living wage should consider paying it. The Prime Minister is on record as saying that the UK needs a pay rise. I quite like the idea, which the Ulster Unionists put forward in the election, that companies benefiting from a corporation tax cut would pay the living wage. That is to be welcomed.

Of course, our entire economic strategy seems literally to be focused on Stormont House and the advantages of corporation tax. One of the difficulties that the Minister has, which even relates back to her previous role, is that we, as an Assembly and Executive, are sending Alastair Hamilton and his Invest NI team out to sell Northern Ireland as a destination, saying, "Come and invest with us." Some of the things that you need to attract inward investment are stability, good governance and a competitive tax rate and base. We look as if we are throwing all that out of the way. You could not exactly say that there has been stable government in the last three to four months. After Stormont House in the early part of year, it had rebooted the relationship between the First Minister and deputy First Minister. What happened at the ard-fheis up in Derry? Who knows. It changed dramatically from a Friday night speech by the deputy First Minister to a Monday morning petition of concern. At that point, something changed. Presumably, orders came from high command.

**Mr McKay:** I thank the Member for giving way. I listened to his speech with interest, as I always do. Is it not the case that there needs to be honesty in this debate? The Member does sound, in many aspects, like a Conservative spokesperson. I have listened to Members on the opposite Benches on the issues of welfare and people seeking work. They are coming out with the exact same policies that the British Government come out with. Is it not time that Members across this House were honest and said that they actually support what the Tory Government are doing rather than making arguments for the Tory Government but not actually saying that they support them?

**Mr McCallister:** I have probably been called worse things: to say that I am slightly more sympathetic to a Conservative Government will not offend me dramatically.

The point is that we should all be supportive of some of the bases of the Conservative/Lib Dem welfare changes — it is important to remember that it was a coalition Government between 2010 and 2015 — such as making work pay. I cannot go and tell my constituents who are on the average industrial wage of £19,000 or £20,000 why we should pay their neighbour who is on benefits over £30,000. I cannot go and try to justify that to my constituent. I have said before in the House that you cannot have a system in which we are paying to breach a £26,000 welfare cap, which is designed mainly, I have to say, around housing benefits for the south-east of England, not actually for Northern Ireland. In the welfare debate, we had talk of something like 6,500 families who were getting an average of £30,700. That is the equivalent of a £40,000 a year salary. You cannot justify that when some of the poorest people in society are people who are now actually in work.

I acknowledge both the coalition and the Conservative manifesto commitment to lift the income tax threshold

to £12,500. That is actually a good thing because it will take people out of tax. It will lift lower-paid people completely out of the tax system — or a huge percentage of their income out of the tax system. The group it is most advantageous to are the lower paid. I am someone who actually supports a living wage. I have said that, yes, if companies can do it, they should be encouraged to do it, but I am not hearing any policy ideas coming back from Sinn Féin or the SDLP other than to oppose Tory welfare changes. If you want to redesign the entire welfare system, do that — I do not have a problem with your doing it — but you have to describe how you would pay for it and tell the Minister where she will find the money to keep on going at the rate at which we are going.

## 12.00 noon

We and this Executive look and feel politically exhausted. The one bit of sympathy that I have for the DUP and its Ministers is that they need a partner in government. Whether we have an opposition here or not, they need a partner in government. The electorate said it was Sinn Féin, because you won the second largest number of seats and votes in Northern Ireland. I respect your mandate and right to be in government, but you have to realise that you are in government. Nothing quite sums up the Sinn Féin attitude to being in government more than junior Minister Jennifer McCann tweeting one day that action needed to be taken on child poverty and the Government should do something. You are the Government, so do something. You are in government, so look at the responsibility that you bear.

**Mr McKay:** I thank the Member for giving way. Part of the problem here is that, in some respects, this is a pocket-money Parliament. The Member does make good points about the fact that we need further fiscal levers so that we can have more left/right arguments on the economy.

He makes a point about the living wage, but he does not commit to it. We are committed to the living wage; that is a clear economic policy that we have. He wants to reduce the amount being spent on welfare, but he will not commit to the living wage. The Tories have come out with proposals that will affect hard-working families, and the benefits that they need will be taken off them. How can he agree with that and not agree to a living wage?

**Mr McCallister:** I think that the Member misunderstood me. I am committed to the living wage. I would like to see it being paid. I am on record here as saying that. One of the things that we did on welfare which affects all the Budget was to, over the last number of years, use tax credits to subsidise low pay. I was pleased to hear the Prime Minister addressing that issue in a speech earlier in the week when he was challenging tax credits. I am going from memory, so forgive me if the percentage is not accurate, but something like 14% of our welfare spend is on tax credits. We have subsidised low pay by doing that, and that should be challenged. Businesses have a responsibility to move to a living wage. He will get no argument from me on that.

He will also get no argument on how we move to tax-varying powers here. I would love nothing more than to see this place being more normal. I would love to see us having the power to look at corporation tax. I would love to see us being part of the national debate about the regions and the other nations of the UK, about income tax bands or levels of income tax. At the minute, you could

devolve tax-varying powers to this Assembly only if you reformed this Assembly and the way it works. It needs to be a proper place that is not just always debating and saying that we will cut corporation tax. It is strange that Sinn Féin have moved off that and said that corporation tax is unaffordable. I am not quite sure where the SDLP is on that. We have no ability to have that debate here, because this Assembly and Executive, to use the First Minister's phrase, is so dysfunctional that we do not know whether it is going to pass a Budget. There is nothing more fundamental to basic governance than passing a Budget. In a normal parliamentary democracy, if a Government cannot get their Budget passed, they fall. That is just the nature of parliamentary democracy.

I want to touch on a point that Roy Beggs made in the last debate, because it is one that I feel strongly about as well. If our councils started to spend in a reckless way and could not live within their means, at some point Minister Durkan or some other Minister would have to step in and say that enough is enough. That happened with some of Sinn Féin and the SDLP's political heroes, such as when militant Labour ran Liverpool City Council into the ground, or Ken Livingstone at the Greater London Council, to the point that Mrs Thatcher abolished it. You have a responsibility. We would not let councils behave in the way that this Assembly is now behaving. We would have to step in and stop them at some point.

We have a Minister who is faced with a dilemma as to at what point enough is enough. At what point do we question the mitigation measures and how we move them on? At what point does the permanent secretary take over? At what point does the Treasury step in and ignore all the threats that it will collapse the institution and bring down the peace process and all the doom and gloom? We need to move beyond that. The idea that we are somehow going to negotiate our way out of this is just no good.

When it comes to tax-varying powers, of course, you could include things like air passenger duty (APD). The Chair of the Committee knows about regional disparities. Air passenger duty has hurt the growth of the regional economy. That is a debate that I would love the Minister to have when she goes to London. I would like to see her tying in not just with the Scots and the Welsh but with the Conservative idea to create a northern powerhouse. Places like Manchester and Newcastle are being disadvantaged as well. That is an area where the Minister can go and challenge the thinking of the Government and how it is disadvantaging the growth of regional economies. That is something that we should be looking at. If we look at all the sectors and all the choices that we face, there is no sign that Sinn Féin, or the SDLP for that matter, are up to making any of the difficult decisions.

Minister Farry had the Executive against him on St Mary's College. Look at Ulster University. Our universities are now faced with several options: they can cut numbers; they can increase fees, if the Assembly would let them; or they can try to get more money from the Department for Employment and Learning. Those are the choices that this Executive and Assembly should realistically be making.

People talk about DRD and street lighting, and I know, as a constituency representative, that Transport NI seems to have effectively stopped. I do not know how other colleagues feel about getting anything done. If the stories are right, Transport NI is down to 35 litres of fuel to drive

around with. At least we can comfort ourselves in knowing that Transport NI's depots are in great shape at the minute. There is not a weed or a bit of dust blowing around them.

Mr Ross is in his place, but there is no sign of anyone wanting to have a debate about what we want the state to look like, what role we expect it to take, or what services we expect it to deliver. There is no sign of any part of government moving into that realm. All anyone talks about is taking on the Conservative Government. Sinn Féin might be uncomfortable because it has had to vote against water charges in the South. It does not even want a debate with the Minister about revenue raising up here. We are running this place into the ground while waiting for a Dáil election to happen. That is an intolerable place for any Administration and partners in the Government to be in: to just sit and, effectively, fiddle while Rome burns. That is what we are doing. We cannot be allowed to continue with that.

Looking broadly at some of the issues, I think that it is important to remind colleagues that the reason why the Committee does not have a lot of choice about accelerated passage of the Budget Bill is simply because, until we reform our Budget process, there is not a pile of choice left for Members as to how they do that.

I listened to and read some of Michaela Boyle's advice to the House. She talked about a no-growth austerity agenda from Westminster. The no-growth agenda in Westminster has left the UK the fastest-growing economy in the G7. It has created some 1·7 million jobs. I want this Administration to be involved in that type of reform for Northern Ireland.

We were successful last year in attracting inward investment. Per capita, we had the highest rate of inward investment in any part of the UK, which is to the credit of Invest NI and the Minister in her previous role for going out and selling Northern Ireland as a place to invest. Given the current instability, as the Invest NI team go out not knowing whether we are setting corporation tax, that record will be very difficult to maintain, especially if we do not get our skills base right.

I come back to welfare and say to Michaela Boyle and her colleagues that there is nothing compassionate about trapping people in poverty. There is nothing compassionate about trapping people on benefits for the rest of their lives and condemning the next generation to low educational attainment, poverty and benefits.

A report is out on the job of work that needs to be done in Protestant working-class areas. We have a job of work to do in all areas where underachievement is being presided over by the Education Minister. We need to change the way our schools are run, engage kids early on in their education and engage those kids' parents in education. All educators will tell you that they could walk into a house and know by the number of books there how well a child will do in school. I suspect that this is not a problem for the Minister's kids or mine: their parents are reading to them at home and taking an interest in their education. That is not happening in some of our families, and there is nothing compassionate about a welfare, education or health system that ignores that reality.

There is a seven-year difference in life expectancy in parts of Belfast. There is nothing compassionate in that. This Administration should embark on these and many other reforms and make sure that they deliver. Take the report of

the Human Rights Commission on health. It talked about the need for Departments to move on with Transforming Your Care, on commissioning and other changes, setting the value on human rights and charting a constructive course ahead. However, Transforming Your Care, by all accounts, three and a half years in and three Ministers later, is going nowhere.

We have this system of government that allows people to be in government and opposition at the same time. We can vote for a Budget and go to a picket line in Newry all in the one day. Thankfully, on that occasion, Mickey Brady was asked to leave the picket line, but this coalition of irresponsibility, particularly on this side of the House, cannot be allowed to continue.

*(Mr Speaker in the Chair)*

I have looked at some of the failings of the Executive and where we have lost money. We spent £53 million on a training college for the police and the Fire and Rescue Service that now looks as if it is not going to happen. Is the A5 road going to happen or not? That is £60 million-plus. The Maze/Long Kesh site involves £18 million of EU money. The Narrow Water bridge involves £14·5 million. For education reform, we managed to get something — the lowest common denominator available. Local government reform looks as though it is having enormous teething problems. Planning seems to have almost ground to a halt. In education, we still have 64,000 empty places. The Department of Finance, in a previous monitoring round, had to give £63 million to the Department of Education, because that was the only way in which to get Sinn Féin to agree, yet there is no semblance of reform. That is how bad our system is at the minute. The only model that Sinn Féin looks to is the Greek model.

## 12.15 pm

In concluding, I say to Members that I believe passionately in devolution. As I said earlier, I voted yes in 1998. Is there frustration? There is bound to be enormous frustration in parties in and out of government that want to do things to help people but are blocked at every turn. I accept and respect everyone's mandate to be here. I have no difficulty with the concept of power-sharing. What I do have difficulty with is what we have at the minute, which is shared-out power and, effectively, little fiefdoms, where people are king on their own patch. I suspect that, when the DUP first selected the Department of Finance, it was hoping that it would be much more like the Treasury in London, with much more overarching power to reform other Departments and to help to guide that reform. Peter Robinson set up the performance and efficiency delivery unit (PEDU), which Simon Hamilton subsumed into the public sector reform division, yet we have no way of getting any Departments to engage with it.

I believe in devolution. I believe in this place. I would like to see this place be a bastion of hope, with policy ideas coming out of it and reform that lifts the standard, tackles educational underachievement, economic inactivity and our productivity gap. Our productivity has remained stagnant for many years. I want to be involved in a democracy that has politics of aspiration, that wants social mobility and that wants all our people, not just those in South Down but across Northern Ireland, to do well and

succeed. It is almost like the old Sinn Féin mantra from the proclamation about:

*“cherishing all of the children of the nation equally”.*

We are not cherishing people equally when we trap them in poverty and trap them in west Belfast. We should be using very wisely the £2,000 a head of extra spending that we get and creating an equality of opportunity for people that people can see. We must look at reforming this place. We must look at reforming the petition of concern mechanism. I want to see the Assembly doing that. I want the Assembly and Executive to have the maximum powers that they can have to maximise the benefits of being in the Union. I want all those ideals for the Assembly and Executive, but those ideals can happen only when people realise that they are in government.

The big challenge for Sinn Féin and the SDLP is to decide whether they want to reform Northern Ireland and whether they want Northern Ireland to work. No matter what our constitutional preference is, this place has to be made to work. As a unionist, I want it to work and to be a full, integral part of the UK. As Irish nationalists or republicans, you have to make this place work to make sure that you look as though you are fit ever to be in a sovereign Government in the future. Either way, we have to make this place work for the people of Northern Ireland, whom we are sent here to represent.

As a committed devolutionist, I say to them that I, like many, am absolutely fed up with Sinn Féin and the SDLP's stance on the issue. Many people have long since switched off on what is happening at Stormont. The little boy has cried wolf way too often. This is not only a crisis: it is a proper crisis and a real crisis. We have to move away from that. We have to remember that the peace process is over and that it was successful. It is now time to govern. I remind colleagues of Danny Kennedy's words:

*“More than ever, the debate highlights the fact that our current system allows those in government to behave as though they were absolutely removed from it and as though they are in opposition.” — [Official Report (Hansard), Bound Volume 105, p16, col 2].*

Sadly for people in Northern Ireland, some here today seem more comfortable with the character of opposition — a harum-scarum opposition — than with the responsibility of government.

Although I am committed to devolution, I have less of an ideological problem than all the parties down this side of the House with Tory direct rule Ministers coming in and sorting out our problems. Quite frankly, if the Assembly and Executive cannot rise to meet the challenges before us and deliver for the people of Northern Ireland, then this place does not deserve to exist. I do not say that lightly. I know the consequences that it could have. People could say that you could get rid of devolution for a few weeks. I constantly remind people that I was a 6-week-old baby when this place collapsed in March 1972. By the time it came back in a stable form, I was a 35-year-old Member of it, so I do not say it lightly. At some point we have to stop running to big brother at the British or Irish Governments saying that we need more money. We cannot give in to all the threats of “Oh, this will happen, the deputy First Minister will resign.” We have to say that enough is enough.

**Mr Speaker:** I call Ms Claire Sugden.

**Ms Sugden:** Apologies, Mr Speaker, I was not expecting to be called so soon. *[Laughter.]* I will try to be brief in say in a few words that others have laboured over; I do not think there is much that I can say that will change the outcome of the debate anyway. If anything, I hope that I can send out a message of what a 28-year-old female from Northern Ireland thinks of the Assembly.

When preparing for the debate, I looked over the Hansard from Monday. One of the things that jumped out at me was when Minister Foster said:

*“the Budget Bill underpins all the public services that Ministers and Departments are tasked with delivering.” — [Official Report (Hansard), this Bound Volume, p40, col 2].*

Essentially, that is our reason to be. That is why we are in the Assembly today. Anything that we do follows from the Budget.

I was not a fan of the original Budget Bill, and I am not really a fan of this one. It seems to cut a clinical line across the various Departments. There is no strategy that envisages our Departments working together so that we can provide the people of Northern Ireland with an efficient and effective public service, which is something that they deserve. That said, the Minister can only play with the cards that she has been dealt. Even in an environment where the political impasse did not hang over our heads, she would still have a difficult task trying to convince civil servants that we are no longer under direct rule and that cross-departmental working is really the only way forward.

We are where we are, and that is at the end of the line. Unless the Budget (No.2) Bill is passed today, Northern Ireland has failed. While that shame will stay with us as Members of the House, the biggest tragedy is the effects that it will have on the people of Northern Ireland — the people I represent — and the basic public services they are entitled to. Not the standard that everyone else gets, but the basic public services that they are entitled to.

Much has been made of the phantom Budget, or provisional Budget, although I am not sure that that is much better. We will call it hypothetical. By all means, I am the last person to come forward to congratulate the DUP on its policy.

Nevertheless, I think that what we have on the table is the best option. It seems that it is the only option that is on the table. It is not a bad thing that we set welfare reform aside. In Northern Ireland, the politics often gets in the way of the politics, and, to me, welfare reform at this stage is nothing more than politics; bad politics at that.

I do not like the Conservative Government's approach to welfare reform. Their approach has been about penalising those who take advantage of the system rather than helping those who need to use it. All of us, as Members of this House, will be able to say that they have felt the squeeze in anticipating welfare reform and the changes that are happening, knowing that it is coming. It is coming and neither I nor any Member of this House can stop welfare reform. If that is the imminent reality, which it is, then I would rather that it was implemented in the form that is most considerate of the circumstances of Northern Ireland and the post-conflict society that we find ourselves in.



There are concerns about welfare reform, as I have very briefly outlined, but I do not accept that the current impasse is about the most vulnerable in our society. I am actually quite angry that that phrase is overused in the way that it is by some Members of this House. If it were about the most vulnerable in our society, we would have passed welfare reform, because satisfying the most vulnerable in our society goes beyond benefits. It looks to other public services, and to pin it only on benefit disrespects the people whom Members here say they are helping.

Even if I could swallow the nonsense about the most vulnerable, it is fair to say that we are not helping the most vulnerable in that respect. We are actually making it much harder for them. We are cutting the services that are helping them to get back into work, making them feel part of society and giving them somewhat of a quality of life that the rest of us take for granted. Please, please do not tell me that this is in the name of the most vulnerable. This is the consequence of bad party political decisions. I would be sacking the spin doctor because Sinn Féin is usually better at wearing the faces that it has.

Welfare reform needs to be set aside for now, so that Northern Ireland can get on with it. The people of Northern Ireland so desperately want us to get on with it, whatever "it" may mean. They are fed up with the poor quality of politics here that they have been getting since 1998 and before that. I have a theory, Mr Speaker; I think that we will eventually get there. We will get there because what is happening now is probably a natural cycle of the conflict and of deeply-divided societies. Politicians got the job because they waved their flag higher or because they got a number of votes for the other side. They did not have to be good at their job during the conflict, but now they do. People are starting to wake up to politicians in Northern Ireland, and they are starting to realise that those people are here to represent them and their interests and to provide the public services that they use.

In a crude way, I see this as a positive message, because it means that we are working our way out of this dark tunnel. We have a long while to go yet, but we need to keep going, and we cannot fall here. I will vote for the Second Stage of this Bill, and I commend the Minister for bringing it to the House in the form that she has done, but we need to keep going, and we cannot fall now.

**Mr Murphy:** Go raibh maith agat, a Cheann Comhairle. Before I make my contribution, I want to offer my best wishes to my party colleague Cathal Boylan, who underwent a very serious heart operation yesterday. Thankfully, he is stable today, and I am sure that the House will join me in wishing him a speedy recovery and a quick return to work.

I do not intend to make a very long contribution, not just to save the Finance Minister, who sat through quite a substantial number of speeches on Monday and this morning, but because I realised that, having sat through some of this morning's contributions, the longer the speech the more contradictions get built into them. I will keep it simple and straight.

I will begin by reiterating what the deputy First Minister said on behalf of our party here on Monday when he offered conditional support for the Bill on the basis that:

*"the Executive have workable and sustainable finances in the time ahead, and to ensure the full implementation of the Stormont House Agreement."* — [Official Report (Hansard), Bound Volume 106, p70, col 1].

Of course, he recognised that there were still very fundamental challenges facing the Executive and the Assembly around the welfare protections that have been spoken about this morning and the other important elements of the Stormont House Agreement, including the essential legacy mechanisms and how those must proceed. At that stage, he also noted that the Budget (No. 2) Bill, which, as people and Members understand, is to implement the second half of the spending of the Budget Bill that was agreed in March, does not contain further cuts to the one agreed in March. However, he made the point that further cuts to our Budget would dramatically impact on front-line services, our economy and society and that that was not sustainable going forward.

### 12.30 pm

In the likelihood of the Budget Bill getting the agreement of the Assembly to go forward, today and next week, the question is this: what do we do in the time ahead? Do we accept the line that there is no more money, that there is no money tree, as we have been told in the various clichés that have been rolled out? Do we accept that the British Government do not have any power to raise any more finances, even though people have made reference to it being the fastest-growing economy in the G7 or G8? Do we accept that they cannot go after taxes that are withheld from them by large corporations or very wealthy individuals? Do we accept that they cannot spend the huge amounts of money they are spending in other areas, in areas that are more productive and more protective of society? If we accept that line, going forward, and throw in the towel on that basis, we agree, as some people have sought to do in their contributions during this Budget debate, to pit the most vulnerable people in society — the people who are dependent on welfare — against the working poor and other people who depend on front-line public services. We say to those people, "There is room in the safety net for only one group of you. The other people have to get out".

People argued about the welfare issue against people who are working, and said, "The solution to that is to cut welfare, not to increase the minimum wage for people who are working as well". If we accept all of that, the only solution for us is to go home, close our front door and close our ears and our eyes to the full impact of our failure to fight for the people who elected us to represent them.

Over the last number of years, the Assembly has stood as a bulwark against the full impact of cuts from the British Government, first from the Tory/Lib Dem Government and, now, what is being proposed by the Tory Government. People have criticised the decisions that the Executive and Assembly have taken, but, without the decisions, the cuts would have made a much more severe impact, and certainly there would have been a much more severe impact on people who are dependent on welfare. We can see —

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

**Mr Murphy:** Yes, I am prepared to give way.

**Mr Allister:** The Member started his speech talking about contradictions. I would like to explore one issue. He tells us that the Assembly and, by inference, his party, has stood as a bulwark against cuts, but his is the party that tells us that £1.5 billion of cuts have been inflicted on our block grant. Those are cuts that his party implemented. So, to this moment in time, according to his own script, they have implemented £1.5 billion of cuts. Now, belatedly, it is a die-in-the-ditch matter. Will he explain that contradiction?

**Mr Murphy:** I thank the Member for his contribution. I have been absent from the House for three years, but I know it certainly was not his practice to reciprocate by giving way when he was speaking, but I hope that that is now the norm in public debate. The reality is that, if the Assembly had not taken decisions —

**Mr Allister:** On a point of order, Mr Speaker. I do not think I have ever refused, in practice, interventions. I think I have been very generous in taking interventions on issues, and I intend to continue to do so.

**Mr Murphy:** I accept the point, Mr Speaker —

**Mr Speaker:** Yes, I think you should accept it, because I can testify to it.

**Mr Murphy:** I accept the point the Member makes, and I accept that my recollection might be somewhat rusty, since, as I said, it is three years since I was in the Chamber. I am very pleased to be able to engage in debate with him, and I wish it was likewise outside the Chamber, in the normal discourse that takes place between elected representatives to the House, that we had such a debate.

The reality is that the bulwark that the Executive stood against is that we do not have water charges, we have free prescriptions, and we have free transport for the elderly. All the things that add to the impact on vulnerable people and working-poor people in Britain have been offset, including by people's welfare entitlements as a result of the Welfare Reform Bill not going through and the protections that we agreed to build into the Stormont House Agreement. We have stood as a bulwark against the worst impacts of what was coming down the track, and we have readily accepted that there have been £1.5 billion cuts over the last number of years, which we have tried to mitigate and use our limited resources to protect the people who are most in need. That has been our approach, and we make no apology for it. We said it clearly, and the Executive agreed in their Programme for Government for 2011 that their priorities were growing the economy and protecting core services —

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

**Mr Murphy:** Yes, sure.

**Mr McCallister:** I remind the Member that we do not have a charge to visit a GP, thanks to the National Health Service and money from Westminster.

**Mr Murphy:** I absolutely accept that, which is why we argued in particular — the Member made a lot of references to the nature of our party being all-Ireland — that the National Health Service is much better than the healthcare system that pertains in the South, and we are quite happy to acknowledge that.

We have engaged, as we normally do, but we have certainly stepped up that engagement recently with the

business community, the trade union sector and others in civic society. They recognise the damage that further cuts will cause to people who depend on core services and welfare and that the ability of the economy to recover will be damaged by austerity policies that are being strengthened and deepened in London as we speak. Austerity policies damage economic recovery as well, and businesspeople recognise that, because it is not only people who rely on core services. The Executive's Programme for Government has a central plank of trying to secure economic recovery, and that will be directly impacted by the prospect of further cuts that are not part of this Budget — the £38 million that the Chancellor has announced for further in-year cuts and the prospect of £25 billion of further cuts and our share of what that might be. That is why we say that such further cuts to the Assembly and our ability to do business and deliver on the Programme for Government that we were democratically elected to deliver will be impacted.

The space that we have, hopefully, now opened up in relation to the Budget Bill should be used imaginatively and collectively by the Assembly, and we should get away from the defeatist language that I have heard as part of the Budget debate, which is that we should simply shrug our shoulders and say, "We would like to help the vulnerable, but there you go. What can we do? Big Brother has told us that we are not allowed to do it any more. It does not matter what our democratic mandate is or that we stood on promises to the electorate and crafted a Programme for Government to reflect our priorities. What can you do? What can you say? That is simply the way it goes."

**Mr McNarry:** I thank the Member for giving way. For the sake of clarification of his party's position: when you talk about creating new space, is that new space to continue the argument that you are now involved in with the current welfare reforms, or is it new or agreed space to face up to the measures that are likely to come from 8 July, where, I think, there is a unity of purpose? Are you creating space for that only, or are you merging the two?

**Mr Murphy:** I am in danger of defeating the argument that I made at the start by speaking for so long. I recognise what the Member said when he talked about putting himself in a collective mandate across Britain and the North during the last election: the mandate for those who were nationalist and opposed the British Government and the mandate for the rest of them. I think that he included himself and UKIP in that, which was in support of what was happening. He then went on to make the case that we have a mandate here, which is to stand up, or we would end up with direct rule policy and Westminster policies being directly implemented here. He said that we had a responsibility on our mandate here to try to challenge those things. I want to recognise my mandate. I want to recognise the fact that we were elected to challenge these things.

It is not creating a new space. I think it is giving us more space to try to collectively get the argument in relation to the impact of austerity, and not just simply on the narrow band of welfare reform: the full impact of austerity. Austerity is damaging prospects of our own economic recovery and delivering those core services which we pledged, in our Programme for Government, to protect. That is now recognised across society. Some Members across the Chamber appear to be in denial in relation to that, and they are certainly in denial about our ability to do

anything to effect any change to it. I think that there is an opportunity, and not just here in the North, to talk to others who share the same view and have a growing concern about what is coming down the tracks from Westminster, to share unity of purpose with people in Scotland, Wales and across Britain who feel the same way. You saw the extent of the demonstration in London last Saturday.

I welcome the intervention that the Finance Minister made, signalling her intent to meet her counterparts in Scotland and Wales. There are many differences between what we have done and what they have done, but there is also a commonality in terms of the threat to the ability of the devolved institutions to deliver their own programmes, in view of what is coming at them from Westminster.

That is the type of space that I see opening up. It is not a very large window; it is quite a narrow window of opportunity. I hope that we can speak collectively and with unity of purpose on that. I and my party are quite happy to engage in debate with any party here in relation to that agenda, to see where we can find common cause. When we found common cause, albeit briefly, in the Stormont House Agreement, that had an impact on the attitude of the British Government. It secured additional money for education and the legacy issues. When we speak with one voice, we can make an impact. We have an opportunity to engage and speak with the people in our society who understand what is coming at us, and also those in other devolved institutions.

My argument was outlined by the deputy First Minister. We need to be thinking imaginatively in the time ahead, talking together and trying as best we can to present unity of purpose in this regard, if we are to effect any change at all. We must recognise the very serious challenges that we face and the ideology that underpins the Tories' approach to Government and be determined in our challenge to represent and protect the people who have sent us to this Chamber to do so.

**Mrs Foster:** I thank everyone who has contributed to the debate today, and indeed on Monday. In particular, I want to thank the Chairs and Deputy Chairs of Committees, who set out their departmental perspectives. It is always good to hear the range of departmental issues facing us in this financial year from all those involved in the scrutiny Committees.

I want to talk about the fundamentals of the debate. We have heard much reference to the Budget document, obliquely in some cases, and I accept that. It was published on 19 January this year by my predecessor, and, for those of us who have little economic understanding, on page 23 it shows the very basic information that needs to be understood in relation to how a Budget is set. It sets out very clearly that Northern Ireland businesses and the public pay taxes to the United Kingdom Government. That Government then allocates a Budget to Northern Ireland, as it does for Scotland and Wales. In our case, we benefit to the tune of an extra £10 billion in relation to the taxes that we pay. Then the Northern Ireland Executive distribute the Budget to different Departments, and the Departments spend their budgets on public services throughout the year. And that is it, in a nutshell. I could end there, but unfortunately I need to answer some of the issues — *[Interruption.]* I did not want to give you a lot of hope there, but I need to deal with the issues that have been raised

during the debate over these two days. However, I point Members to that page in the Budget document.

I start with the Chair of the Finance Committee, Mr McKay, who asked for clarification on pay bill savings in relation to the voluntary exit scheme. As I explained to him in last week's debate, the expected quantum and spread of savings from the scheme across the Departments is being calculated by the working group under the leadership and chairmanship of the head of the Civil Service. It will be available shortly.

#### 12.45 pm

Mr McKay supported the general principles of the Bill on behalf of the Committee. He noted the importance of public-sector reform and the use of new technology in everything that we do in the future, and that is something that I will come back to in a minute. That was a theme that was also taken up by Mr Ross, who spoke next and who raised a number of issues that I think are worth referring to.

First, in his capacity as Chair of the Justice Committee, he raised the issue of legal aid reform. He talked about the fact that the current programme of legal aid reform, which, when fully implemented, would deliver £22 million of annual savings in criminal legal aid. He talked of further changes in Crown Court fees. That will save in the region of £8 million. That was introduced in early May. We know that the Justice Minister has put forward to the Executive proposals to further reduce costs through amending the scope and eligibility of legal aid, and those measures will not be sufficient to meet all the pressures in-years. The Justice Minister has sought the agreement and support of the Executive to introduce emergency legislation to apply a variable levy on those legal aid fees. That will come before us very soon.

Mr Ross also talked about fiscal powers. Our top priority still remains the transfer of corporation tax powers. This party has been consistent in continuing to argue for the devolution of corporation tax powers. We believe very strongly that it is a very important economic lever and that it has the potential to bring about a step change in our economic performance, but, as I will point to later, all that is encompassed in the Stormont House Agreement. All of it is detailed in the Stormont House Agreement, including the devolution of corporation tax.

In relation to the point about innovation and doing things differently, which, I think, a number of Members latterly referred to, we need to focus on outcomes. We need to look at how we can do things differently to bring about better outcomes. The last person to make that point was Mr McNarry. How do we, as a public service, do things differently to bring about better outcomes? Instead of looking at processes, how do we have better outcomes? That point was made very clearly by Mr Ross. He talked about the efficiency of the private sector in some of the things that it was able to offer to the public sector, and he talked about the role of government and whether we should be big government or small government in the lives of individuals. I thought that it was a very considered speech and one that caused a lot of debate around the Chamber on Monday and today.

I understand that Dr McDonnell is to leave this House, and his last appearance was yesterday. He has now

decided to concentrate on Westminster, and I wish him well as he concentrates on his Westminster activities. He did not bring me much joy with his speech, it has to be said. He said that we needed to get into another all-party process. I have to say that that did not work very well for us in December. We are back here talking about another all-party process when we thought that everything had been agreed on 23 December. The Stormont House Agreement really underpins this Budget, and, without the implementation of the full Stormont House Agreement, the Assembly and the Executive do not have the mechanism to move forward. So, we need to implement the full Stormont House Agreement.

Mr McDonnell repeatedly referred to the need to have greater efficiencies and Budget reductions, but not once did he tell us how he was going to deliver those efficiencies. There were no ideas coming forward as to how those efficiencies were going to happen. He also called for a re-engineering of public expenditure, but, again, did not provide us with very much insight as to what that actually meant in his world.

In relation to the devolution of corporation tax powers, I have already stated that I believe that it has the potential to transform the economy. I very much want Northern Ireland to be the go-to place for businesses that are looking for a place in the United Kingdom or access into wider Europe. Having that competitive rate of corporation tax is very much one of the key levers that we have to make that happen.

As an Executive, we need to agree on a rate and a start date. That is very much part of the Stormont House Agreement. It is important that we look back to the Stormont House Agreement to see what it actually says about corporation tax. On the very last page, it talks about the process for the devolution of corporation tax, stating:

*“Progress of the legislation through Parliament this session will proceed in parallel with implementation of key measures to deliver sustainable finances”.*

So, the Bill that was to bring corporation tax was to proceed at the same time as:

*“agreement in January 2015 on a final balanced budget for 2015-16 with a clear commitment to put the Executive’s finances on a permanently sustainable footing for the future; and progress on welfare reform in January with the Welfare Bill passing through Consideration Stage in the Assembly before the end of February.”*

So the devolution of corporation tax is conditional upon us having a sustainable Budget and progressing on welfare reform. The Stormont House Agreement is very clear on that issue, and anybody who thinks otherwise should look at what it actually says.

There has been some commentary in the media on an issue raised in our debate here on Monday, when I said that time is running out in relation to the devolution of corporation tax. I said that because, when you set a date and a rate, you have to give Alastair Hamilton and his team, and any Ministers who go out to talk about corporation tax, the time to sell our rate of corporation tax. We are losing precious selling time by not setting the date and the rate, and the longer we prevaricate on them the longer we will be putting off using a transformative tool for our local economy.

Leslie Cree raised a number of issues around the 2014-15 financial year. Whilst it is not related to the Budget Bill before us, I confirm that I will report provisional out-turn, which includes asset sales income, underspends and carry forward under the budget exchange scheme. I will bring that to the House with the conclusion of the June monitoring round. Members should be well aware of the figures involved, because the Department reports forecast out-turn to the Committee. The March return was not significantly different from the provisional out-turn. However, I reassure the Member that I expect out-turn to come within budget exchange limits set out by Treasury, ensuring no loss to Northern Ireland.

Mr Cree also raised the issue of reinvestment and reform initiative (RRI) borrowing. I confirm that we secured Her Majesty’s Treasury’s agreement — again, within the Stormont House Agreement — to utilise borrowing to fund the voluntary exit scheme. It will become very clear, as I continue with my speech, that the whole budgetary process is underlined by the Stormont House Agreement. No matter what question you ask me, I will answer, “It’s dependent on the Stormont House Agreement.”

Of course, the savings that were to be generated from the voluntary exit scheme have already been put into this Budget. I think that it was Mr McCallister who asked me about that. Therefore the savings that were to come would more than cover the cost of borrowing in the longer term. It is expected that the voluntary exit scheme will realise some £150 million annualised savings and roughly between £60 million and £80 million in-year. However, it depends on when the staff are released, so it has to be a projection and cannot be a firm figure. Departments obviously have targets that they need to work to, and this scheme is helping them to do that. If it is delayed, there will be an impact on the ability to deliver those budgets. So, the Budget Bill is predicated on the Stormont House Agreement and assumes that £200 million is available in-year for the voluntary exit scheme.

Mr Cree also raised the OECD review, which is conducting a series of meetings. Initial recommendations from its draft report are due in September, with the final report being completed this November. Mr Cree also highlighted some of the issues raised by a Member on the opposite Benches. I add my support to the concerns Mr Cree has over Sinn Féin’s fiscal ideology. It is abundantly clear that Sinn Féin do not do financial responsibility, and they definitely do not do irony. Definitely not.

In relation to the multiplier effect, the Member raised his concern that there will be a negative multiplier from the voluntary exit scheme, but, as I am sure the Member will appreciate, there will actually be an injection of £700 million into our local economy as a result of the exit payments. That will represent a significant positive multiplier impact on the local economy, because obviously those people will be spending that money in the local economy. The Member must also appreciate that we can only, again, access that additional spending power if we implement the exit scheme. The exit scheme is essential, and many Members around the House have mentioned it during the debate. If we are going to balance this Budget and deliver essential front-line services to the people of Northern Ireland, it is important that we proceed with it. We can only proceed with it if the Stormont House Agreement is implemented.



Judith Cochrane and Sammy Wilson talked about the reduction in early years funding. I understand that, in relation to the specific early years fund, the budget was reduced by £2 million in 2015-16, leaving £941,000 available. That money that is left will enable all current recipient groups to receive continued support to the end of the current academic year, which is the end of August 2015. I understand that the Education Minister will continue to review his budget, but it is ironic that, of course, we are losing £2 million a week in penalties, which is exactly the same amount of money that it takes to deal with that early years fund.

Mrs Cochrane also made reference to the fact that we were in a United Kingdom framework and that we are in a devolved settlement and that those not supporting welfare reform will cause other public services to be cut. Of course, it is very true that failure to implement the Stormont House Agreement was plunging us into financial uncertainty. She and Pat Ramsey made reference to budget cuts in higher education, and I think that there was a general concern about the cuts that were having to be made in higher education and the impact that that was going to have on skills development. I am aware, of course, of the reductions that have had to be made, and the universities have reported that such reductions will cause there to be job losses and fewer undergraduate places. However, I urge the universities to protect university places as much as possible to make sure that that is their primary focus and motivation. Of course, everyone across government is having to face significant pressures and having to decide on their priorities as they move forward.

Martin McGuinness came into the Chamber and made a speech where he told us that he was giving conditional support to the Bill. He indicated that it does not amend the opening Budget position as approved by the Executive in January. That is absolutely right; this is a continuation of that Budget. The June monitoring round is when we have to deal with the problem of living within those control totals, and, of course, the only way that we can live within the control totals is by ensuring that the Stormont House Agreement is honoured and that welfare reform is implemented. As I said, he gave conditional support to the Budget, and he talked about his mandate and the need to respect the mandate of those who are opposed to what he called the Tory Government's austerity plans. It does beg the question: if only there were a way to gauge public opinion on these matters across the United Kingdom. Of course, we have just come out of a general election. One would have thought that, if people wanted to express their opinions, that was the place to do it. I think that it was Mr McNarry who pointed out that those who are vigorously opposed to austerity are in a tiny minority compared to those who want to move ahead and develop the economy of the United Kingdom. Whilst, of course, we respect the mandate of those who oppose what is happening at present, surely the contrary must be the case as well. If you accept the principles of democracy, you have to accept that the current Government are a Conservative Government and that this is the process that we are engaged in.

#### 1.00 pm

Michaela Boyle, on behalf of the Public Accounts Committee, raised the issue of Excess Votes. I welcome that Committee's work on scrutinising departmental accounts, and I note that it has recommended that the

Assembly agrees legislative cover to excess expenditure in 2013-14 for the Education and Health Departments and the Public Prosecution Service. Clause 5 authorises additional resources to the Health Department and the Department of Education, and the Excess Vote for the Public Prosecution Service will be included at the spring Supplementary Estimate stage for the Assembly's agreement.

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

Pat Ramsey spent a little bit of time talking about regional imbalance. He very much welcomed the Executive's decision to set up a committee to look at regional imbalance across Northern Ireland. He talked about the link between regional imbalance and the infrastructure deficit. In particular, he raised concerns about transport infrastructure in the north-west, particularly the A5 and A6 roads. It is worth pointing out that the budget was in place for the dualling of the A5 road, but, as the Member is very much aware — unfortunately, he is not here — the project has not been delayed because of a lack of money; it was delayed as a result of a judicial review. That is the reality. Sometimes, we forget that. Minister Kennedy has advised that work on the new environmental statement and new draft statutory orders is now complete and that he intends to circulate a paper regarding the A5 to Executive colleagues shortly.

For transport infrastructure in the north-west, it is also worth mentioning that the second phase of the upgrade of the Coleraine to Londonderry railway line is now under way, which is going to see £46 million of investment in signalling equipment and a new passing loop, which, when completed, will allow hourly services from Londonderry and Coleraine to Belfast. That should be very much welcomed, as I have done on previous occasions.

Sandra Overend and, I think, some others, but Sandra in particular, mentioned Desertcreat. The Executive allocated £53 million to that project in the 2015-16 Budget, but that was conditional on access to end-year flexibility (EYF) from Her Majesty's Treasury. With support from the Justice and Health Ministers, the steering group has asked the programme board to develop a revised business case for consideration by the Executive in the autumn. A key option in the business case is that consideration will first be given to sites and premises currently owned by the services and the Policing Board, including Desertcreat, of course. Included in the EYF pot is £30 million initially provided by the Executive for the Health element of the college. This means that the Executive will now have to argue for access to their own funds that were previously rolled into end-year flexibility, which could be deemed by Her Majesty's Treasury to be forfeited EYF and, therefore, lost to the block. My officials will continue to engage with their counterparts in Whitehall to reclaim that £30 million funding for allocation elsewhere in 2015-16. Given that 2016-17 will represent the commencement of a new Budget period, it should be noted that the cross-service college project would have to be funded entirely from the Northern Ireland block allocation.

Mrs Overend also highlighted the issue of the additional £500 million for shared education that was provided in the Stormont House Agreement. That, of course, is available only if all aspects of the agreement are implemented, including welfare reform. Without the implementation of welfare reform, the reductions in public services here

would have to intensify dramatically. That is something we will not allow to happen; it would be impossible to deal with public services in relation to the amount of cuts that would have to come if welfare reform were not implemented.

Mr Irwin, on behalf of the Agriculture Committee, mentioned a number of issues. Of course, I and my party are entirely committed to the agrifood sector. We have shown that by our actions throughout devolution. Therefore, I share the Committee's concerns with regard to the persistently high cost of bovine TB to our economy. We need to be more radical in our approach to reducing and, eventually, eradicating bovine TB. I also agree with the Member on June monitoring: given our financial position, Departments cannot rely on additional funds being made available through in-year monitoring. That is just not going to happen this year because the funding is not there.

We were then treated to a lyrical contribution by Mr Ó Muilleoir. It is unfortunate that he is not here because I wanted to share some things with him, but I am sure that he will read Hansard. He talked about how small boats do not get lifted by the tide. It is good, then, that we are part of a very large ship. We are part of the United Kingdom, thankfully, and can benefit from that. We have seen other small boats, as he put it, having difficulties in the past. He also said that, if we accepted the agenda from London, the institutions were doomed. Mr McCrea mentioned my use of the doomed word yesterday, but Mr Ó Muilleoir's feeling is that, if we accept an agenda from London, we are doomed. I sometimes wonder whether some Members are aware of how a democratic Government work. Proposals are put forward and brought to the Floor of the House of Commons, where they are scrutinised and voted on, and the decision is clear. That is what happened with welfare reform in the House of Commons, but, of course, Mr Ó Muilleoir's colleagues might not be aware of that because they do not go to the House of Commons. Other Members of Parliament from this part of the United Kingdom do go to the House of Commons and raise their voice on these issues.

We had erudite references to the 'Financial Times' and even a quote from T S Eliot's rather obscure poem 'The Waste Land'. I wondered whether Mr Ó Muilleoir had read the beginning of the poem. It is preceded by some words in Latin and Greek, which I will translate into English for the House because my Latin and Greek are not very good. It goes:

*"I saw with my own eyes the Sibyl of Cumae hanging in a jar, and when the boys said to her, 'Sibyl, what do you want?' she replied, 'I want to die'."*

I am not saying that that is how I felt on Monday night. [Laughter.] It was not quite that bleak, but he reminded me of a fictional character from an earlier author — one Wilkins Micawber from Dickens's 'David Copperfield'. Micawber's poor, beleaguered wife often said that he needed to be more careful with his money and deal with it in a financially responsible way. What was his answer to that? Does anyone in the House know what Micawber said to his wife? He said that something would "turn up". Frankly, that has been the attitude of Sinn Féin and the SDLP throughout the process. They feel that something will turn up to deal with welfare reform. They will not have to give it much thought: they will just complain about it, say that it is terrible and that the Tory Government are doing awful things to us, but they will not come forward with any solutions — something will "turn up".

It is time to move from fiction to reality and deal with this as the responsible Government that we are supposed to have in Northern Ireland. I hope that when Mr Ó Muilleoir quotes from fictional poems and literature in the future, he remembers that they are just that — fictional. We have to deal with reality in the House.

Stephen Farry gave us some of that reality. He said that we need to deal with the future spending difficulties in front of us — and others referred to that — and that we need to challenge the Government on the direction of their future public spending plans. We have no difficulty in looking at those plans and challenging the Government when we believe that they are not in the best interests of Northern Ireland. He said, and I agree with him, that our credibility would be very much stronger — it would be enhanced — if we balanced our books in Northern Ireland to begin with.

He talked at some length about the principle of consent. He mentioned the fact that we are a devolved Administration within the United Kingdom and that the United Kingdom Government have legitimacy and sovereign power in Northern Ireland.

He felt that the two nationalist parties and the Green Party were really undermining that principle of consent that, for him, was a key part of the Good Friday Agreement.

He went on to talk about how devolution has provided a buffer against some of the policies that have come from Westminster. That is absolutely right. One only needs to look at the record of this Administration to see how we have provided Northern Ireland solutions to some of the issues that have come. We pay almost £16,000 less to study for a degree than in England and Wales. We have attempted to protect people from the worst effects of the recession through freezing the regional rate and not introducing water charges. We have brought forward an economy and jobs initiative that was made in Northern Ireland to deal with the issues that were in front of us. We brought forward the jobs fund. We brought forward financial instruments to help small and medium-sized businesses. When they could not access finances from the banks, we brought forward schemes to do that. We have provided a buffer here in Northern Ireland. It has been to the credit of this Administration that we have been able to do that.

Mr Farry set out, from his own perspective, the pressures around his Department and his reduction in university funding. He said that those who are against welfare reform are preventing us from creating jobs and opportunities. Indeed, he talked about the economic inactivity strategy, which, again, is a devolved policy. It is the only economic inactivity strategy in the United Kingdom. It is something that he and I worked on together when I was in the Department of Enterprise, Trade and Investment.

He referred to what he saw as the ludicrous situation of the SDLP, because, depending on who you were speaking to, you got a different answer on what was happening in relation to the Budget Bill. The leader, Dr McDonnell, said in his speech that he would vote against the Budget. Mr Ramsey said that he would not divide the House on the Budget. Alex Attwood, apparently, had said on radio that he would not divide the House on this occasion but would vote against it on a later occasion. It reminded me of the sketch from 'Little Britain' when Vicky Pollard would be asked a question: "No, but yes, but no." It really is the Vicky Pollard of the Assembly. There have been no

productive solutions brought forward from the SDLP. It just wants to be destructive in relation to the economy in Northern Ireland.

Mr Moutray, from the point of view of OFMDFM, raised a number of budget pressures within that Department, including the £400,000 pressure for match funding from Atlantic Philanthropies. I am sure that he will agree that, throughout the debate, we have heard of a number of very worthwhile projects and programmes that face funding shortfalls. Again — I almost feel as if I should have a choir behind me by this stage — unless the Stormont House Agreement is implemented in full, we will not have access to money to deal with those issues.

Mrs Dobson raised a number of concerns with our health service. I pay particular tribute to the exceptional work of staff in the health service in continuing to meet the challenges of providing unscheduled care services, not least those who recently treated you, First Minister. Indeed, I hear from Mr Murphy that Cathal Boylan has been in a similar position recently, so it is something that we should always appreciate and make reference to.

I am advised by the Health Minister that emergency departments continue to face significant pressure. The number of people attending emergency departments has been increasing. The number of people needing to be admitted has also increased. Provisional information indicates that over 708,000 people attended an emergency department in 2014-15. That is an increase of nearly 14,000 on the previous year. Despite that, the number of patients waiting more than 12 hours from attendance to discharge or admittance was only up slightly, to 3,175, compared to 3,109 in the year 2013-14. That was significantly lower than the levels seen between 2009-2010 and 2012-13.

**Mr McCarthy:** I am grateful to the Minister for giving way. I find it hard to sit, but I am going to ask the Minister a question. I am sure that she will have sympathy, but sympathy is not enough. It is in relation to the Health Minister. I raised it on the Floor of the Chamber last week.

We hear so much about the vulnerable. There are no more vulnerable people in society than those with learning disabilities. Instructions have come from the Department on a regional level that those most vulnerable people are to be denied continence products by 50%, which means that they will have to sit in unhygienic conditions. That will undoubtedly lead to health problems. Can the Minister and Health Minister give me and this Assembly some commitment that that decision will be reversed and that those vulnerable people will indeed have the products that they need and deserve?

**1.15 pm**

**Mrs Foster:** I thank the Member for his intervention. Indeed, he illustrates very well that when we talk about vulnerable people, we are not just talking about people who are in receipt of welfare; we are talking about people who receive public services from the Health Department, the Department of Justice and the Department of Education. All of those people will be impacted because of the non-implementation of welfare reform. That is the point that we have been trying to make. Unfortunately, some do not accept that. I cannot understand the reason for that, because if you take £604 million out of your current Budget

because of the non-implementation of welfare reform amongst other things, you are dealing with an inevitable cut to public services. It is not rocket science. It is very simple to understand. I am sure that some of the primary-school children who were here earlier would understand that that is the case.

Mr Dunne made what I thought was a very important point, which was that the business community really needs to speak up and support those in this place who want to move forward and deal with responsible government here in Northern Ireland, instead of performing the contorted sort of interviews that I have been listening to from some of the business community over this past couple of weeks. They do not want to get involved in the grubby world of politics and all that sort of thing. That did not stop business organisations from getting involved in the politics of Scotland when they had to deal with the debate on whether Scotland would be better within the United Kingdom or outside of it. The business community felt very strongly about that argument and that it should come forward. Well, the issue is very similar in Northern Ireland; will we allow a number of parties in this House to completely destroy the public services that are delivered in Northern Ireland? They need to put their voices forward and be heard.

I will move to Mr Attwood's contribution. He started off by making some very kind comments about my new position as Minister of Finance and Personnel. Then, he went on to say that the Alliance Party was really the NIO, which was really the Tory party. He then berated the Labour Party, which I was a little surprised about given the SDLP's relationship with the Labour Party, but then misinterpreted what Mr Farry said about the principle of consent. He said that the principle of consent should not be elevated to a position where we have to accept all of Westminster's decisions. Well, the reality is that this place is a devolved Administration, which is here under the sovereign will of the United Kingdom Government. That is what the principle of consent is about and until such times as the people of Northern Ireland decide otherwise, we will remain part of the United Kingdom.

Mr Attwood then went on to talk about how radical middle politics has to prosper. We look forward to that manifesto coming forward. We look forward to those ideas coming forward. I think that it would be very much to the benefit of his party if it had a radical middle way instead of mimicking Sinn Féin all the time. He took issue with Mr Farry's comments about Northern Ireland not being far behind Greece. I have to say to him that, when he made that comment, his credibility was completely thrown out the window when he then said that we should consider joining the euro. I could not follow that train of thought at all.

**Mr McCallister:** We will get a good deal.

**Mrs Foster:** We may get a good deal at this point in time, but what we would get out of it after that is another question.

He took grave exception to the comparison with Greece made by Mr Farry, but make no mistake: if we do not implement welfare reform, our Budget situation will become untenable. I have made that point many times in recent weeks.

Of course, we benefit from being part of the United Kingdom. Whilst the UK deficit needs to be repaired, it is

manageable. In fact, the Office for Budget Responsibility projects a UK budget surplus by the end of this decade. That is something that we must work towards as a United Kingdom.

He talked about the economic inactivity strategy and how we were not making a difference in terms of devolution. The economic inactivity strategy will make a difference only if it is funded, and the only way that we can get funding is if we implement the Stormont House Agreement. Yet again, that point was missed.

He said that new thinking did not require new money. I look forward to hearing what that new thinking is. He said that Mr Ross made an important contribution by saying that we needed new thinking and to move away from what we have been dealing with and into brave politics. He went on to talk about looking for new money from elsewhere.

I intervened to say that we would be engaging with the European Union to draw down money from there. He made reference to historic discussions between Brian Cowen and Mark Durkan, missing a number of fundamental points, in particular Fianna Fáil's role in what happened in the Republic of Ireland. He wanted to deal with hard, concrete issues — but not welfare reform.

He then made a personal statement about his children and my children and the need to put children front and centre. Let me say — I am sorry that he is not here for me to make these comments to him — that it is precisely because of my children that I want to grow the economy in Northern Ireland. It is precisely because of them that I want to see an economy in Northern Ireland that is aspirational and which will not leave people behind.

A Member today made reference to trapping people in welfare. That is not the Northern Ireland I want to see. I want to see a Northern Ireland that is confident in itself and which wants to move forward with economic growth.

Roy Beggs made the comment that without welfare reform the Budget was unsustainable. That is absolutely right. Mr Allister asked what would happen if we did not do welfare reform. He suggested that we would not be able to get the adjustments that we needed because Sinn Féin would have to agree to them at the Executive.

The First Minister has always made it clear that this party will not implement a Budget that has £600 million of cuts in public services. Therefore, if welfare reform does not happen, there is no Budget. If there is no welfare reform, there is no Stormont House Agreement, no Assembly and no Executive. It is very clear. We will not have to go through a budgetary process.

He asked about the composition of the £604 million pressure. It is comprised of the resource DEL pressures that would arise from the Stormont House Agreement not proceeding, and an additional amount to allow the Executive to take decisions on the possible reallocation of resources to address the significant inescapable pressures emerging in some Departments.

He asked whether any money reflecting the cost of the exit scheme was included in that £600 million. Yes, it is included in the £600 million. He asked when the June monitoring statement was coming. That is being analysed. However, it is clear that it will be a hugely difficult monitoring round. There are significant pressures in many Departments and no resources available to address them

— that is without taking account of the Stormont House Agreement. So there are a challenging few days ahead on June monitoring.

**Mr Allister:** Will the Minister give way?

**Mrs Foster:** Yes, I will give way.

**Mr Allister:** Can I invite the Minister to flesh out this indication that the cost of the exit scheme — the £200 million for this year — is, in fact, within the £604 million overdraft? How can that be, if it was to be funded by loan? Why is it now being funded in this mythical £604 million?

**Mrs Foster:** As to the loss of the £200 million for this year, the RRI borrowing for the voluntary exit scheme is included in the £600 million because we do not have the loan to deal with those issues. That is still there. The savings that we would have had from the £200 million will not be realised either.

I will move on to Mr Agnew, who cast himself in the role of a latter-day Chairman Mao with his great leap forward as to how he was going to solve the problems of Northern Ireland: and we all recall what a great success that was. First, he wanted to deal with the rates cap, as he felt that that would be a fundamental issue in moving forward. Indeed, I see that his colleague has written an article in the 'News Letter' today, again saying that it would be a great thing to help deal with the problems in Northern Ireland. Of course, less than 1% of properties are valued at over £400,000. That would bring in £7.65 million, which is less than the £9.5 million in penalties we have to pay out each month. It would not even cover the penalties for one month.

He also said that he could not understand why I said that that money was lost to us in the block grant because people were still receiving their welfare payments and so the money was not lost to Northern Ireland. However, welfare payment comes out of annually managed expenditure; it does not come through the consolidated fund. The money goes directly to welfare recipients. Meanwhile, we are losing £9.5 million from our block grant consolidated fund every month. I did not hear anything about that from the Member.

Mr Agnew also said that my record as Enterprise Minister and the Executive's record on job creation did not really matter and that devolution had not made any difference to job creation in Northern Ireland. He said that global recovery was the reason why we were seeing more jobs coming to Northern Ireland, despite the fact, and Mr McCallister made the point very well, that we have the highest rate of foreign direct investment in the United Kingdom per capita. That is all down to the global recovery.

**Mr Agnew:** Will the Minister give way?

**Mrs Foster:** If you can wait.

Yet, the global recession had absolutely nothing to do with the loss of productivity. No; it was all our fault that we lost productivity, if I recall what he said. Global recession is nothing to do with the loss of productivity here in Northern Ireland, but global recovery is the reason for the increase in the number of jobs that we have here. I read very carefully what he said about those matters. Unlike him, I will take an intervention.

**Mr Agnew:** I thank the Minister for taking an intervention. If she looks at Hansard, she will see that I took, I think, around 10 interventions during my speech.



The point I made to the Minister, and I will make it again, is that the gap in income between Northern Ireland and other regions of the UK has increased during this Executive's term. Whilst figures on job creation etc are usually trotted out to demonstrate how well our economy is doing, the reality is that people in Northern Ireland are worse off compared to their GB counterparts. Does she accept that?

**Mrs Foster:** Yes, but, the point I am making is that when I tried to challenge him on Monday night, first, he would not let me in, and secondly, he said that global recovery was all to do with job creation here in Northern Ireland. Not once did he make reference to the fact that we had just come through one of the worst recessions that the world had ever had. That had nothing to do with the loss of productivity in Northern Ireland, apparently. We have a huge public sector here in Northern Ireland and we need to grow the private sector to deal with that productivity gap. We should be investing more in research and development and we should be spending more on innovation and encouraging firms to spend on that.

### 1.30 pm

He said that our single policy intervention was corporation tax. That, of course, is absolute and utter nonsense. I have made reference to many of the interventions that the Executive have been engaged in, not least our economy and jobs initiative, which brought about many of the jobs that I have referred to. He said that we should put people first without realising, of course, that businesses are made up of people. Businesses are made up of people who want to work and have the challenge of going to work every day. People work as well as receiving welfare benefits, Mr Agnew, and you should acknowledge that.

And so to today. Mr McNarry said that this was an occasion not to be missed. There were few of us in the Chamber when you started your speech, Mr McNarry, so obviously some people thought that it was something to be missed. *[Laughter.]* He indicated that we are sleepwalking into financial chaos. He wants to look at how we can change the way in which we deliver government. I mentioned that that is very much something that we need to address in terms of public-sector reform and using new technologies. He mentioned that in-year monitoring is used to patch up poor Budget planning. I do not accept that. Monitoring is used to reallocate resources when unforeseen circumstances arise, and it has actually been working well. With a capital budget in excess of £7 billion, there will always be some slippage on projects. I am sure that the Member would rather that we had a monitoring round to reallocate that capital than send it back to Her Majesty's Treasury in London. Mr McNarry indicated a desire to do things differently and to look at outcomes rather than processes, and I agree with that.

Mr McCrea let us into his life when he told us that he spent time watching the Finance Committee at home of an evening. I commiserated with him on that. He quoted me as saying that, without welfare reform, it is an impossible Budget. That is absolutely right; that is what I said. He asked about the voluntary exit scheme and the fact that savings were factored in but that we cannot get those savings unless there is a Budget. Worse than that, of course, we will not have the money until there is a full implementation of the Stormont House Agreement.

He talked about the need for us to work together to oppose further cuts, and that is right. I will engage with my counterparts in Scotland, Wales and Westminster on the comprehensive spending review, but when a decision is taken, we have to deal with reality. A decision was taken on welfare reform some time ago, and I think he acknowledged that. He made reference to the need for a regional economic strategy. Of course, we have a regional economic strategy, which I know a little bit about because I launched it back in 2012. I said in the foreword to that 'Economic Strategy' that it was a strategy:

*"developed by locally elected politicians to meet the particular needs of our economy",*

with an overarching goal to improve economic competitiveness and have the key drivers of innovation, research and development and skills. So we do have a regional economic strategy and are already doing what he spoke of, which is to say to companies in London, "You could do things better in Belfast." That has proved very successful. We have been able to bring firms like Citi, Allen and Overy, and Herbert Smith Freehills over to Belfast from London, and they have found that to be a very good experience.

He talked about HS2 and the fact that it was costing £50 billion and asked whether, if it did not go ahead, we would be able to talk to Treasury about gaining some of the capital from that. Even if it does go ahead, we will engage with Her Majesty's Treasury because, of course, there may well be Barnett consequentials in relation to HS2.

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

Air passenger duty, of course, is not just a Northern Ireland problem. It is something that affects all the regions of the United Kingdom. If it was devolved to us, under the Azores ruling, we would have to have a cut in our block grant to deal with that. However, on one of Mr McCallister's points, I am very happy to make the point at a regional level right across the United Kingdom that air passenger duty should be cut, working particularly with some of the regions in England — the north-east region, for example — which are disadvantaged because of air passenger duty.

Mr McCallister talked about the irresponsibility of the Greens, the SDLP and Sinn Féin. He talked about the use of the petition of concern. If he looks at the Stormont House Agreement — and it all comes back to the Stormont House Agreement — he will find that that includes suggestions on the petition of concern. It discusses proposals for developing a protocol on the use of the petition of concern.

He talked about how the Republic of Ireland dealt with very difficult issues. It is because the Republic has dealt with those difficult issues that it is now in a growth position and on a solid foundation, and we wish them well with that. He touched on the public expenditure, per head, on the people of Northern Ireland. Our identifiable public expenditure is £10,961 per head. It is £9,924 in Wales and £10,275 in Scotland. The UK average is £8,678. So he is right to say that our public expenditure is £2,000 higher than the UK average.

He talked about the abandonment of social mobility by the nationalist parties. Again, he referenced Mr Attwood's desire for radical middle politics, and made the very important point that the Stormont House Agreement is balanced and comprehensive, with a lot more in it

than welfare reform. Of course, if welfare reform is not implemented, then the cards fall away.

Mr McKay intervened and said that he wished that parties were honest about where they stood on some of these issues. Let me be very clear for the benefit of Sinn Féin. It was this party that voted against welfare reform at Westminster. It was this party that sought and achieved concessions on the most severe aspects of welfare reform. Do we think that people are better off in work than on welfare? Yes, we do, absolutely; we want to give them a pathway into work. That is why the development and growth of the economy is front and centre of everything this party does. We are quite happy to say where we stand on all those issues, contrary to the suggestion that we are not.

There was a reference to the need to engage in national politics — absolutely — and that Sinn Féin's paralysis is all about the Republic of Ireland and the elections in that jurisdiction: that is true. Mr McCallister finished off by saying that it was time to govern.

Ms Sugden said that everything we do follows on from the Budget. That is right: it is the only option in front of us. She made the very important point that welfare reform was not just about welfare recipients but was about other vulnerable people too. Cuts to public services would have a huge impact on them, particularly cuts to parts of the health service, as we have heard today. That is an important point and one that should be reflected on.

Finally, Mr Murphy clarified the deputy First Minister's support for the Budget. He said that it was conditional on workable and sustainable finances in the year ahead, and that further cuts would damage public services. Of course, if we do not have welfare reform implemented, that would damage public services very much. He talked about tax avoidance and tax evasion by the very rich and again made reference to welfare reform being imposed on us by the Tories.

I go back to the fact that this is the democratic decision of our sovereign Parliament. We can, we do and we will challenge decisions in debates on welfare. Our Members will be in the House of Commons to do that; but once a decision has been taken, we have to deal with reality. That is what Scotland has done. That is what Wales has done. Why are we in Northern Ireland not able to deal with the reality of the public finances that have been given to us by the Westminster Government? Indeed, sometimes, when we are given those decisions on funding by Westminster, we add in protections, and I have already mentioned freezing the regional rate and issues like that. That is what we were doing with the welfare Bill. It was about allowing us to have the legislative framework to bring about mitigations; but, of course, that was rejected by the parties opposite, and now we do not have the framework to bring in those mitigations.

It is very hard to follow the logic of what has happened over the past number of months. We hear a lot of talk about the vulnerable, but the Bill that would have allowed us to mitigate the worst excesses of welfare reform has now gone, and therefore we do not have any legislative framework to deal with those issues. The penalties continue. The Sinn Féin/SDLP/Green cuts, as I call them, continue. That amounts to £9.5 million every month — £114 million this year, and, of course, that will increase next year. I look forward to Sinn Féin's plans on how it will

help all the vulnerable in Northern Ireland. Its record does not fill me with great hope in terms of solutions coming forward. Let us be very clear: if Sinn Féin does not step up to the mark, our national Government must intervene to protect all the vulnerable in Northern Ireland and all the people who use public services. I am interested in all the vulnerable people of Northern Ireland.

I will draw my remarks to a close. I hope that most Members have had a response to the issues that they raised during the debate, although it is not always possible to cover every issue in detail. This Budget Bill underpins all our public services, and, for that reason, it is imperative that the legislation continues its passage through the Assembly. I therefore ask Members to continue to support the Bill to ensure that the cash and resources are authorised for the 2015-16 financial year.

**Mr Principal Deputy Speaker:** Before we proceed to the Question, I advise Members that, as this is a Budget Bill, the motion requires cross-community support.

*Question put.*

*The Assembly divided:*

*Ayes 63; Noes 3.*

## AYES

### Nationalist

*Ms Boyle, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

### Unionist

*Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Ms Sugden, Mr Weir, Mr Wells.*

### Other

*Mrs Cochrane, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr McQuillan and Mr G Robinson.*

## NOES

### Unionist

*Mr Allister, Mr McCallister.*

### Other

*Mr Agnew.*

*Tellers for the Noes: Mr Agnew and Mr Allister.*

<i>Total Votes</i>	<i>66</i>	<i>Total Ayes</i>	<i>63</i>	<i>[95.5%]</i>
<i>Nationalist Votes</i>	<i>25</i>	<i>Nationalist Ayes</i>	<i>25</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>33</i>	<i>Unionist Ayes</i>	<i>31</i>	<i>[93.9%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>7</i>	<i>[87.5%]</i>

*Question accordingly agreed to.*

*Resolved (with cross-community support):*

*That the Second Stage of the Budget (No. 2) Bill 2015 [NIA 53/11-16] be agreed.*

**Mr Principal Deputy Speaker:** The Budget (No. 2) Bill is agreed. The Bill will proceed under the accelerated passage procedure, with Consideration Stage taking place as the next item of business, as listed on the Order Paper.

I ask Members to leave the Chamber quietly.

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

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

**Mr Deputy Speaker (Mr Beggs):** I call the Minister of Finance and Personnel, Mrs Arlene Foster, to move the Consideration Stage of the Budget (No. 2) Bill 2015.

*Moved. — [Mrs Foster (The Minister of Finance and Personnel).]*

**Mr Deputy Speaker (Mr Beggs):** No amendments have been tabled. I propose, therefore, by leave of the Assembly, to group the eight clauses for the Question on stand part, followed by the four schedules and the Long Title.

*Clauses 1 to 8 ordered to stand part of the Bill.*

*Schedules 1 to 4 agreed to.*

*Long title agreed to.*

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

## **Reservoirs Bill: Final Stage**

**Mr Deputy Speaker (Mr Beggs):** This item of business was not reached on Monday and, in accordance with Standing Order 10(3C), the Business Committee agreed to reschedule it today.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I beg to move

*That the Reservoirs Bill [NIA Bill 31/11-15] do now pass.*

Go raibh maith agat, a LeasCheann Comhairle. The Reservoirs Bill was introduced in the Assembly on 20 January last year. While that may seem a very long time ago, the past 18 months have allowed time for every clause of the Bill to be thoroughly examined at Committee Stage and for it to be subjected to healthy debate at Second Stage and Consideration Stage.

During those debates, I informed the House that the Bill will regulate reservoir safety in order to reduce the risk of flooding as a result of dam failure in the North. When enacted, it will provide assurance that people, the environment, cultural heritage and economic activity will be better protected from the potential risk of flooding from reservoirs.

Those are the fundamental principles of the legislation. Therefore, it is very reassuring that while some concerns remain over its implementation, particularly the financial impact on individuals or not-for-profit sector organisations that are reservoir managers, the basic premise of the Bill remains intact.

I readily acknowledge that were I the manager of a reservoir that will come under the scope of a Bill containing 132 clauses and four schedules, I would be very concerned that I would be overwhelmed by bureaucracy and unnecessary costs. However, all the provisions in the Bill are entirely necessary and reflect best industry practice for the management of reservoirs.

### **2.00 pm**

Compliance with the Bill will ensure, as far as is reasonably possible, that an uncontrolled release of water from a reservoir will not occur and that that risk will be managed appropriately and proportionately. Moreover, in the event of a failure, a reservoir manager, if compliant with the legislation, will be able to demonstrate that they maintained their structure in a reasonable manner.

I briefly mentioned the scrutiny of the Bill during Committee Stage, and I want to take this opportunity to pay tribute to the current Chair, the previous Chair, the Deputy Chair, all the members of the Committee and the support staff for the long hours spent poring over every detail of the Bill — time that also included the questioning and re-questioning of my Rivers Agency officials.

The Committee was painstaking and unstinting in its scrutiny and raised a number of concerns, particularly in relation to the lack of information on the condition of, and cost of repairing, reservoirs, particularly those in the private and not-for-profit sectors; the lack of opportunity for reservoir managers to positively influence the designation of their structure by undertaking works to make the reservoir safer; the Department's cost recovery policy; and the recommended number and frequency of visits to a reservoir by a supervising engineer. I was pleased to accept all of the Committee's recommendations, which

explain the over 200 amendments that were adopted at Consideration Stage. All of those amendments helped to shape the Bill and make it better.

For me, the most significant amendment was that which commences the Bill in two phases. The first phase includes non-contentious provisions that will come into operation after the Bill is enacted, such as registration, reservoir designation and the need for an inspection of the reservoir. The second phase includes the requirement on high- and medium-consequence reservoirs to be under the supervision of an engineer at all times and on the manager to comply with safety-related recommendations in an inspection report. The amendment introduced at Consideration Stage means that the commencement of the phase two provisions can only be made after a draft order has been laid before, and approved by a resolution of, the Assembly.

I gave the House an assurance during the Consideration Stage debate, and I am happy to repeat it here today: the commencement of phase two will not be brought forward until after a report has been presented to the Assembly by the Department setting out the condition of reservoirs and the capital costs of making them safe. I am very pleased to report that the vast majority of reservoir managers have agreed to work with my officials in Rivers Agency to gather that information and that the report should be with the Assembly by July of next year.

I also want to take this opportunity to thank those Members who are not on the Committee for Agriculture and Rural Development for their contribution to the debates on the Bill and for the proposed amendments at Consideration Stage.

The first amendment proposed to increase the threshold for controlled reservoirs from 10,000 cubic metres to 25,000 cubic metres. While that was ultimately not adopted, it did provide a very useful and healthy debate on the matter. For the record, it is worth noting that schedule 4 of the Flood and Water Management Act 2010 amended the Reservoirs Act 1975 by changing the definition of a large raised reservoir in England and Wales from 25,000 cubic metres to 10,000 cubic metres. Similarly, section 1 of the Reservoirs (Scotland) Act 2011 sets the threshold for their controlled reservoirs at 10,000 cubic metres. Therefore, our legislation is not out of step with others.

The second amendment proposed that the Department should publish a report on the operation of the Bill within three years after it is enacted. I supported that proposal and was pleased that it was adopted, as it will provide the opportunity for reflection. Indeed, perhaps such provision should be included in all future primary legislation made by the Assembly.

That brings me on to the implementation of the Bill, which we will all appreciate is the litmus test for any piece of legislation. For its part, my Department will, through the reservoirs authority within Rivers Agency, provide reservoir managers with advice, guidance and support to ensure that they fully understand the purpose of the legislation and their responsibilities. Indeed, the Bill now includes a provision that was recommended by the Committee for Agriculture and Rural Development and adopted at Consideration Stage which allows my Department to assess not only the quality but also the content of an inspection report, should a reservoir manager feel that the recommendations contained in the report are

unreasonable. Also, the Bill makes provision for my Department to publish information on the range of costs being charged by reservoir engineers so that reservoir managers will have an important benchmark against which they can assess quoted costs from engineers. Again, I was happy to accept that recommendation from the Committee for Agriculture and Rural Development and was pleased that it was adopted at Consideration Stage.

My Department, through the reservoirs authority, also has a responsibility to ensure that reservoir managers comply with the provisions of the legislation. It will do so by adhering to the principles set out in the enforcement policy and by working in a positive and practical manner with reservoir managers. Our desire is to prevent a dam breach from occurring, but that must be done in a reasonable manner. Therefore, initial enforcement and any follow-up action taken to achieve compliance will be proportionate to the severity of the case, with each case being taken on its merits. Any enforcement action will be objective, fair, equitable and transparent. We will make it clear to the reservoir manager why we have taken, or intend to take, enforcement action.

I tabled an amendment, which I am pleased to say was agreed at Consideration Stage, that prevents enforcement action being taken against reservoir managers who do not comply with a direction in an inspection or safety report, or requirements in a preliminary or final certificate, because they are seeking to ensure that they would not be in breach of other legislation. That demonstrates the proportionate approach reached during the scrutiny of the legislation. Although it is highly unlikely that the reservoir authority would consider enforcement action in such cases, I thought it important to propose that amendment for the avoidance of doubt.

I acknowledge that reservoir managers, particularly those in the private and not-for-profit sectors, will not necessarily welcome the legislation. I also recognise that the Agriculture Committee and the Assembly struggle to reconcile the principle of ensuring that our reservoirs are safe with keeping bureaucracy, regulation and cost to a minimum.

I emphasise that, while the legislation gives my officials a significant enforcement role, I want them to work with owners who find themselves in the difficult position of not being able to afford or justify improvement works to their reservoirs. That may be in the form of giving advice on the options, such as drawdown, or, in extreme situations, the discontinuance of the reservoir, which involves addressing the associated complication of securing approval through the planning process. I cannot make these other requirements go away, but my officials will assist as much as possible so that reservoir managers take informed decisions on the future use of their structures.

As I said previously, three years after the legislation is enacted, a report on its outworking will provide us with the opportunity to take stock and consider whether any refinements are needed.

I thank officials in my Department and Assembly staff for their work in creating the Bill, and the many councils, organisations and members of the public who commented on our proposals throughout the process. I commend the Reservoirs Bill to the House.



**Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):** It is my pleasure to speak as Chairperson of the Committee for Agriculture and Rural Development.

I thought it worthwhile to take the opportunity to give a short summary of the work that has been done in shaping the Bill into the form that we see before us today. I thank the Committee members for all their work on the Bill, particularly in the all-day session on 21 April, when the Assembly went through hundreds of amendments to it. Those amendments have been incorporated in the Bill for the debate at Final Stage.

Getting to Final Stage has been a long, and sometimes difficult, road. After all, the Bill was introduced to the Assembly on 20 January 2014 and referred to the Committee on 4 February 2014. It has taken nearly a year and half from introduction to Final Stage. In that time, there has been considerable reshaping, and, in the opinion of the Committee, we have a much better Bill as a result. It is still not perfect, but it is much better than it was. There has been no undermining of its primary purpose, which is the protection of people, property and the environment from the effects of flooding. The Committee, with the agreement of the Minister and through working closely with her officials, tabled amendments that take away or reduce some of the most onerous duties.

Let me recap on how we got to where we are. The Committee had a number of concerns about the Bill, the most important of which was that the need for the Bill had never been proven. What we had initially was a very complex and technical Bill that many called “an engineers’ charter” and which affected, or had an impact on, only a small number of reservoir owners. Initially, that number was 150, but, in part due to the insistence of the Committee, further refining work on the number of reservoirs was done by Rivers Agency. That review meant that the number of reservoirs under the remit of the Bill fell from 150 to 137 and then 132.

We are aware that Northern Ireland Water owns the largest number of reservoirs in Northern Ireland — some 48 — and were assured that it already operates and maintains its reservoirs to the standards that will be created once the Bill is enacted. Councils are the next biggest owner. We heard that some may have to adjust their policies and practices to comply with the Act.

We have the assurance that the public purse will ensure that reservoirs in the hands of local government will be kept safe. From that viewpoint, reservoirs in public hands will see little or no difference to their operating regimes once the Bill is introduced.

Our concern as a Committee was centred on reservoirs in private ownership and those owned by the third sector. The Department had very limited information on those reservoirs, and it was the lack of information on the condition of reservoirs and the cost to put them right that was of major concern to the Committee.

After considerable discussion, a set of amendments on the issue were accepted by the Committee, debated at Consideration Stage, agreed by the Assembly and are now part of the Bill we have before us today at Final Stage. Essentially, it means that an audit will take place whereby information on the condition of all reservoirs and the capital costs of bringing them up to an acceptable standard

will be collected. That will be presented to the Committee before large parts of the Bill are enacted. In other words, the amendments allow for a phased commencement of duties in the Bill, and, thus, the Assembly has built in an extra layer of protection for reservoir managers.

The work on the audit is outside the Bill and has already started, under the auspices of Rivers Agency. In fact, the Committee was given an update on the progress of the audit on 9 June. At that stage, 94 reservoir managers had agreed to take part; 16 were undecided, and three did not respond. Each reservoir manager who takes part in the audit will be entitled to grant aid to assist with the initial inspection by a qualified engineer. It is that inspection that will, ultimately, create the report that will, in turn, create the audit of reservoirs.

So what we have is a series of actions, which include the review of reservoirs, the audit of reservoirs and the phased commencement. Together, those three things add up to a major achievement by the Committee, with the cooperation of the Minister, which vastly improve the Bill.

Also now written into the Bill as a result of the work at Consideration Stage are new provisions around risk assessment. The Bill, as initially drafted, would only take adverse consequences or impacts into account. The Committee had concerns that no weighting would be given to the likelihood of a reservoir failing. Indeed, no consideration was being given to the type of flooding that could be expected; for example, the speed and depth of flood water. Initially, no consideration was being given to any remedial works that a reservoir manager may carry out. In other words, no matter how safe the reservoir was, or was made to be, it would continue to be ranked as being a high risk unless all risk to human life was removed from its flood path. We felt that that was unfair to the reservoir owner or manager. Furthermore, you could have two high-risk reservoirs, with one needing urgent attention and one not, but where both would be high risk. That, in the mind of the Committee, was a problem and was counterproductive to the whole meaning of the Bill.

We, as a Committee, are pleased that the amendments on risk assessment brought by the Minister, at our behest, were accepted at Consideration Stage and are now incorporated into the Bill. Associated with that are the amendments brought on the number of visits by supervising engineers. Those amendments, again, in our opinion, make the Bill fairer to the reservoir owner or manager, without endangering the lives and property of those who live in the flood path of a reservoir.

Amendments around cost recovery and other protections were also debated and agreed at Consideration Stage. They provide protection for those who could, in the worst-case scenario, be at risk of bankruptcy because they simply cannot afford the capital costs associated with the repair of their reservoirs. The amendments are now incorporated into the Bill and provide some assurance that, in publishing costs and the types of works being undertaken, the Department is keeping a watching brief on the situation. Having that type of information available and transparent to all will go a long way to addressing the fears that the Bill is an engineers’ charter.

**2.15 pm**

The Bill before us today also includes an amendment put down by Mr Swann and Mr Elliott and accepted by the Assembly. It requires the Department to report on the outworkings of the Bill after three years. It will be interesting to see in three years what those outworkings actually are. However, we, as an Assembly, will not have to wait for three years before dealing with this issue again. As I mentioned near the start of my speech, written into the Bill are various protections that mean that an audit of reservoirs must be carried out. That audit must be presented to the Committee, and, only after that, can the Department bring, by affirmative procedure, a statutory rule to commence large parts of the Bill, namely the recurring parts. Information will be published on a yearly basis on costs and works undertaken. That means that we, as a Committee, can, if we choose, come back and look at the detail of the impact of the new regulatory regime.

That is all I want to say today, and I conclude my remarks as Chairperson of the Committee.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. On behalf of my party, I thank the Committee for the help in bringing all the amendments to the House. The fact that there were over 200 amendments shows the scrutiny that the Committee gave the Bill and how seriously they took this. Also, I thank the Department for taking them away, bringing them back and helping to put them back in a certain way to please the Committee. I also thank the Minister for accepting all the amendments.

The main thrust of all of this was safety, and we have that built into the Bill — safety for those who live around a reservoir and safety for the owners of the reservoir. We have that now, and there is safety for the owners insofar as the finance goes. At the start, it was looked upon, as was said earlier, as an engineers' charter, but we have that sorted out.

The Bill may not be exactly what everybody was looking for, but we have reshaped it, and, in the long term, people will see that what we have done here today has made the Bill worthwhile. We have had over 200 amendments in it, so no one can doubt how seriously we took this. I look forward to the finishing of the process. I thank Stella and all her team for all the work and support that she gave us on this to bring us to this successful day.

**Mr Byrne:** As the Chairman said earlier, this was a pretty protracted process, but it was a very worthwhile exercise. I congratulate the Minister and her officials, particularly Mr David Porter from the Rivers Agency, who engaged in excellent dialogue with the Committee. It is fair to say that the Committee was apprehensive at the start about the remit that was delivered to us, but there was recognition that the European directive on floods required that this piece of legislation be enacted.

There was concern about the owners' responsibility, particularly the private owners and social-economy owners, and the burden that might be put on them. As a result, the Committee was very clear from the outset that there should be an audit by the Rivers Agency and the Department to ascertain the state and condition of all the reservoirs, and hopefully we will hear about the capital requirements for the upgrading of those that may need some help. During the process, the Committee realised that there were particular reservoirs that had difficulties.

In particular, for Camlough lake in south Armagh, there were some concerns last year that there could have been a breach of the reservoir there causing danger to the local community.

It is fair to say that the Committee worked extremely well, and our cooperation with the Department and the Minister is a good example of how a piece of legislation can be brought to a conclusion when there is proper and professional dialogue and respect for genuine issues of concern. I pay tribute to Stella and her staff, Mr Porter and his staff, and the Department. It is fair to say that, at the start, we embarked upon this piece of legislation with some trepidation. The fact that we had 200 amendments tabled and adopted is testament to how the Committee worked. I fully endorse and support the full implementation and passage of the Bill.

**Mrs Dobson:** I welcome the fact that, at long last, we have arrived at this stage. No one will disagree with what the Bill broadly sets out to do: to make sure that Northern Ireland's reservoirs are properly maintained and pose no significant risk to human life or health. However, they will be justified in asking why it has taken so long.

Thankfully, over the years, Northern Ireland has taken a fairly common-sense approach to the maintenance of reservoirs; we have avoided the tragedies that were witnessed in other places across the UK in the past. However, I agree that the gaps in the law here needed to be rectified. It is regrettable, however, that, four years on from when we all first heard that phrase "Reservoirs Bill", only now is the Assembly coming to the end of its involvement with the Bill. Getting to this Final Stage has not come a day too soon, in my opinion. The Bill has been hanging around the neck of the Committee for quite some time, and, to be quite honest, I have found that it has often been a distraction.

That is not to trivialise the issue because it is a very important matter. People need to know that large volumes of water upstream or uphill are safe and do not pose a threat to them or their families. However, I am in no doubt that the Minister and her Department were more than happy for the Committee to spend month after month scrutinising the Bill and effectively demanding significant rewrites for large aspects of it. Instead of the Committee focusing on key issues such as CAP reform or alleviating some of the instability in the dairy or red meat sectors, we had to spend a huge amount of time on this Bill.

The fact that it has taken four years to get to this stage shows that the initial proposals were either ill thought out or deliberately ambiguous. Nevertheless, today represents the last step in the process. Today's Bill looks and sounds quite a bit different from the one that was first proposed. Many of the changes have already been discussed, not least additional financial support for reservoir managers. I call on the Minister to bring forward the schemes and accompanying detail without delay.

In conclusion, I thank the Committee staff, Stella and her team, for all their hard work on the Bill, for it has been a long slog for them as well. In addition, it would be remiss of me not to thank the officials, especially those from Rivers Agency who had the unenviable task of having to visit the Committee on so many countless occasions.

**Mr McCarthy:** I would like to thank the Minister for bringing the Bill to the Chamber this afternoon. As a Committee

member, I offer my support to the Chairperson in his contribution and, indeed, to other Members. I am pleased to speak briefly on the Final Stage of the Reservoirs Bill this afternoon, and I take the opportunity to thank the departmental officials and our Committee staff for their dedicated work in getting this legislation through the House.

Alliance has acted constructively, I hope, throughout the passage of the Bill. We have sought to support those amendments that improved the legislation and have opposed those that we felt would have weakened the protections for reservoirs. As a result, we are now convinced that there is a more robust regime based on inspection and regulation that more closely matches the system that is used, as I understand it, across the water in England, Wales and Scotland.

Water infrastructure is vital in ensuring that water, regulating water levels in rivers, protecting the environment and providing facilities for communities throughout Northern Ireland. There is also a considerable danger if a reservoir's integrity were to be compromised. As a result, a sensible regulation regime is vital, and, as such, we will support the Bill this afternoon.

However, Alliance is still concerned about the environmental impact of the Reservoirs Bill, particularly about removing responsibility from NI Water concerning future ownership and management of its 22 redundant reservoirs. The Department should safeguard the future for Northern Ireland Water's many redundant reservoirs, which provide a home for a range of wildlife as well as organisations such as angling clubs, canoeing clubs and, indeed, other recreational pursuits.

The new Ards and North Down Borough Council expressed an interest in Portavoe, with all others to be offered to other public bodies this summer before being placed on the market for sale to the highest bidder. The former Ards Borough Council, of which I was a member, supported the idea of the reservoir at Lough Cowey being opened to the local community for recreational facilities. Concerns have now been raised that, as a result of the Ards and North Down council's decision, two reservoirs in Conlig could be snapped up for housing development following previous discussions concerning land zoning during the development of the Belfast metropolitan area plan (BMAP). Instead of selling the reservoirs, once the Reservoirs Bill becomes law, I urge Northern Ireland Water to explore different ways for future ownership and management involving the local communities to ensure that the vast economic, social, environmental and health benefits are not lost forever.

In conclusion, I mentioned that Lough Cowey, which in my constituency of Strangford, just outside Portaferry in the townland of Ballyridley, is being disposed of. There is a great interest from local sporting people to get together with Northern Ireland Water to transform that wonderful environmental gem into something that is for the benefit of the entire community. I appeal to Northern Ireland Water to do its utmost to assist those local people.

I had the privilege of accompanying water officials some time ago to the reservoir on the old Belfast Road in Newtownards, which is locally called the duck pond. It is truly a fantastic facility, drawing people from all over the place to enjoy the peace, the scenery under the shadow of Scrabo Tower and the absolute tranquillity. I congratulate

Northern Ireland Water, the former Ards Borough Council and, indeed, others for maintaining that exceptional natural habitat. Perhaps some of the now-redundant reservoirs could be similarly transformed for public use. I will leave that with others.

I support the Bill.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I do not intend to go over all the points that were raised. Broadly, the comments have all been very positive. Despite Mrs Dobson's cynical view that I was trying to distract the Committee from very important discussions, I assure her that the Bill is about safety and that it is important, which is why it is right and proper that it was given the scrutiny that it was given.

Notwithstanding that, I thank the Committee for the work that it has done in dealing with this and every other issue throughout the last number of years. I am sure that the Chair shares that view. I thank everybody for their positive contributions today. I am delighted that we have got to this stage. I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Reservoirs Bill [NIA Bill 31/11-15] do now pass.*

*Adjourned at 2.28 pm.*

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# Northern Ireland Assembly

**Monday 29 June 2015**

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Ramsey:** On a point of order, Mr Speaker. In light of the temperatures that we will have over the next few days, would you be minded to relax the dress code for Members in the Chamber, particularly those male folk who may want to take off their jacket?

**Mr Speaker:** I am not sure that I share your confidence in the weathermen. If you do not mind, we will monitor it for the first few hours and then review the situation in those circumstances. I know that a precedent exists, but let us see how the weather really works out.

**Mr Wilson:** Further to that point of order, Mr Speaker, given the accuracy of the BBC in predicting anything in this country, could we perhaps leave it for a day or two to see whether the BBC has got this one right?

**Mr McNarry:** Are there wimps in the BBC?

**Mr Speaker:** Order. I hope that the party mood continues for the rest of today's business. *[Laughter.]* To reiterate: we will keep the situation under review. I am very conscious that, in the past, we have found it necessary to relax the usual code. I will come straight back to Members when it becomes obvious that we need to do something.

I want to proceed with today's business, and I have a few announcements to make.

## Executive Committee Business

### **Pensions Bill: Royal Assent**

**Mr Speaker:** I wish to inform the House that the Pensions Bill received Royal Assent on 23 June 2015. It will be known as the Pensions Act (Northern Ireland) 2015.



## Assembly Business

### Resignation of Members: Mr Danny Kinahan and Mr Tom Elliott

**Mr Speaker:** I wish to advise the House that I have received a letter from Mr Danny Kinahan giving me notice of his intention to resign as a Member for the South Antrim constituency with effect from Saturday 27 June. I also wish to advise the House that I have received a letter from Mr Tom Elliott giving me notice of his intention to resign as a Member for the Fermanagh and South Tyrone constituency, also with effect from Saturday 27 June. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

### New Assembly Members: Mr Adrian Cochrane-Watson, Mr Neil Somerville and Ms Claire Hanna

**Mr Speaker:** I wish to advise the House that I have been informed by the Chief Electoral Officer of the following appointments: Mr Adrian Cochrane-Watson has been returned as a Member of the Assembly for the South Antrim constituency to fill the vacancy resulting from Mr Kinahan's resignation; Mr Neil Somerville has been returned as a Member of the Assembly for the Fermanagh and South Tyrone constituency to fill the vacancy resulting from Mr Elliott's resignation; and Ms Claire Hanna has been returned as a Member of the Assembly for the South Belfast constituency to fill the vacancy resulting from Dr McDonnell's resignation. Mr Cochrane-Watson, Mr Somerville and Ms Hanna signed the Roll of Membership in my presence and that of the Clerk to the Assembly this morning and entered their designation. The Members have now taken their seats. I welcome them to the Assembly and wish them every success.

**Some Members:** Hear, hear.

## Matter of the Day

### Terror Attacks in Tunisia, France and Kuwait

**Mr Speaker:** Mr David McNarry has been given leave to make a statement on the terror attacks in Tunisia, France and Kuwait, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. Members will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until this item of business has been finished.

**Mr McNarry:** Our hearts, prayers and thoughts are with the injured and the bereaved families cast into darkness, but so, too, must the outright condemnation from the House of ISIS and its warmongering be listened to.

Last Friday, at 7.00 am in France, 12.00 noon in Kuwait and, in between, at 11.45 am in Tunisia, ISIS terrorists struck, and they shook the free world. Thirty British and three Irish holidaymakers, along with others, were cut down by an IS extremist murdering innocent people on a Tunisian beach. It is unforgivable. Islamic countries must now decide to disown IS, to reject and repudiate it. They cannot host tourists and harbour terrorists at the same time. Our Government must also act by informing us all of the level of threat existing in our United Kingdom. I trust that the House will unite in that condemnation and that our message will be carried forward by you and your office, Mr Speaker, to the rest of the world.

**Mr D McIlveen:** I do not know whether saying that I welcome the opportunity to speak is the correct form of words today. I am sure that the events that unfolded last week filled everyone with horror, in the Chamber and outside it. I had the immense privilege, towards the end of last year, of being part of a delegation to Tunis. We met a number of senior political figures, including the president, and it was an eye-opening experience. It was very clear that there were serious concerns in the country that an attack such as this was almost inevitable. Last year, although Tunisia is one of the more secular Islamic states in the region, it exported over 2,000 young people to ISIS. That certainly caused the vast majority of right-thinking people in the area huge concern as it started to become clear what the ramifications could be.

It is a twisted, disgusting, barbaric ideology. It is often said at these times that it should not be reflected upon the vast majority of good people who live in the area, and I have to echo that today. I was received with nothing but courtesy and hospitality when I visited Tunisia. I think particularly of a young man called Tariq, who, despite putting his personal safety on the line, continues to try to mobilise the student movement to encourage all young people that violence is not a legitimate form of political protest. Therefore, I condemn it wholeheartedly and welcome the Member bringing it to the Floor today.

I think that we have to be in no doubt and be unequivocal in our condemnation of those acts over the weekend. Whether it is a terrorist attack in Sousse, New York, London, La Mon, Loughinisland or Omagh, it does not matter to me. Terrorism is terrorism, and it must be condemned on every possible occasion. The House must send out a message that that type of barbaric activity, regardless of whether it is on our shores or within the shores of other lands, should be condemned wholeheartedly and outrightly. My thoughts and prayers

are with the families in the United Kingdom and across the border in the Republic who are bearing unmeasurable grief at this time. I hope and pray that the vast majority of the thoughts of people in the House are with them.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. I join others in saying that my party is shocked at the slaughter that happened on the beaches in Tunisia. Sinn Féin's deepest sympathies go to all the relatives who have lost loved ones and also to those who have been injured. I am hearing that 38 people were killed, but we will obviously have to wait for the final tally. British and Irish people were killed. Three from this island were killed. They were Laurence and Martina Hayes from Athlone, County Westmeath, and Lorna Carty from Robinstown, County Meath.

I also recently visited Tunisia, following the shootings in March. I was there for Easter weekend as part of a seminar, meeting political parties, Ministers, other elected representatives and non-governmental organisations from across the Middle East and north Africa. I know from my time there that the vast majority of the people of Tunisia will be outraged at the attack. They were certainly outraged at the attack that happened a couple of days before I visited. The vast majority of people from the Muslim world, here in Ireland and across the world will also be horrified and reject the activities of ISIS. The onus is on us to reach out to progressive and representative voices to address the issues that allow that sort of extremism to exist.

Our thoughts are with the families who have lost loved ones.

**Mr Dallat:** Reference has been made to the fact that terrorist attacks took place across three continents within a few hours of one another, resulting in the deaths of at least 62 people. That brings home to us the extent of what happened on a quiet Friday afternoon.

I became aware when I got a phone call from a family in Kilrea whose son was in Tunisia. In fact, he was on a beach close to where the shootings took place. I pay tribute to the British and Irish consular services for their outstanding help in assuring those families who were not tragically affected by the holocaust that their family members were safe and, indeed, that efforts were being made to get them out of the country. I particularly thank the British-Irish secretariat here in Belfast, which was absolutely outstanding in giving information to that family that their son was, in fact, safe after spending several hours locked in a bedroom, not knowing exactly what had happened.

Like Mr McIlveen, I have been to Tunisia, although just as a holidaymaker. I found the people there to be exceptionally good people. They are poor and very much dependent on tourism for their survival. They, too, need to be in our thoughts, because many countries in the world have had their tourism industry destroyed by acts of terrorism. Today, this island and our neighbouring island, along with Germany and Sweden, are united in grieving for all those families who went there to enjoy a short holiday and are now plunged into grief.

The Assembly, I am sure, is united in extending its good wishes to the people who were injured, some of them with life-changing injuries. Our prayers are with those families who, over the next few days, have to bring home the bodies of their loved ones.

**Mr Speaker:** I call Mr Ross Hussey. Mr Hussey, you are fine to sit down.

**12.15 pm**

**Mr Hussey:** On this occasion, Mr Speaker, I feel it is appropriate that I should stand as a mark of respect to the 30 British and three Irish who lost their life in this ridiculous attack.

I thank Mr McNarry for bringing this Matter of the Day to the House. Every time something like this happens, you think how you would react if it was a member of your own family. The reports were coming in on Friday lunchtime, and one of my staff actually said, "Reports are coming in from Tunisia". You hear one dead, two dead, and the figure goes up.

One of the first photographs that I saw was of a very good-looking young woman, a nurse, on her holidays. She was out to get a wee bit of sun before she came home and was brutally done to death by a terrorist.

I have said this before in the House, and I hope I never have to say it again: terrorists are cowards. They always have been and always will be cowards. That man arrived with a sub-machine gun and continually shot at people. I am one of those people who would put the car on the roof to avoid a rabbit. How could anybody deliberately go along and shoot people in cold blood?

We have seen it in this place in Northern Ireland, and we know the pain that these families are suffering. Thirty British and three Irish, and the Chamber is unique because we are British and Irish. So, 33 of our fellow citizens have been murdered, and for what? Tunisia depends on the tourist industry to make a living. As mentioned, they are a very poor people, and they need the support of tourists.

Terrorists terrorise, and that is what they are there for. They are there to terrorise the community. They have murdered in cold blood these citizens, but what have they done to the people of Tunisia? An awful lot of people will now not go to Tunisia, and nobody is going to encourage people to go to a place where they may get shot. We need to support the people of Tunisia as well.

I am appalled at these killings. My sympathy is with the families. They have many cold, dark days ahead. When the bodies are returned, they have days of mourning. I agree with the previous speakers that everyone in the House will send their sympathy to our fellow citizens, whether they be Irish or British.

**Dr Farry:** With others, I join in condemnation of this attack in Tunisia and express our sympathy to all the families of the victims, injured and bereaved. We also join in recognising that this is part of a three-pronged attack, including that in France and the attack on the Shia mosque in Kuwait.

It is right that, given the British and Irish victims in Tunisia, we reflect in particular on that incident and loss, not least given that it is perhaps the most serious terrorist attack that we have experienced in these islands for effectively 10 years. Somewhat poignantly, we are coming up to the tenth anniversary of 7/7 itself. However, we should bear in mind that this type of action is happening day and daily in different parts of the world, most notably in Iraq and Syria, but also in other parts of the Middle East. We are seeing barbaric acts and atrocities occurring with alarming frequency and people being singled out based upon their religion, some warped view of a lack of adherence to religion or, indeed, their sexuality.

It is clear that the threat from the so-called IS is a very localised challenge in some parts of the Middle East, but it is also now a major global challenge facing us all, with terror taking place on an almost random basis. That is obviously driven by what is very clearly a warped interpretation of Islam, just as throughout history we have seen barbaric acts and atrocities carried out through warped interpretations of other world religions.

I have a slight difference of opinion with Mr McNarry in saying that I think that very few states in the world are actively harbouring Islamic State. Islamic State is as much a threat to the states in the Middle East as to ourselves here in the west. People referred to Tunisia, which is now suffering hugely in terms of the loss to its economy. There is no doubt that it was particularly targeted, as this is the second major attack there in a number of months, because it was the first state to be involved in the Arab Spring and it has successfully made the transition to democracy.

We should also recognise the acts of many individual Tunisians who stepped in and prevented even worse acts of terrorism from occurring last week. They are real heroes. They recognise their common humanity with our citizens, as well as the fate of their state on the back of this.

There are, of course, challenges to us all, both in the West and states in the Middle East, in how we tackle propaganda and prevent our citizens from leaving our shores as fighters. Those are discussions for another day, but we need a genuine global response to what is a genuine global problem.

**Mr Wilson:** I wish to express, as all other Members have, my sympathy to those who are grieving and who find themselves mourning relatives who went for a holiday and finished up in a holocaust; who thought that they were going to a beach and found themselves in a bloodbath. Since we in Northern Ireland can identify so much with the sudden loss that comes from acts of terror, I think that the sympathy and the empathy of the Assembly should go out to them.

On the wider issue, though, this is the challenge for our generation. Many people point to worldwide issues that need to be dealt with, and this is one of the global issues. Friday's violence across three continents indicates just how widespread this is. We in this country need to seriously decide how we wish to address it. People living in this country need to decide how we react to it.

Whilst there is responsibility for our Government and for other Governments, there are also responsibilities for those whose community is being targeted by this death cult; and it is a death cult, which only wishes to spread destruction, whether it is the destruction of the Tunisian economy, the destruction of the lives of the people who went there on holiday, or the destruction of families. I listened to the family of the gunman, who said that he was their hope; he was the one who had got an education, and yet his mind was poisoned by individuals who wanted to draw him into this death cult.

I think that leaders in the Muslim community here in Northern Ireland also need to bear in mind their responsibility. It was not so long ago that we had the head of the Muslim community in Northern Ireland on the radio actually praising this death cult for what it had done when it took over Mosul, and claiming that it had brought order to that city. When people are considering how we deal with this, everyone at all levels of society, especially those

within the Muslim community, have to ask themselves what responsibility we have if our families are being drawn into this. We must inform the police, dissuade them, and make sure that there are no more recruits who gun down innocents on beaches and in factories.

**Mr Allister:** I join in the condemnation of these horrific events, made all the more horrific because they occurred at a time when those in Tunisia thought that they were there for a period of relaxation, leaving aside the cares that beset people, only to suddenly face the deadly horror of the situation. That adds a peculiar dimension to the situation. Of course, as a society, we came face-to-face for far too long with the awful wickedness of terrorism. Those of us who opposed that terrorism can quite properly join in expressing our horror and condemnation of this terrorism. Those who supported that terrorism must speak for themselves as they deploy words to meet this situation.

Reference has been made, and it is true, that Tunisia was the crucible of what was called the Arab Spring. Now we have come full circle to the horrors of terrorism that we are facing, not just there but in many other countries, including our own. I do think that it is unhelpful to note the diffidence, at times, of the Prime Minister and others to call this for what it is — Islamic-inspired terrorism. You can ignore reality, but you cannot go on ignoring the consequences of ignoring reality. I trust that stern and necessary measures will be taken within our nation and that the jihadists who go off to trade their war outside this nation will be prevented from ever returning within our boundaries. A very clear message has to go out that the Government and all in authority are serious about identifying the source and the nature of this terrorism and serious about dealing with it on our shores. To an extent, there has been too much diffidence already in dealing with that.

I send my condolences to all concerned. That is a small matter in the realm of the huge devastation that they feel, but it is right that those who have experienced terrorism, such as this community, should feel an affinity and empathise with them at this time.

**Mr Agnew:** I am grateful for the opportunity to condemn these most recent atrocities, including Friday's events in Tunisia. The principle of non-violence is at the heart of what the Green Party in Northern Ireland stands for. Global terrorism is a scourge. It is not often that I agree with Mr Sammy Wilson, but it is one of the greatest challenges facing us. Globally, this type of event happens much too often — seemingly on a daily basis, as Mr Farry pointed out. This particular event in Tunisia over the weekend affected people from these shores, but the suffering, pain and anguish of those involved in the often daily atrocities across the world are no less just because we do not know them. Of course, in Northern Ireland we know only too well the impact of terrorism — how it tears families and societies apart. It is important that we condemn terrorism, wherever it originates. Unfortunately, it continues to be a scourge in our society and that is something that we must continue to grapple with.

On behalf of the Green Party in Northern Ireland, I extend my sympathy to the families of this most recent atrocity. Violence begets violence, and we must lead by example through standing strong on the principle of non-violence. That is the only way we can defeat those who perpetrate such heinous crimes.

## Assembly Business

### Public Petition: Circuses with Animals: Entertainment Licences

**Mr Speaker:** Mr Steven Agnew has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

**Mr Agnew:** The petition I present today calls for a change in the law to effectively ban the use of animals in circuses by denying them access to an entertainment licence. Let me be clear: animals do not exist for our entertainment. We know what an animal needs to ensure its welfare.

The five freedoms include the need for a suitable environment; the need to exhibit normal behaviour patterns; and the need to be protected from pain, suffering, injury and disease. We have protected the five freedoms through the code of practice issued by the Department of Agriculture and Rural Development, and we should ensure that the five freedoms are met in all aspects of our society. Even with the best of intentions, a travelling circus cannot meet the five freedoms of an animal, and, for that reason, I believe that circuses that use animal acts should be prohibited in our society. Animals should be afforded dignity and respect, and they are denied that in circuses where the five freedoms are not met.

12.30 pm

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

I would like to thank Councillor Ross Brown for starting the petition, and I am honoured to present it to you, Mr Principal Deputy Speaker, on behalf of the 1,775 signatories. I urge the Environment Minister to take action. He has gone out to consultation on the licensing regime, and 1,775 people have spoken and made it very clear that they no longer wish our society to give legitimacy to circuses that perpetuate cruelty on animals. To quote one of the signatories:

*"It's time to stop this cruelty. Animals deserve better."*

*Mr Agnew moved forward and laid the petition on the Table.*

**Mr Principal Deputy Speaker:** I thank the Member. I will forward the petition to the Minister of the Environment.

### Standing Orders 10(2) to 10(4): Suspension

**Ms Ruane:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 29 June 2015.*

**Mr Principal Deputy Speaker:** Before we proceed to the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Orders 10(2) to 10(4) be suspended for 29 June 2015.*

### Assembly Members' Pension Scheme: Trustee

**Mr Principal Deputy Speaker:** The motion will be treated as a business motion and, therefore, there will be no debate.

*Resolved:*

*That Ms Caitriona Ruane be appointed to the board of trustees of the Assembly Members' pension scheme.*  
— [Mr G Kelly.]



## Ministerial Statements

### British-Irish Council: Summit

**Mr Principal Deputy Speaker:** I have received notice from the First Minister and the deputy First Minister that they wish to make a statement on the British-Irish Council (BIC) summit that was held in Dublin on 19 June. The Minister of Health, Social Services and Public Safety will make the statement on their behalf.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** In accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following statement on the twenty-fourth summit meeting of the British-Irish Council, which took place in Dublin Castle on 19 June. The First Minister, the deputy First Minister and I attended the summit, and the First Minister and the deputy First Minister have agreed that I make this statement on their behalf.

The Irish Government hosted the summit, and the heads of delegations were welcomed by the Taoiseach, Enda Kenny TD. The United Kingdom Government were led by the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Philip Hammond MP. The Scottish Government were led by the First Minister, the Rt Hon Nicola Sturgeon MSP.

The Welsh Government were led by the First Minister, Rt Hon Carwyn Jones AM. The Isle of Man Government were led by the Chief Minister, the honourable Allan Bell MHK. The Government of Jersey were led by the Chief Minister, Senator Ian Gorst. The Government of Guernsey were led by the Chief Minister, Deputy Jonathan Le Tocq.

The twice yearly summits continue to provide an opportunity for the British-Irish Council to play a unique and important role in furthering, promoting and developing links between its member Administrations through positive, practical relationships, and in providing a forum for consultation and exchange of information on matters of mutual interest.

As is now customary at each summit, the Council discussed the current economic situation. Each member Administration outlined their latest economic indicators and the strategies that they are putting in place to promote growth and address unemployment. Overall, a common theme emerged of a continuing improving economic situation in all member Administrations, with a recognition of the interdependence and links between our economies. Each Administration also noted the decision of the UK Government to hold a referendum on membership of the European Union and the potential implications of the outcome for their economies.

The Irish Government presented a collaborative paper, on behalf of the misuse of substances work sector, on the misuse of alcohol, focusing on the economic and social implications of alcohol abuse and the various measures planned to tackle the problem of excessive alcohol consumption. In response, the Council had a detailed discussion on the significant harm being caused by alcohol to individuals, families and society. The Council agreed that continuing action is required across member Administrations to protect the health and well-being of the wider public — especially children — from alcohol misuse. The Council recognised the need for policies that foster protective environments for families and young people

and to implement strategies that target high-risk groups. There was an exchange of views and information on how member Administrations are handling issues such as marketing and advertising, minimum pricing and licensing reform.

All member Administrations reaffirmed their commitment to the British-Irish Council and to its key principle of facilitating the development of mutually beneficial relationships between these islands. They recognised the many positive achievements of the BIC to date and agreed that it was timely to update the working of the British-Irish Council to ensure that it best reflects shared priorities for the member Administrations and delivers for citizens across the islands. They requested that officials, working closely with the secretariat, review the work sector's activities and report back on progress to the next summit in November 2015, as well as review the working of the Council in general.

The Council received an update on the work that had taken place across each of the 12 sectors since the last summit in November 2014. The Council looked forward to a number of ministerial meetings, at work-sector level, to be held later this year. The Council also reviewed the latest youth employment statistics across the Administrations and welcomed the further progress being made in that important area. The Council noted the secretariat's end-year report against its business plan and welcomed the publication of the BIC annual report 2014. Finally, the Council noted that the next BIC summit will be hosted by the UK Government in London in November 2015.

**Mr Nesbitt:** I thank the Minister for the update. He will be aware that the Northern Ireland Executive are the only lead member Administration with sole responsibility for no fewer than three of the work streams: collaborative spatial planning, housing and sustainable and accessible transport. Can he tell the House why that is, what the implications are for the resource demand on officials and update us on those three sectors?

**Mr Hamilton:** I do not know the origins, specifically, of why Northern Ireland has responsibility for three of the work streams out of quite a number. I am looking at Mr Attwood across the Chamber. I am not sure whether he was Minister for Social Development at the time that the housing sector work stream was started. If he was not, it was his predecessor who was in post. I think that work stream was moved forward for inclusion specifically at the request of the Northern Ireland Executive. It was not one of the original work streams; it was added at that stage. Each of those work streams is tailored to areas where there is particular interest from the lead member Administration. I can certainly return to this area and ensure that officials get back to the Member about any cost estimate for the time taken by our officials in taking forward work. The Member is aware, I imagine, from his chairmanship of the OFMDFM Committee, that the overall cost of the secretariat as a whole to Northern Ireland is quite modest. The fees that we are paying to keep the secretariat going are a little over £10,000 a year, but that obviously does not take into account costs for in-kind work done by officials.

While there will be a cost and time will be spent and, perhaps, officials will be taken away from the day-to-day core business in their Departments, it is work of mutual interest, and there is benefit for Northern Ireland in working collaboratively with officials from other Administrations. I

know from my Department that there was a focus at the summit on the misuse of alcohol and substances and that work was shared at the summit and across the work stream that can be of benefit to Northern Ireland. We put in time and resources, but we get the benefit of sharing our understanding.

**Mr Spratt:** The Minister highlighted a discussion between the Administrations about the economy. How does Northern Ireland's economic performance compare with that of other BIC members?

**Mr Hamilton:** At the commencement of the summit, some time was devoted to a discussion among all member Administrations about the state of their respective economies. I noted from the previous BIC summit, before the turn of the year, in the Isle of Man, that there had been further improvement in economic outlook across all member Administrations. We cannot all boast as good an economic outlook and performance as that of the Isle of Man, which reported having over 30 years of unbroken economic growth and an unemployment rate of about 1.5%. That is something to which we would all aspire and try to work towards.

There was general optimism across member Administrations about the state of the economy. It struck me that Northern Ireland was performing a little better than some member Administrations in the area of unemployment. That is not to say that Northern Ireland's unemployment situation is perfect by any means, but it is certainly considerably lower than that of the host member Administration, the Republic of Ireland, where unemployment has fallen from a high of around 15% to now just below 10%. Northern Ireland is at 6.1%, which is a little above the UK average but certainly a lot better than the rate in the Irish Republic. We should be immensely proud that our claimant count has been down for 28 months. It is one indicator among many that things are starting to improve in Northern Ireland and right across the British Isles.

The fact that all Administrations across the British Isles were reporting economic growth, falling unemployment and general optimism and confidence across the economy can only be a good thing for Northern Ireland. We are so economically linked to and interdependent on one another that, when we get good economic news in the Republic of Ireland, Scotland, England or in other Administrations, that is ultimately good news for Northern Ireland too.

**Ms McGahan:** Go raibh maith agat. What indications were discussed at the meeting for the future direction and working of the British-Irish Council?

**Mr Hamilton:** As I said in my update, there was a brief discussion among member Administrations about reviewing the work of the work streams to update the next summit, which will be held in London in November and which will discuss progress on those work streams. That will help to inform future work undertaken by those work streams, whether some of them can be pared back or whether new ones can be put in their place. That will obviously have an impact on the future work of the summit.

**Mr Attwood:** I ask the Minister to lodge the updates across the 12 work sectors since the last summit, in November 2014, in the Assembly Library for Members' consideration. When the discussion took place on the forthcoming referendum on membership of the European Union, did the British Government indicate in any shape or

form that they recognised how any withdrawal from Europe might have a disproportionate impact on the economy and the people of Northern Ireland?

**Mr Hamilton:** The Foreign Secretary raised the issue of the referendum in the context of the economic discussion that had taken place at the summit. I do not recall him specifically talking about the impact on other devolved Administrations in the United Kingdom. A range of views was expressed, although he did not need to; other First Ministers and Chief Ministers ensured that their concerns were raised. For his part, our First Minister welcomed the fact that the Prime Minister was pursuing renegotiation. That is something we have long supported. I welcome the fact that the Prime Minister is endeavouring to renegotiate the UK's relationship with the European Union. I think his call for reform of the European Union will find common cause, not across just the United Kingdom, but the European Union. At this stage — the early stage — of those discussions and negotiations that the Prime Minister is engaged in, I think we should be wishing him luck and hoping that he gets a successful and fruitful result for the United Kingdom.

#### 12.45 pm

**Mr Lunn:** I thank the Minister for his statement. Was there any mention of welfare reform in the margins of the conference? Did the Scottish or Welsh Ministers offer any comfort regarding our ability to obtain further concessions from the British Government?

**Mr Hamilton:** I am not always sure whether you are allowed to talk openly about what happens in the margins. I could not talk about everybody's margins; I could talk only about the margins that I was in. There was no specific, formal discussion around welfare reform on the agenda. Obviously, as you might expect, it was raised, particularly by the First Minister, in the context of the overall need to have faithful and full implementation of the Stormont House Agreement, the impact that it was having upon the Northern Ireland Executive and the instability that it was creating in the institutions. Beyond that, there was no formal discussion. Whilst I think I can recall comment made by the First Minister of Scotland and others about welfare reform in the broad sense, no specific comment about Northern Ireland was made in the formal summit. I cannot comment on what was done in the margins that various people were drawing before, during or after the summit.

**Mrs Hale:** Minister, you mentioned briefly that a paper on the misuse of substances was presented. Can you inform the House what discussions, if any, took place about the outlawing of the new psychoactive substances?

**Mr Hamilton:** I thank the Member for her question. These so-called legal highs, or new psychoactive substances, as they are better referred to, have caused concern across the British Isles. The Irish Government have moved to ban and outlaw new psychoactive substances. Learning in that area can be useful when it is shared across BIC member Administrations. The Home Office Minister Mike Penning, who was at the summit, mentioned the fact that legislation is proceeding through the Houses of Parliament to ban new psychoactive substances. That is something that we warmly welcome; it is something that we have been pushing for in Northern Ireland for some time. In fact, it was the subject of a motion and debate in the House that was brought forward by our colleague Alex Easton, a number of weeks ago. So, it is good to see

that that progress is being made. Again, it is a very good example of where policy decisions taken in one member Administration of the BIC can have an experience and learning that can be used by others and taken forward as policy in other member Administrations.

**Mr Maskey:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. It is none of my business whether the British people decide to remain in the EU, but, clearly, any decision that they might take would impact on this region and, perhaps, many others. Will the Minister confirm that the majority of Administrations at the BIC expressed concerns in relation to the British intention regarding its exit from the EU?

**Mr Hamilton:** A straw poll of the various views of Administrations was not taken at the summit, but certainly, on the basis of listening to those who expressed any opinion on the European Union and the referendum that will take place next year in the United Kingdom, concern was expressed by the First Minister of Scotland and the First Minister of Wales, in particular. It is also fair to say that some of the smaller Administrations expressed concern. The Isle of Man, in particular, expressed concerns because of the nature of its relationship with the European Union. So, yes, concerns were expressed, as you would expect them to be expressed, for national interest reasons and for party political reasons by other member Administrations and their heads of delegation.

I reiterate that I welcome the progress that the Prime Minister has made to date. I think that many across Northern Ireland, the United Kingdom and Europe will be welcoming the fact that the Prime Minister is bringing a focus to the issue and to the long outstanding and much-needed reform of the European Union. I think that we would do well to wish him well in the negotiations that he has commenced.

**Mr D McIlveen:** I also thank the Minister for his statement this afternoon. He said that some discussions took place on the misuse of alcohol in our society. Will he confirm that the issue of minimum unit pricing is still being viewed as a viable means to deal with that problem?

**Mr Hamilton:** The focus of the summit was on the misuse of substances, particularly the misuse of alcohol, and there was an exchange of information and experience across member Administrations. There was a particular interest in the issue, as it had been raised initially by the Scottish Government, who are, at this minute, entangled in a court case in Europe on the legality of moving forward with minimum unit pricing. I was one Minister amongst several who expressed a keen interest in the outcome of that case, and we will continue to observe it as it moves through the European Court processes, with an expected conclusion or at least an indication of direction by the autumn of this year. It has been considered between the Executive and the Irish Government, along with the impact that the border might have on any minimum unit pricing on one side of the border or both. To that end, research has been jointly commissioned by the Irish Government and the Northern Ireland Executive, and I anticipate that the outcome of that will be published in the not too distant future.

**Mr Dallat:** I also welcome the Minister's statement. I noted that the British-Irish Council reflected on the need to project the best image of the organisation in how it represents people across these islands, and that is to be

commended. Not least, of course, is the issue of youth unemployment, and I am pleased that that issue was discussed. Will the Minister tell us what he has gleaned from those discussions that might slow down the number of our young people who are heading off to other parts, legally and illegally, to find work when there is none at home?

**Mr Hamilton:** This is the second British-Irish Council summit that I have attended in succession, and youth unemployment was discussed in more detail at the previous one. It was raised during the broad economic discussion that member Administrations had at the commencement of the more recent summit in Dublin Castle.

Work in this area is ongoing between Administrations. Like unemployment, economic growth and the other updates that were provided, we are seeing improvements in this area, and we are seeing improvements in our youth unemployment figures in Northern Ireland. We are by no means in a position whereby we should be resting on our laurels with the progress that has been made. I have long supported the various strategies that are in place between the Department for Employment and Learning, working in conjunction with the Department of Enterprise, Trade and Investment, to create employment opportunities, and I want that to continue.

One of the worst impacts of the downturn has been the denial of opportunities to many young people, not just in Northern Ireland but right across the British Isles and further afield. The different strategies and policies that are pursued in member Administrations can be shared, learned from and adopted, if necessary and appropriate, in our own jurisdiction and elsewhere.

**Mr Allister:** This is the product of another long hard day at the British-Irish Council (BIC). Is there a sense of embarrassment at the commitment in the document to update the working of the BIC? Is that an acknowledgement that it is very much the poor relation and that east-west relations just have a notional traction — even the 2014 report shows how shallow that is — in contrast with the constant ministerial meetings of “North/Southerly”, where we pour in £30 million a year and more and run a British-Irish Council secretariat for £98,000 a year —

**Mr Principal Deputy Speaker:** I ask the Member to come to a question on the Minister's statement.

**Mr Allister:** Does the Minister agree that the workings on an east-west basis need to be revamped and that they are totally out of kilter with the focus and emphasis of “North/Southerly”?

**Mr Hamilton:** I would like to see the British-Irish Council do more. My experience of working in the environs of the Council proved that there is a lot to be learnt across its member Administrations. I would have thought that the Member might want to welcome and acknowledge that, but, of course, it is not his habit to do so.

I think that it is right that, periodically, the work of the BIC is refreshed, and the Member should welcome the fact that that is being acknowledged across the several member Administrations. Collectively, they acknowledge its importance. That is always recorded at the start of a summit, and, indeed, comment was passed publicly in the

press conference afterwards that all the Administrations very much welcome the opportunity, whether formally or — to use Mr Lunn's phrase "in the margins" — to have conversations with each other. I accept that that has been slow to grow in importance, but it is of growing importance.

I think that the Member overstates his case. I think, having attended some North/South Ministerial Council meetings in plenary and sectoral session, that he has a habit of overstating the work of that institution. He is right that there are lots of meetings of the North/South Ministerial Council in its various formats, but not a lot of output from it.

**Mr Principal Deputy Speaker:** That concludes questions on the statement.

## **Líofa Website**

**Ms Ni Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mr Principal Deputy Speaker, with your permission, I wish to make a statement regarding the Líofa website.

I previously advised Members that the Líofa website had been shut down because the details of some Líofa participants had been made available publicly on the site, and I undertook to make a further statement to the House when the matter had been investigated fully.

The Department engaged IT security experts, accredited by the Communications-Electronic Security Group, which is the UK's national technical authority for information assurance, to establish the full extent of the Líofa website's vulnerabilities. The matter was also reported to the Information Commissioner's Office (ICO).

While the independent IT security experts found that data disclosure had taken place, they could find no evidence for the disclosure having come from the Líofa website. Rather, they stated that the disclosure came from a test server with the developer who created the site. As a result, the maintenance contract with the existing website developer has been terminated, and a new Líofa website has been developed by the NI Civil Service enterprise shared services (ESS). The Department used the opportunity to upgrade the site, to make it more easily accessible across all types of smartphone and tablet, to improve the user experience and to bring responsibility for its management and future development fully in-house.

While a new website was under development, an interim Líofa site was constructed and made live. That provided a range of helpful information about Irish language classes, learning resources and how to register for Líofa. The interim site was hosted by ESS as part of the Civil Service network and was independently verified. Full responsibility for the new website now rests with the Department, with ESS removing any role for Foras na Gaeilge or a third-party supplier. The ICO is content that no further action is required. The ICO also asked the Department to review its management arrangements for personal data, and that is being taken forward by a senior information records officer. A lessons learned report has been completed and is being quality assured.

I would like to reiterate that I am deeply sorry about this unfortunate incident, but I am satisfied that the new website, in-house management arrangements and independent verification of the site will restore the confidence of Líofa participants in using the website. The new site is now fully functional and provides improved access to help Líofa learners on their journey.

**Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure):** The issue arises of the future intentions of the Minister because this is clearly in the context of the Líofa website having a sustained future. In view of the financial constraints at the moment, how does she envisage the future of the website, in view of all the competing costs and the fact that so many projects have had to be either completely abandoned or severely restricted in their funding?



1.00 pm

**Ms Ní Chuilín:** I thank the Member for his question. I did not hear it fully owing to the sound in the Chamber, but I think that I caught the thrust of it, which was about affordability and the future maintenance of the website. The website's budget has already been set right through to the end of the mandate. When we are preparing our next CSR, I will firmly make the maintenance of the Líofo website central to that, as I will other needs that are competing for attention, support and sustainability throughout.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. An dtig liom ceist áirithe a chur ar an Aire. Will the Minister tell us who in the Department commissioned the investigation of the breach?

**Ms Ní Chuilín:** Go raibh maith agat. The Department commissioned IT security experts independent of it, which, by British standards, is the national communications agency. We commissioned the Communications-Electronics Security Group and the British national security authority for information assurance to ensure, first, that any such breaches would not occur again and, secondly, that Líofo participants and other users of DCAL's other services on the web were assured. They have provided a detailed report assessing the security status of the site and made a number of recommendations. This is about learning from our mistakes to try to ensure that they do not happen again.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. An dtig liom a fhiafraí den Aire cá mhéad airgid a caitheadh ar an suíomh go dtí seo? How much has been spent to date on the Líofo website?

**Ms Ní Chuilín:** There was a budget of almost £60,000 for the Líofo website, so it is now over £65,000, including a new health check and paying for those services.

I am sure that the Member will agree with me that, given that we are reaching almost 12,000 participants and growing, not only are people happy to access the website but the new arrangements have engendered the confidence of people using it. It is an important tool, particularly for people who are learning from home, or even for adult learners like me who need every support possible and cannot get to as many classes as they would like to. Therefore, it is almost £65,000, and, as far as I am concerned, it is £65,000 well spent.

**Mr Cree:** I thank the Minister for her statement. I see that the finger of suspicion was clearly pointed at the test server operated by the developer. Did he have anything to say about that?

**Ms Ní Chuilín:** As the Member will appreciate, it is not about pointing fingers but about learning lessons. I want to say that up front. The Department is in discussions to try to ascertain exactly what we can do from here, but the contract with that server has been terminated. We are now with a new in-house Civil Service contract, which has been tested and verified, and I am quite content that we can learn lessons from the past and move on.

**Ms Lo:** The Minister said that all the measures will hopefully restore the confidence of Líofo participants in using the website. What action has she taken to reassure the public that the website is now secure?

**Ms Ní Chuilín:** The statement that the Member will have received laid out clearly that there was a breach.

We have not only rectified the breach but enhanced security arrangements to ensure that Líofo participants have confidence in the website and in getting access to it. We brought in renowned IT specialists who have not only verified it but checked that the website is functioning as it should be and that confidentiality is adhered to for Líofo participants. Although it has taken some time, I am happy that we have taken that time to get it right.

**Mr Dunne:** I thank the Minister for her answers. Will she clarify who manages the website now and who did? Can we again have assurances that the failure will not reoccur? Obviously, it is important that a full investigation is carried out and that the lessons learned are put in place not just in this Department but across the various Departments.

**Ms Ní Chuilín:** I thank the Member for his questions. I will take his last point first: I am responsible only for my Department, but certainly the experts that we have now and even the fact that the website is being managed centrally by the Civil Service should provide additional assurance.

As I said in response to Leslie Cree, we are looking at how the breach happened. As I said to him, we terminated that contract on the basis that we needed to move forward. I am content with the time taken, not only to look at how the breach happened, but to terminate the contract and to get new IT experts in who have looked at the security and tested and verified the new arrangements.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her statement. Minister, you mentioned in your statement the Information Commissioner's Office. What was its view, and has it made any recommendations?

**Ms Ní Chuilín:** I thank the Member for his question. The ICO advised that it did not intend to take any further regulatory action, but it advised the Department to take actions to ensure that such breaches do not occur again. We have taken its advice, and we have taken the skills and services of IT experts to ensure that data protection is adhered to. I am content not only with the report from the ICO but with the measures that we have taken thus far, as I believe everyone is.

**Mr Humphrey:** I thank the Minister for her statement. Carrying on from the answer that the Minister has just given, I ask her to expand on this phrase in her statement:

*"establish the full extent of the website's vulnerabilities."*

What does that mean?

**Ms Ní Chuilín:** Back in September of last year, when a Líofo participant reported that they had seen their email details on the website when that should not have been the case, the problem was remedied and the website was tested independently within the Department. That is how you do it: the IT experts come in and independently test the security of the website. They use different mechanisms to test it to ensure not only that the website is not breached but that data protection is upheld. I think that that is really important, and I am sure the Member will agree with me.

I have no difficulty with people from outside the Department testing the website to ensure that not only does it work but that it functions and provides the best possible security screens to ensure that data protection is not breached.

**Mrs McKeivitt:** It is a worthwhile website as far as I am concerned, but I am sure the Minister will agree with me that £65,000 is a lot of money to be spent on a breach of data. I am glad that she has made the statement to the House. Is there any advice for people who may not be computer savvy on how to join up to the Líofo programme?

**Ms Ní Chuilín:** I thank the Member for her question. The money that was spent on the website included paying for the IT experts to come in to not only fix the breach but to provide firewalls and security steps to ensure that the website cannot be breached in the future. There are many people who, like the Member, have expressed an interest in joining Líofo. At a very basic level, and I am not an IT expert by any stretch of the imagination, if someone cannot access the DCAL website they should google “Líofo”. That will bring you directly to a link. If you go on the Internet and look, or even look at [liofo.ie](http://liofo.ie), you will definitely get a link to it. There is a very easy step-by-step approach to join and become a Líofo participant. Once that happens, members of our team will be in contact to see what services can be availed of. Once you are a member of Líofo, you also get a newsletter giving updates. You can access Irish language classes at different levels and find out where some of your local classes are.

**Mr B McCrea:** Will the Minister tell us whether she personally met the Information Commissioner’s Office? If so, can she explain what is meant by “no further regulatory action”? Is there any other action that is being anticipated by the ICO?

**Ms Ní Chuilín:** I did not personally meet the ICO. That is what the officials’ job is; they met the ICO. The ICO would have been in a position, if it felt that the breach had been of such a severe nature, where it could have awarded penalties against the Department. That is what is meant by that term, in response to the Member’s point. The ICO is assured that the remedies that we have taken thus far are satisfactory. It also asked that the Department have an overall look at all its Internet usage and to ensure that data protection is adhered to, which we have done. We have asked independent experts to come in to ensure that not only has it been done but that it is maintained. As I am sure the Member will agree, data protection is something that we need to strive for to ensure that we get the best possible outcome for people.

## Executive Committee Business

### Budget (No. 2) Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call on the Minister of Finance and Personnel to move the Further Consideration Stage of the Budget (No. 2) Bill.

*Moved. — [Mrs Foster (The Minister of Finance and Personnel).]*

**Mr Principal Deputy Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Budget (No. 2) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

## **Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015**

**Mr Kennedy (The Minister for Regional Development):** I beg to move

*That the Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015 be affirmed.*

In 1992, the Londonderry Port and Harbour Commissioners resolved, through an administrative measure, to abandon their jurisdiction of part of the River Foyle. Since the Craigavon Bridge was built in 1933, the part of the river between Craigavon Bridge and Lifford Bridge has been inaccessible to port traffic and of no commercial benefit to the commissioners. Therefore, the commissioners decided to amend their limits of jurisdiction. However, while the commissioners introduced this administrative measure, that in itself was insufficient to legally alter the harbour limits, so it was recognised that formal legislation was required. The commissioners did not bring their decision to the attention of my Department and, once it came to light, my officials worked closely with the commissioners to prepare the order.

The purpose of this order is to provide for the formal revision of the commissioners' harbour limits. The order has been subject to a 12-week public consultation, which ended on 23 February 2015. Only one response was received during the consultation process, and that supported the legislation. I am grateful for the consideration given to the proposal by Executive colleagues and for the consideration given to the matter by the Committee for Regional Development. In addition, the Examiner of Statutory Rules has considered the order and has not had any formal comments to make in his sixteenth report of this session. This has allowed the order to proceed to today's debate to seek affirmation. I, therefore, commend the Londonderry Harbour (Variation of Limits) Order 2015 to the Assembly.

**1.15 pm**

**Mr Clarke (The Chairperson of the Committee for Regional Development):** I will be very brief. The Committee for Regional Development considered this item of subordinate legislation at SL1 stage at its meeting on 25 March 2015. The Committee stated at that time that it was content with the merits of the policy proposals. The draft statutory rule was considered by the Committee on 27 May, when members stated that they had no objections to the rule. The Committee for Regional Development's position in that regard has not changed. We support the motion.

*Question put and agreed to.*

*Resolved:*

*That the Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015 be affirmed.*

## **Renewables Obligation (Amendment) Order (Northern Ireland) 2015**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** I beg to move

*That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015 be approved.*

This statutory rule is being made under powers contained in the Energy (Northern Ireland) Order 2003, which prescribes that this order must be laid in draft for approval by affirmative resolution of the Assembly. The changes that I bring forward in the draft order relate to the Renewables Obligation Order (Northern Ireland) 2009. The Northern Ireland renewables obligation, or the NIRO as it is better known, has been the main support mechanism for incentivising renewable electricity generation in Northern Ireland since 2005. Since its introduction in 2005, renewable consumption has increased from 3% to 20%, so it has been a great success.

This is the latest in a line of changes in recent years to adapt the NIRO to local, national and European developments. The underlying principle of the NIRO is to support deployment of renewables at least cost to the consumer, as it is the consumer who ultimately bears the cost of incentivising renewable electricity in Northern Ireland. Therefore, support needs to be reviewed periodically to ensure that it is as cost-effective as it possibly can be.

There is a statutory requirement for my Department to carry out a review of renewable obligation certificate bands before new bands are set. My Department undertook a small-scale banding review and public consultation in 2014.

The consultation proposed the retention of the existing levels of support for small-scale onshore wind, hydro and anaerobic digestion (AD) generating stations but proposed the reduction in support for solar photovoltaic (PV) stations up to 250 kW installed capacity. The majority of respondents agreed with the retention of existing ROC levels of support for onshore wind, hydro and AD. However, a large proportion disagreed with the proposed reductions for solar PV. It was argued that the proposals were too severe and could halt future levels of solar deployment in Northern Ireland.

The consultation process provided additional evidence to support a higher ROC level for solar PV from that originally proposed and also to introduce the reductions in a stepped manner rather than in one single reduction. That will ensure the continued deployment under the NIRO at support levels, which will decrease in line with technology cost reductions. From 1 October 2015, the ROC banding level will reduce from four ROCs to three ROCs per MW hour, and will reduce again on 1 October 2016 to two ROCs per MW hour until the NIRO closes in 2017. The changes will apply only to new generating stations. Any generating station already accredited under the NIRO will continue to receive the ROC banding level at which it was originally accredited.

In conclusion — apologies for my late entry. I understand that business proceeded apace, but my apologies for that — the ROC levels introduced in this order are a sensible approach to small-scale renewables deployment under the NIRO.

**Mr Flanagan (The Deputy Chairperson of the Committee for Enterprise, Trade and Investment):**

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for moving this. The Committee explored this on a number of occasions and took evidence from the Department and interested stakeholders if memory serves me right. After the proposed changes were recommended by the Department, the Committee was happy to support the proposals.

**Mr Principal Deputy Speaker:** Does the Minister wish to respond?

**Mr Bell:** I thank the vice-Chair of the Committee. We spent some time last week discussing a number of issues. I am relatively new in office, but I appreciate the very positive contribution that the Chair and vice-Chair have made. I hope that that continues. I welcome the Committee's endorsement of what has been proposed. The proposed ROC banding changes strike the appropriate balance of continued support at least cost to the consumer. I think that that is the model that everybody in the House wants. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015 be approved.*

## **Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015**

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

*That the draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 be approved.*

The draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 is being made under articles 19, 7 and 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992. Article 19(9) of the 1992 Order provides that a draft of the order must be laid before, and approved by, a resolution of the Assembly. The draft order will maintain and continue the policy that was in place before the coming into operation of the Local Government Act 2014 by removing certain restrictions imposed on councils in relation to their public supply or works contracts. It is necessary to make the order because the 2014 Local Government Act replaced the best value regime with the new performance improvement framework.

The draft order will enable councils to continue to include social clauses in their work and supply contracts, should they wish to do so. This could include, for example, the provision of apprenticeships, the employment of people who are long-term unemployed and the provision of work experience places. The draft order replicates and will re-establish the provisions of the Local Government Best Value (Exclusion of Non-commercial Considerations) Order 2012, which was made at the request of councils and approved by the Assembly on 3 July 2012. The draft order was not consulted on, as it simply maintains the provisions introduced by the 2012 Order and does not include any new policy proposals.

I ask the Assembly to approve the draft order.

**Ms Lo (The Chairperson of the Committee for the Environment):** I thank the Minister for his explanation of the background and purpose of this technical statutory rule.

The Committee first considered the SL1 proposal at its meeting on 16 April. Officials briefed the Committee on 30 April, providing more details on the rule. The Committee noted that one outcome of the Local Government Act 2014 was a new performance management framework that replaced the best value regime. As a result, the Local Government (Best Value) Act (Northern Ireland) 2002 was repealed. Subsequently, a statutory rule made under that Act, enabling councils to include social clauses in their works and supply contracts, also fell. The Committee supports the order, as it reintroduces provisions that were repealed, thus enabling councils to continue to include social clauses in their contracts and thereby encourage good practice and helping employment.

The Committee sought assurances from officials that measures remained in place to ensure that councils continued to deliver value for money through the performance improvement framework. The Committee also noted that the Department is working on amending guidance so that it reflects the current order. Accordingly, the Environment Committee has agreed to recommend that the motion be approved by the Assembly.



**Mr Durkan:** This order will enable councils to continue to have greater flexibility in the drawing-up of their contracts and, as a result, will benefit their communities. I thank the Chair of the Environment Committee and other Committee members for their support for the motion.

*Question put and agreed to.*

*Resolved:*

*That the draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 be approved.*

## **Health and Social Care (Control of Data Processing) Bill: Second Stage**

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I beg to move

*That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed.*

Every individual in Northern Ireland will use the services provided by the health and social care sector at some point in their life. In doing so, we provide information about ourselves, in confidence, to be used by health and social care professionals for our direct, personal care. However, this information is also valuable in other ways. It can help to understand the health and social care needs of everyone and the quality of care and treatment provided. It can also assist research by supporting studies that identify patterns in diseases, responses to different treatments and the effectiveness of different services. Currently, information can be used for such purposes if consent has been given or the information is anonymised. There are, however, limited instances in which access to information that identifies individuals is needed to secure the required outcome and obtaining their consent is not possible or practicable.

### **1.30 pm**

At present, patient-identifiable information may already be used for purposes other than direct care as long as the requirements that are set out in the Human Rights Act 1998, the Data Protection Act 1998 and the common-law duty of confidentiality are met. The requirements of the Human Rights Act and Data Protection Act are clearly defined. However, aspects of the common-law duty of confidentiality are less clear, and that can present a challenge.

Under the common-law duty of confidentiality, where consent has not been given, personal information may only be shared if there is a statutory basis for doing so or if disclosure is deemed to be in the public interest. At present, because we do not have statutory authority, the use of patient-identifiable information for any purpose other than direct care is predicated on the organisation's ability to satisfy the public interest test. Deciding what is or is not in the public interest is open to interpretation, and that creates a significant risk for patients, the health and social care (HSC) organisations that hold the information and those who are using the information. The ambiguity about what constitutes public interest means that decisions may be more subjective and prone to legal challenge. Additionally, organisations may simply decide not to pursue that option in the absence of a robust framework, and, as such, the associated potential benefits that were outlined earlier may not be realised.

The purpose of the Bill is not to open the floodgates for sharing confidential information without adherence to existing law or due regard to an individual's right to privacy. In fact, it is quite the opposite. The Bill would enable my Department to establish a robust, transparent and open process that will ensure that information is shared in very limited and strictly controlled circumstances for medical or social care purposes that will clearly benefit health and social care or be in the public interest. Any use of

information must still comply with the requirements of the Data Protection Act and the Human Rights Act.

Applicants will have to clearly demonstrate to the committee that the use of information that identifies individuals is absolutely essential to the successful outcome of their work. They will further have to prove that similar results could not be obtained by using anonymised information and that it is either impossible or impracticable to obtain consent from every individual whose information may be used. If an application is approved, the approval will allow the organisations to release the information. It will not compel the organisations to release it.

In bringing forward the Bill, I am seeking to remove the ambiguity that currently surrounds the use of information for purposes other than direct care and, in so doing, safeguard the patient, their information, the health and social care sector and the information user.

**Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I wish to note the introduction of the Health and Social Care (Control of Data Processing) Bill.

The Committee took evidence from officials in October last year while the consultation on the proposed legislation was live. It took further evidence in February, after the responses to the consultation were analysed, and again on 17 June, following the Bill's introduction. During the briefings — in particular, the most recent briefing — members raised a number of issues about the principles of the Bill, and it was agreed that I would convey those during the debate today on the Bill's Second Stage.

As the Minister has outlined, the purpose of the Bill is to provide a statutory framework and safeguards to enable the use of health and social care information that identifies individuals to be used for medical or social care purposes that would improve health and social care or are in the public interest, without the consent of the individuals whose information may be used. The Committee has absolutely no concerns in relation to the principle of providing a statutory framework and putting in place robust safeguards to enable the use of patient-identifiable information for medical or social care purposes, with the ultimate aim of improving health and social care. It is vital that a framework is put in place to help reduce the risk of a loss of personal information. The Committee's concerns focused mainly on the principle of sharing identifiable information without consent and, following on from that, the principle of sharing identifiable information without consent if it is deemed to be in the public interest.

Most, if not all, Committee members were unaware that, at present, patient-identifiable information can be shared without consent if the request satisfies the public interest test under the common-law duty of confidentiality.

This means that, for example, where someone has opted out of sharing their information, refuses to give consent for their information to be shared for a particular purpose, or cannot give consent because they are deceased, their identifiable information can be shared if it meets the public interest test.

Setting up a committee under the legislation to authorise the processing of confidential information will not change

that. It can still override an individual's wishes if it deems the request for information to be in the public interest. Under common law, satisfying the public interest test is complex. As a result, there is an increased risk of legal challenge for the Department and the health and social care sector. The legislation's intention is to put a framework and safeguards in place to minimise the legal challenge risk that the Department and the health and social care sector could face as a consequence of using identifiable service user information for purposes other than their direct care. In other words, it will lessen the risk of an individual service user taking legal action if their information is shared without their consent.

The Committee had difficulty in understanding the principle of sharing identifiable information that was deemed to be in the public interest, because public interest can be interpreted widely. There is currently no definition of the phrase "public interest"; it is based on case law. By the Department's own admission, the term "public interest" is broad. There is no limit to the breadth of scenarios whereby it could be deemed that the sharing of information is in the public interest. However, importantly, the Bill does not define what public interest is. It does not remove the ambiguity around what constitutes public interest.

Another issue for the Committee was the use of the term "social well-being". What exactly does that mean? The Bill defines a relevant person as being someone whose information can be shared. The definition includes someone who is in receipt of services designed to secure improvement in their social well-being. By way of example, the Bill lists a whole range of conditions requiring such services; everything from pregnancy to dependence on alcohol or drugs. However, at the end of that list we have the words, "or any other similar circumstances". The Committee appreciates that it is necessary to have some flexibility within definitions, but what does the Department mean by "any other similar circumstances"? In other words, how broadly will social well-being be interpreted?

The term "social well-being" is also included in the definition of information that can be shared. Again, how broadly can that be interpreted?

The Committee also discussed the issue of safeguards. The explanatory and financial memorandum talks about stringent safeguards. What are those stringent safeguards? The only safeguard apparent to the Committee was the establishment of a committee to authorise the processing of confidential information; but, even then, the Bill, as it stands, states that the Department "may" establish a committee to authorise the processing of confidential information. Surely the establishment of a committee should be mandatory if it is intended to be a safeguard. Should the Bill not make it the Department's duty to establish the committee rather than just give it the power to establish it?

If a code of practice on the processing of information is intended to be a safeguard, a question exists around how robust that is. Health and social care bodies must only "have regard" to the code of practice when exercising their functions. In relation to the provision of health and social care, they are not required to adhere to it. Perhaps some interpret the words "have regard" more stringently than others, but it should be crystal clear that the code of practice is a document with status. Perhaps a more robust direction should be given.

The Committee notes the Bill's Second Stage, and, should it pass this stage, the Committee will scrutinise very carefully its detail and impact, including the issues of consent and opt-out, what is meant by public interest and social well-being and how robust the safeguards are. It will also assess, based on evidence, how robust, open and transparent the entire process will be.

I want to make a number of comments as an individual MLA. I want to highlight the concerns about the Bill that have been addressed by most Committee members. There is no doubt that the Bill's objective for the provision of a statutory framework with robust safeguards is the correct approach. My concerns lie with the principles of the Bill. It would seem that the principle of sharing identifiable information that is based on public interest can, indeed, be interpreted widely.

Another issue that has been referred to is the use of the term "social well-being". By way of example, the Bill lists a range of conditions and includes people who would require such a service for everything from pregnancy to addiction. However, at the end of that list are the words "or any other similar circumstances". It is critical that we have a clear definition of public interest and social well-being.

The explanatory and financial memorandum refers to safeguards, but it appears that the establishment of a committee to authorise the processing of that information "may" only happen. There does not seem to be any mandatory or statutory requirement to ensure that it does happen.

I assume that most MLAs will have received correspondence from Cancer Focus and the Law Centre. The Law Centre has warmly welcomed the Bill, as has been the Committee's approach today, but has stressed that there is a need to get the balance right between confidentiality and the public interest.

In conclusion, I urge the Minister to work closely with the Committee to ensure that these issues of clarity and redress are addressed at this stage.

**Mr Easton:** The aim of the Bill is to provide a clear statutory framework that will enable the use of Health and Social Care (HSC) information that identifies individuals for medical or social care purposes that are designed to benefit health and social care or achieve some other tangible benefit that might reasonably be described as for the public good without the consent of the individuals whose information may be used. This provision will be utilised only when it is impossible or impractical to gain the consent of individuals or when information would not be achieved for the desired outcome.

There is a provision for the establishment of a committee to authorise processing, which I believe is essential for the Bill to progress. I ask the Minister to clarify whether there will definitely be a committee.

The policy objective underlining the Bill is to minimise the legal challenge risk that the Department and the Health and Social Care sector could face as a consequence of using service user information that identifies individuals for purposes other than the direct care of the individual. The Bill will enable regulations to be made that establish a process that will ensure that information is shared only in very limited circumstances that are proven to be for medical or social care purposes and that will benefit health

and social care or achieve some other tangible benefit that might reasonably be described as for the public good.

The process will be robust, open and transparent. It will impose conditions on the use of the information and include penalties for those who fail to comply with them. This will protect the service user, the holder of the information and the individual or organisation that is applying to use it by establishing a clear, unambiguous framework to govern the secondary use of information. Will the Minister outline what the penalties might be if these are breached?

In an information session with Mr Daniel Greenberg, a specialist in legislation, he raised a number of substantial issues, as did Committee members in a further information session. Some of those issues related to principles and policy objectives and others to the technical drafting. The use of the phrase "assist research" in paragraph 3 of the original explanatory note was of concern, and "social well-being" refers to quality of life, but the definition is too broad. What does that mean?

#### 1.45 pm

Safeguards were mentioned in paragraph 4, but very little is known of the powers under the legislation. What are we safeguarding against? There is an assertion that anyone applying to make use of HSC data will be required to demonstrate to an oversight body:

*"that the use of service user identifiable information is absolutely essential to the successful outcome of their work".*

That is fairly robust, but it is not what the Bill says. The Bill uses the term "reasonably practicable" rather than "absolutely essential", so there are issues with wording that need to be addressed.

Those issues were of real concern to the Committee. Some parties were reluctant to proceed with the Bill. I will certainly ask the Minister to take seriously the concerns of the Committee and for the Department to work closely with the Committee in addressing those concerns.

**Mr McKinney:** I, too, welcome the opportunity to contribute to this very important debate, and to do so as SDLP health spokesperson and member of the Health Committee, which, as you heard, recently received briefings from the Department on the principles and objectives of the legislation.

It is clear that we support all measures and actions that are undertaken to ensure that the provision of health and social care services are the best that they possibly can be. Disclosing patient data that will improve diagnosis and treatment outcomes has to be welcomed, but effective checks and balances must be provided when a patient's consent is not expressly given.

Just by way of background, disclosure without the patient's consent is governed largely by common law. It involves the public interest test as part of the duty of confidentiality, and consideration has to be given to data protection and human rights laws. However, it is now clear that that alone is not enough, and we heard that reflected.

Through engaging with many clinicians and considering the invaluable work undertaken by the Cancer Registry at Queen's, it has become explicitly clear that there is a need for change in this area of health reform, and that is

accepted. They told us that the law governing their work in profiling diseases, which aims to improve diagnosis rates and treatment outcomes, is confusing. There exists a real possibility that legal proceedings could be taken against them.

It is important in the context of today's debate that we look at ways to build systems and devise ways of working that meet the standards and services that we and the public expect. I am trying to suggest a positive approach, but, of course, as has been highlighted, there are issues to be addressed. England and Wales have moved to legislate on the issue. I am glad that we have reached Second Stage today, but a number of important issues require closer scrutiny.

There are significant concerns about the intent and wording of the Bill. As was reflected, the Committee heard evidence that the legislative process outlined includes a catalogue of inconsistencies and areas of potential confusion, and that further information should be sought. We see that as part of this process of finding out how robust the safeguards in the Bill actually are. For the record, I will give a few examples. Clause 1(1) states:

*"The Department may by regulations make such provision for ... the processing of prescribed information ... as it considers necessary or expedient — "*

What does that mean?

Clause 1(1)(a) refers to:

*"the interests of ... health and social care".*

Clause 1(1)(b) refers to "the public interest". What exactly do those terms mean, and who decides in that context? Further questions arise in the use of the terms "care or treatment" and "social well-being of an individual". As I highlighted, most concerning is the fact that the Department has yet to define those terms and provide robust definitions of the circumstances in which patient data can be disclosed without consent. What is "the public interest"? What is the "social well-being of an individual"? In what exact circumstances can patients' data be disclosed?

I am not confident that the Bill tells us. That raises the question of whether the Minister can give assurances that patients' data will not be disclosed to third parties; for example, merely for commercial purposes. The House has to ask itself whether that would be an acceptable position to be in.

The Health and Social Care Information Centre in England is charged with the processing and disclosure of medical information under section 251 of the Health and Social Care Act 2012. That organisation is now rolling out its data care programme, which allows information to be sold to insurance companies and big pharma companies. Only this month, it came in for considerable criticism. I refer to an article in 'The Guardian' on 6 June, which reported that 700,000 patients have had their information shared despite making attempts to opt out of the process, as was in the legislation. There are 700,000 people out there who sought not to have their information shared yet have had it shared. Will the Minister give us some assurances that the Bill will contain robust provision for making sure that that could not happen here?

To compound the issue further, a recent review of the data care programme in England, which, I remind the House,

will operate under very similar — almost copycat — legislation, found major issues with:

*"project definition, schedule, budget, quality and/or benefits delivery, which at this stage do not appear to be manageable or resolvable."*

It is important to note in the debate that our Bill's remit is even wider than the English Act. The English Act makes consideration only for medical care, whereas this Bill makes consideration for medical and social care. We have already reflected on the questions that attaches to that wider gate, if you like. That provokes more questions about the disclosure of patient data and what safeguards should be in place to ensure that their data is protected from exploitation.

Will the Minister provide clarity on what organisations can apply for access to data? Will the data be available only to organisations in or through Northern Ireland? We have already heard questions about the status of the committee that was suggested and whether it "may" be set up as opposed to whether it "should" be set up. Will organisations have to pay a fee for the data to be extracted, and, if so, how much? The principles and associated actions in the Bill will no doubt place greater financial burden on the Department. At this stage, we do not know how much, but can we infer from the work carried out in England that there will be an additional cost? We have already seen from the reduction in the 2011 Budget and onwards and in the current financial context that, quite often, plausible initiatives fall by the wayside as a result of the need for additional fiscal resources in a climate of cuts. A good example of that has been Transforming Your Care.

Although I see merits in the Bill — I should re-emphasise that — in information sharing between appropriate health and social care agencies, we must ensure that any information shared is not mishandled or used purely for commercial purposes without the consent of the patient. Until the House is satisfied that those concerns have been fully addressed by the safeguards in the Bill, the SDLP cannot support it in its current format. However, we look forward to the Health Committee rigorously examining the Bill and making its recommendations.

**Mrs Dobson:** I also welcome the opportunity to speak at this stage of the Bill. As openly admitted by the Department and the Minister, the overall intent of the Bill is to minimise the risk of legal challenge that he, his Department and the health and social care sector more generally could face as a consequence of using service user information that identifies individuals for purposes other than the direct care of the individual. In other words, the Department and its trusts want to be protected from service users — "patients", in everyday terms — taking action if they later find that their details were used and released. The overall intent of the Bill, therefore, gives me some concerns. I am conscious that the Department should do what it can to minimise legal risk to itself and its bodies, but, equally, I am concerned that at the core of patient treatment throughout the NHS should be the promise of confidentiality. The sharing of data is not a problem when the patient has consented, but it becomes complicated when, for whatever reason, consent was not achieved. At present, in such circumstances, I believe that a blend of legislation is applied, including the Human Rights Act and the Data Protection Act, but there is a potential weakness in the application of common law.



The public interest test is a bone of contention at present, but, having read what the Bill intends, I am not satisfied that what the Department proposes to do is any better. Just because the Department thinks disclosure would be necessary or convenient does not automatically make it the case. The Department appears concerned about applying the test of public interest within the current legislative framework, yet, in reality, the Bill appears to do nothing to make it any clearer. It does not even make a stab at giving a high-level definition of public interest, and that is very worrying. This is only one area that needs much greater detail and explanation, and, worryingly, it sits in the very first clause.

Even the scope of where the Bill would apply is not made clear. It mentions health and social care but includes a caveat of anything else “in the public interest”. I know the Minister would probably refute the allegation that drugs or insurance companies could wangle their way under this broader public interest definition, but the Bill does not give me those reassurances. I do not need to remind the Minister of the uproar in England — I know Mr McKinney has already alluded to that — when it was revealed last year that such companies were effectively able to buy patient information. Whilst I accept that this is a different Bill that is trying to do different things, the same core principles in the use of confidential patient data apply.

I appreciate that the Department claims that the legislation would improve the planning and delivery of health and social care services and would provide information to inform the future diagnosis and treatment of illnesses. However, I reiterate that private information and data, especially on healthcare, is an issue that many people across Northern Ireland feel strongly about. The Minister has rightly indicated that safeguards will be to the fore in what the Bill proposes to do, but, rather regrettably, the detail attached to them will be decided later in future regulations and after a further consultation exercise. For the time being, we are asked to rely on little more than the word of the Minister and his officials.

In addition, while the Department and the Minister stress that the vast majority of respondents to the consultation were supportive of the proposal, they should perhaps be a little more honest about the wider picture. There were only 14 responses, and the majority of those were from the health organisations. I would hazard a guess that, if the wider population had been aware of the proposals, the consultation responses would have been rather more mixed. In fact, I will go further and say that most people would be shocked that their private information is held at all and, even worse, is already shared in some circumstances. Broad public unawareness of existing powers, especially those that are now being proposed, should not be mistaken for acceptance by the Minister or his Department. I have no reason to doubt the authenticity of the broader intentions of the Bill, but its broad-brush nature and wording trouble me. At this time and in the absence of still crucial information, I and the Ulster Unionist Party would not be content to see the contents of the Bill get into statute. I will support it at this stage only for it to go to Committee, but we will reserve our position for the latter stages.

**Mr Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to speak will be Mr Trevor Lunn.

*The debate stood suspended.*

(Mr Speaker in the Chair)

2.00 pm

## Oral Answers to Questions

### Enterprise, Trade and Investment

#### Causeway Coast and Glens: Tourist Destination

1. **Mr McMullan** asked the Minister of Enterprise, Trade and Investment to outline the work carried out to promote the Causeway coast and glens as one of the nine key tourist destinations. (AQO 8503/11-15)

**Mr Bell (The Minister of Enterprise, Trade and Investment):** Over the past five years, the Causeway coast and glens destination has seen significant investment in visitor infrastructure and in interpretation to the value of £13.4 million. The Causeway coastal route is a key focus for Tourism Ireland and Tourism Northern Ireland advertising campaigns overseas and in the Republic of Ireland markets respectively. The Causeway coast and glens also features heavily in itineraries that are developed for international media that visit Northern Ireland. Both our tourism organisations work with the local authorities and tourism partners in the area to promote iconic visitor attractions, including the Giant's Causeway and the Carrick-a-Rede rope bridge, as well as new products that we are all very excited about, such as the Gobbins cliff path and the hugely successful 'Game of Thrones' filming locations. I note that 'Game of Thrones' is now, I think, the most successful HBO programme. There are other brilliant productions like 'The Sopranos', but 'Game of Thrones' has now become the most successful. Obviously, there is also the North West 200 and the Giro d'Italia.

**Mr McMullan:** Go raibh maith agat. I thank the Minister for his answer, and I take the opportunity to thank the Minister for his input to the question that I put into his office two weeks ago on tourism in the glens. I acknowledge the help that he gave.

Minister, everything that you said is quite right, but we are missing out on the mid-glens, which is an integral part of the Antrim coast road and the experience for tourists. Can I ask you to look into that and promote it more? There will be information coming out in a fortnight about HBO, but we need help and input from your office to promote it greatly. We have got Carnlough on the map now for the first time ever. Can I ask you to look into that?

Quite a lot of people have not registered for the scheme for inspecting self-catering accommodation because it is not —

**Mr Speaker:** Come to a question, please.

**Mr McMullan:** The question is this: could you look at that? It is not doing the trade justice. There is a lot of controversy over it.

**Mr Bell:** I welcome the ongoing communication that I have had from the Member on this area. It is a spectacularly beautiful area, one that I have been to many, many times. I will certainly look into how we can maximise all the areas,

including Carnlough and Cushendall. I believe that a rising tides lifts all boats, and we want to see everything raised as we look towards how we promote the area in a range of media, particularly online, and promote the Causeway coast and the road map for the area. I know that itineraries have been posted on the website.

I know we have translations into other languages over the next number of weeks, which is very important. I more than welcome the Member's suggestions, and those of the industry and people in the local area. We will do that, and I will work alongside Tourism Ireland and Tourism NI to see how we can promote it. If the Member wants to give me a specific reference to what he said about self-catering accommodation, I will certainly look into that and make sure that we get that accommodated for him.

**Mr Dickson:** Thank you, Minister, for your answers so far. Do you share with me the concerns, which a hotelier in Carnlough raised with me yesterday, that Mid and East Antrim Council has not provided adequate tourist information, given the season that is upon us? Do you also acknowledge that opening up the glens and the Causeway coast to people effectively starts in Belfast and the Loughshore Park, and includes places like Carrickfergus Castle? There is a major tourism offering to be made in the area, but there is serious concern about the lack of promotional material available there.

**Mr Bell:** I am more than happy to take up the concerns of Mr Dickson. People talk about a northern powerhouse in England, and I said to the Northern Ireland Local Government Association (NILGA) conference that I wanted to see 11 economic powerhouses. Equally, I want to see 11 tourism powerhouses. We will work with each area because each area, as the Member rightly points out, has a very distinctive offering.

I recently cycled out — given my level of fitness, I should have stopped at Jordanstown — past Carrickfergus and Eden, right through to Larne, and I have to say, just anecdotally, that it is outstandingly beautiful. The Member rightly poses a challenge, which I am more than happy to take on: how can we make sure that history from Carrickfergus Castle, through to the offering that the villages in that particular area have — I know that, any time I have stopped in Cushendall or Carnlough, the value of tourism has been in the quality of the people and the offering and support that they give to visitors. In that area, it is absolutely second to none.

The question comes: how do we do it? We will do it online and with our brochures. If people feel that there is a specific offering they have that is not being taken up, give it to us and we will share it with the councils and look at what Tourism NI and Tourism Ireland can do with it. We will try to make sure, because at the end of the day we have a huge tourism industry, which is growing. We have people from all over the globe. I can quote figures into the millions of more people coming. Looking at the previous year, there was something like an 11% positive change and 4.5 million visitors. How can we make sure that they go back and advertise us to others?

**Mr Beggs:** The Minister mentioned the Causeway coastal route, which encompasses both the natural beauty of the north glen and the soon to open Gobbins cliff path. Does the Minister agree with me that it is important not just that we capture the day tripper, but that we also get

overnight stays so that local hotels, bed and breakfasts and restaurants gain from such stays with additional resources? How is he ensuring that other Departments, such as DCAL and the Department of the Environment, which are responsible for a number of properties such as Carrickfergus Castle, maximise their input to the tourist industry, enhancing the product and encouraging those overnight stays?

**Mr Bell:** I am more than happy to work with the other Departments, as the Member suggests, and with their corresponding Committees. We have had a wonderful offering in the past but, because of difficulties with our history, people tended to come in, visit the Giant's Causeway and leave. Now, when I look at some of the research, which shows that people visit the Giant's Causeway, stay overnight and then visit Titanic Belfast, what I see is a tourism offering that will result in an increased need for overnight accommodation.

My Department and Invest NI are more than happy to work alongside hoteliers — and have been doing that — to see where the additional need can best be accommodated. We want to make sure that we do that in all the events that we have done; we have done them marvellously well. We are looking forward to the arrival of the Tall Ships later this week and to the 2017 women's World Cup. I spent quite a bit of time with Dick Spring, the former Tánaiste, to talk about bringing the World Cup to Ireland as part of a bid. We know that we will have the Irish Open again in 2017 and we hope to have the Open. I will take the Member's concerns on board. We need every Department to step up to the plate to make sure that when people come we have the capacity to give them the offering that we are capable of giving.

**Mr Frew:** Will the Minister assure me that he is doing everything that he can to make sure that there is a coordinated strand to the three councils involved in promoting the Causeway coast and glens — Mid and East Antrim Borough Council, Causeway Coast and Glens Borough Council, and Londonderry city and Strabane District Council — and that it is connected to the Republic of Ireland's Wild Atlantic Way? Will he assure us that he believes that Tourism Ireland is giving the Causeway coast and glens area a fair crack when it comes to other competing pressures on the island of Ireland?

**Mr Bell:** I thank the Member for North Antrim for his question. He is absolutely right: we want to build on the success of the Causeway coastal route and the Mourne coastal route. Tourism NI, in conjunction with all the coastal councils, has appointed consultants to put in place the coastal route master plan, which will set out further strategic, tactical and clustering opportunities right along the coast and will scope out the further links with the Wild Atlantic Way to make sure that there is a coordinated plan for that.

Tourism Ireland's Live in the Now! campaign with the 'The Daily Telegraph' kicked off in February and will reach more than 8.3 million readers throughout 2015. The Causeway coastal route features as part of that campaign, which also includes half-page advertorials, advertisements on 'The Daily Telegraph' website and articles in "Telegraph Travel" and the newspaper's midweek sections. Tourism Ireland's first-half promotional activity included TV advertising campaigns for Northern Ireland in the United States, Germany and France, and the Causeway coastal route was specifically highlighted in those campaigns.

I could talk for longer about this, Mr Speaker, but for pressures of time. In March, Tourism Ireland teamed up with one of the main online French travel agents, GO Voyages, for its largest ever joint promotional campaign in France. More than 1,000 billboard ads were spread out across Metro stations in the French capital, which grabbed the attention of commuters with beautiful images of the Causeway coastal route and featured attractive offers to take a weekend break.

I spent some time with Tourism Ireland last week —

**Mr Speaker:** I have to remind the Minister of the two-minute rule.

**Mr Bell:** — and it is very keen to see the campaign progressed.

**Mr Speaker:** I am sure that I will not have to remind you again. Before we proceed, Mr Pat Ramsey raised a point of order this morning when he accurately predicted the rising temperatures. I am quite content to relax the rule if Members wish to divest themselves of their jackets.

## Invest NI: Jobs in Foyle

2. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment how many jobs were created with Invest NI support in the Foyle constituency in 2014-15. (AQO 8504/11-15)

**Mr Bell:** I thank the Member for the question. During the 2014-15 financial year, Invest Northern Ireland (INI) helped to create over 660 new jobs in the Foyle constituency area. During the year, 491 new jobs were promoted, contributing towards £52.8 million in investment in Foyle, including recent support for Convergys to promote 333 new jobs in the constituency.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that. Obviously, every job is most welcome in the constituency. Given the regional disparities in the north-west, will he, along with INI, deliver a subregional strategy or proposition for the area?

## 2.15 pm

**Mr Bell:** I can understand the Member's desire for that. We will certainly do what we can in terms of what we can offer. It is also important to note that we provide the support but that it is the businesses that decide where they want to go. Metaverse, which has 100 new jobs, looked around, took the support of Invest Northern Ireland and looked at a number of areas. Mr Speaker, for your and my generation, the mod squad is probably The Jam and 'Going Underground', but, in the case of Metaverse Mod Squad, it is moderated communication. Metaverse Mod Squad, a US company, is providing 100 new jobs in the heart of the city centre in Foyle. The reason they went there, as opposed to other areas, like Dublin and Galway, which were looking for them, was the work that Invest Northern Ireland did here; but, more importantly, in my view, the global reach of Invest NI and its office in the United States attracted those high-tech digital jobs into the centre. I have no doubt that the trajectory of the growing need in digital technology will lead to more jobs in that area.

I will certainly look to see what we can do. To be fair, 18 constituencies probably want me to have an individual sub-national plan for their area. I think we should also be

aware, if I can remember the census figures correctly, that something like 40% of our people in Northern Ireland are working in a constituency that they do not live in. So, just because jobs are not coming directly to any Member's constituency does not necessarily mean that people in that constituency are not getting the jobs, because the evidence indicates otherwise.

**Mr Ramsey:** I want to follow on from my colleague in Foyle and press the Minister on acknowledging that we have the highest level of unemployment in the north-west — in Derry and Strabane — and the highest level of economic inactivity. Given that the First Minister and deputy First Minister have acknowledged the importance of ensuring that there is regional balance when it comes to economic opportunities and access to employment, will the Minister outline when the priorities of the ministerial subgroup will be looking at these regional imbalances?

**Mr Bell:** I can get the Member the exact details that he requests. However, it is important to consider that, when I was down there, I was with a major company that had invested in the heart of the city centre in the Foyle constituency, against stiff competition from Dublin and Galway. I also think that we should look towards the positives of that area. In the previous four years, Invest Northern Ireland gave out over 1,469 offers of support, which totalled something like £31.76 million of assistance. It contributed £156.49 million in investment. There were 35 offers of research and development support, which totalled £11.88 million of assistance and contributed towards £44.30 million of investment; and 48 offers for skills development in the area, which totalled £1.72 million of assistance and contributed just short of £6 million — I think it was £5.96 million — of investment. If we include the regional start initiatives, 2,646 new jobs were promoted and somewhere in the region of 122 jobs were safeguarded. So, that is what we are doing. I will certainly look towards how we can build upon what is a reasonably healthy set of figures to improve things for the area.

**Ms Sugden:** I commend the recent comments by my East Londonderry colleague Mr McQuillan to raise the concerns about the lack of investment in East Londonderry. Does the Minister share those concerns? What will he do to encourage Invest NI to work a little bit harder in our area?

**Mr Bell:** Again, let us be conscious of the fact that, as I understand it, 40% of the people are living outside the area in which they work. The view almost gets into the psyche that if investment goes to another parliamentary constituency area, those jobs are not available to the neighbour. We are a small place in Northern Ireland.

Invest Northern Ireland was set a task to promote 25,000 new jobs, and, because an extra year has been put on to our Assembly term, we can review where it is four years later, and it promoted 37,000 jobs. In addition to what I said to Mr Ramsey, when I look at the 1,123 locally owned business start initiatives that were offered support, I see that 58 were direct and over 1,065 were indirect in the regional start initiative, and 510 new jobs were promoted. What we are doing, not only for new business start-ups but for support to externally owned business in that area, is that there were 40 offers of support and £15.63 million of assistance that contributed towards £98.19 million investment; of those, 1,181 new jobs were promoted.

I certainly encourage Invest Northern Ireland in all that it has done already in everything, aside from exports, in the job loans fund and research and development. It was asked to go for 25,000, and it delivered something like 37,222 over the last four-year period. I commend it for the excellent work that it has done, and I will raise the areas in which each Member would like to see an increase.

**Mr McQuillan:** I recognise what Invest NI has done for Northern Ireland over the last four years and what it continues to do. Will the Minister accept an invitation to accompany me to Coleraine and the Causeway coast and glens area to visit some of the businesses? In a recent poll in the 'Belfast Telegraph', figures showed that the Causeway coast and glens was the area of lowest investment for Invest NI.

**Mr Bell:** Certainly. I am happy to take up that offer. Indeed, I think that the Member of Parliament has already made a request to the Department of Enterprise, Trade and Investment to visit the area, and I am more than happy to accompany Mr Campbell, Mr McQuillan and anybody else from the area — Mr Dallat, Claire Sugden and Mr McMullan.

In this particular area, it is important for all of us to understand that it is the businesses that make the investments and create jobs; it is not Invest Northern Ireland. Therefore, the support that we offer to businesses is demand-led. I ask Members of those constituencies to speak specifically to businesses in their area, because we are looking for businesses to approach Invest Northern Ireland with a business plan. If we look at the huge success that Invest Northern Ireland has had over this period, we see that, when businesses do that, they produce spectacular rewards, not only for them but for the targets that we have set for them.

**Mr Speaker:** There is a high degree of interest in this topic, but it is a constituency-focused question. I am afraid that we must move on.

I recognise that we have a very special group in the Gallery — the Rainbow Group.

## Broadband: Rural Communities

3. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment, given that on completion of broadband improvement works some rural areas of West Tyrone, such as Eskra and Creggan, will still be without broadband access, to outline his strategy to ensure access to broadband for all rural communities. (AQO 8505/11-15)

**Mr Bell:** In February 2014, my Department awarded a contract to BT for delivery of the £23.6 million Northern Ireland broadband improvement project (NIBIP) that will bring more choice and improved broadband speeds to over 45,000 premises across Northern Ireland, including in rural areas of West Tyrone, by 31 December 2015.

Recognising that NIBIP will not deliver superfast broadband to all premises, on 27 February, my Department also contracted BT to deliver the superfast roll-out programme, which will deliver superfast broadband services to a further 38,000 premises across Northern Ireland, including in many rural areas of West Tyrone, by 31 December 2017. That £17.1 million project has commenced with an extensive survey and design process. It will take several months to complete. Until it has been



completed, it will not be possible to be specific about exactly which premises will benefit from the upgrades. Further details will be published on NI Direct as they become available.

**Mr McElduff:** Go raibh maith agat. I thank the Minister for the detail in his answer. Very many rural communities in West Tyrone are being left at the mercy of private satellite companies that provide a much poorer product and customer service. To cut to the chase, I ask the Minister for a commitment, here and now, to meet me and a group of representative people from the West Tyrone constituency aimed at getting to grips with our rural broadband and mobile phone coverage problems once and for all.

**Mr Bell:** I am certainly more than happy to meet the Member. As he knows, I used to work in that particular area and have a deep love for it. I am more than happy to meet Members, as the diary allows, whenever I possibly can, so that they can hear, at first hand, what we can do.

We look towards alternative provision where we can. Satellite broadband services can offer products with download speeds of 20 MB per second and wireless broadband, which we supported under the broadband fund. That led across Northern Ireland to extensive deployment of high-speed fixed wireless broadband networks. Services with download speeds of up to 100 MB per second are available across many parts of West Tyrone. As the Member knows, service is dependent on the line of sight from the infrastructure to the premises. I am certainly happy to meet a delegation to tell it what we have done and what we intend to do. I will let them know where we are, particularly with our survey and about any areas of particular difficulty that we need to look at again.

**Mr Byrne:** I welcome the Minister's commitment to increasing the level of broadband across Northern Ireland. In relation to West Tyrone, however, people are getting a bit fed up with surveys. They feel that BT has all the data and information. I urge the Minister that pressure be applied to BT and the mobile companies to provide the necessary broadband and mobile services. We have many small businesses that are badly handicapped at the moment. They are willing to invest but are greatly handicapped in how they conduct their business.

**Mr Bell:** The Member raises important points. Some of the reasons why we have done what we have done is to do exactly what he has asked us to do. It is important to realise exactly what DETI can do. We have the powers under the Communications Act 2003 to make investments that are important to Northern Ireland. We can improve the extent, quality and reliability of telecoms — networks and services — where the market has determined that it is not financially viable to do so. We cannot specify a particular technological solution. To do so would bring us into breach of the European Commission's state aid regulations. We cannot compel network operators to invest in particular areas or deliver services at particular prices and we cannot interfere in disputes between service providers and their customers. However, I am happy, if the Member wishes to join the meeting, to see what we can do about improving the extent, quality and reliability of services where the market has not provided, or where there is a lacuna in the service.

**Mr Dunne:** I thank the Minister for his answers. Does he recognise the need for a robust strategy to cover all rural

areas? More and more people work from home and many are involved in their own small businesses, whether in beautiful West Tyrone or scenic north Down and Ards.

## 2.30 pm

**Mr Bell:** Yes. I was enjoying that run-through, Mr Speaker, but, sadly, it came to quite an abrupt end.

There is information on DETI projects and the specific roll-out plans for the Northern Ireland broadband improvement project. That is available on the NI Direct website. It includes a postcode checker, which enables constituents to identify when work is due to be completed in their area. As information on the superfast roll-out programme becomes available, it will be posted to the NI Direct website. In the meantime, a fact sheet and frequently asked questions are available on the DETI website. A fact sheet specific to the Northern Ireland broadband improvement project has, I understand, been distributed to all MLAs. It is also available on the website, as is the fact sheet and FAQs on the superfast roll-out programme.

**Mr Speaker:** That ends the period for listed questions. We will now move on to 15 minutes of topical questions.

## Border Development Zone

**T1. Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment, given the current economic climate, particularly the decline in the border regions, whether he will commit to learning more about the introduction of a border development zone, as proposed by a number of leading economists. (AQT 2721/11-15)

**Mr Bell:** I am happy to look at any proposals that come to me from any part of Northern Ireland to see what we can do to promote and create jobs and, very often, to sustain jobs in particular areas. I was in the north-west when the 100 new jobs were announced, and we will continue to look at what support we can give and what support businesses are asking us for. It is a two-way process. It is not just about our supporting businesses but about businesses coming to Invest Northern Ireland with a business plan specifying the help they need and our working alongside them and supporting them.

If the Member wants to encourage people in that area to come to us, they should come with a business plan to see how worthwhile that is, and they should look at what has been achieved over the last four years, because there has been some quite spectacular progress. Up to August 2014, Members of the House proudly boasted that we had more foreign direct investment per capita than any other part of the United Kingdom outside London. In August 2014, those figures were surpassed. In the past year, with our population of 1.82 million, we can proudly boast that Northern Ireland today, per head of population, has more foreign direct investment than any other part of the United Kingdom. Anybody who has anything that can improve on investment to work with specific areas will receive an open door in DETI if it is about creating and promoting jobs.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that very pragmatic approach. I agree with him that there is a responsibility on regions to develop their unique selling point, but there are also infrastructural deficits that need to be addressed. The Minister said that he is willing to explore border

development zones. Does he now accept that cooperation — a number of Ministers have done this — can be done in a way that threatens no one but is for the benefit of all in a region?

**Mr Bell:** We have been working extensively with a number of bodies, and I will work with anybody if it is about improving and sustaining jobs in Northern Ireland. A number of our companies do business both in Northern Ireland and the Republic, and I will work with them to create jobs in Northern Ireland as much as I possibly can. There are quite significant offers of assistance from Invest Northern Ireland for specific areas. Over a period, we had 2,339 offers out. We put in over £100 million of assistance that was offered. There was a planned investment of £430.9 million. That was assistance per head of some £1,151 and an investment per head of over £5,000.

So, in specific areas, we can show where work is progressing. If anybody comes to me with proposals for working together that will create more jobs in Northern Ireland, they will have an open door.

### Jobs: Newry

T2. **Mr D Bradley** asked the Minister of Enterprise, Trade and Investment what his Department is doing to attract more jobs to Newry city and the surrounding area. (AQT 2722/11-15)

**Mr Bell:** To attract jobs, we highlight the skills offering that we have, the research and development offering that we have and the assistance that Invest Northern Ireland can give.

In the Newry and Armagh area, over the period that I am reviewing, there were 2,275 offers made, which translates to over £53 million of assistance. In excess of £430 million of that was for planned investments, assistance per head was £596 and investment per head was just short of £5,000 — I think it £4,813.

Let us go out and tell people about the jobs secured in the last period. I was joking that, in five weeks, I have announced nearly 500 new jobs for Northern Ireland, and I summarised that in three words: thank you, Arlene. There is a real interest in investing in Northern Ireland. I will take just a few of the companies that have invested in Northern Ireland — the Metaverse Mod Squad, RLC and Grant Thornton. I hear from them that some invested after doing a global span, and, in many cases, it was against stiff competition across this island, and they came here because of the skills offered by our young people and the education that we can provide.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. I agree with the Minister that Newry, located as it is on the North/South economic corridor, is a first-class location for industry and commerce. We have fantastic schools in Newry and all the skills that are required. Does the Minister see the extension to the industrial site at Carnbane having a role in attracting more inward investment?

**Mr Bell:** I am more than happy to sit down with the Member and look at that particular industrial area. I cannot keep in my head every industrial area that a Member has in mind.

I have been very impressed by what Newry has done. I sat down with a previous shadow Chancellor at the Newry Chamber of Commerce and Trade in the last number of years, and, at a lunch, we reviewed what had been done. What I really like about the attitude of many in the business community in Newry is that they ask what they can do and how we can help them. In that sense, the more business plans that are brought forward, the better. It is not for me to stipulate, "I want this industrial zone or that particular area extended." I am saying to the businesses in that area, "Come to me with your business plan. Come to me with where you see development opportunities. Come and tell me what help you need from Invest NI to deliver on your business plan". If they do that, the evidence over the last number of years across Northern Ireland, not exclusively in Newry, is that we can create and promote more jobs.

### City Deal: Economic Benefits

T3. **Mr Ramsey** asked the Minister of Enterprise, Trade and Investment whether he is aware of the major economic benefits that City Deal has brought to Aberdeen, Manchester, Liverpool and Glasgow. (AQT 2723/11-15)

**Mr Bell:** I am delighted to say yes. A number of months ago, the Member of Parliament for Foyle contacted me specifically in relation to City Deal. A further meeting is planned because the work is ongoing. Last week, I was in Londonderry with Mr Durkan's parliamentary assistant specifically to talk about City Deal. The area is ideal for city breaks, and we will look, with Tourism NI, at how we can develop that tourism offering, particularly around city breaks.

**Mr Ramsey:** I thank the Minister for his very warm response to the question. To advance it a bit further, I think that it is important that the focus be not just on tourism. There is an economic value and an infrastructural and social benefit as well. Can the Minister speak about the possibility of visiting some of the areas, including Aberdeen, Liverpool, Manchester and Glasgow, to see on the ground the effect that the initiative is having there and the lift that it is giving to local communities?

**Mr Bell:** It is certainly a very interesting itinerary that the Member offers me. I can assure him that we will take the best practice from those areas, and extensive work has been undertaken. I know the research that the MP brought to me, and, in a meeting with his assistant in Londonderry last week, we were able to build on that. There will be a further meeting. Diary pressures mean that I cannot assure him that I will visit everyone personally, even though I might like to, but I can assure him that we will use best practice from those places and try to translate it into the area.

In looking at how we want to grow tourism, the Member is absolutely right. The economic benefits that flow socially and economically are much wider than tourism per se and can, in many cases that we have already seen, bring young people in particular into employment. The reality is, particularly for the Member's city but right across Northern Ireland, that, when people come to visit us, they want to come back. Part of our job is to make sure that they come for a short period, stay overnight, see what we have to offer and then put that out as an advertisement to others.

## Denroy Plastics Ltd: Jobs

T4. **Mr Easton** asked the Minister of Enterprise, Trade and Investment for an update on the recent north Down jobs announcement by Denroy Plastics Ltd in Bangor. (AQT 2724/11-15)

**Mr Bell:** I thank the Member. I know the interest that he has in creating jobs in his area. It is a very healthy interest, and I welcome that from him. He will have seen that I announced 32 new jobs at Denroy Plastics, which undertakes the design, engineering and contract manufacture of injection-moulded plastic products and components for a broad range of customers, including aerospace, defence, materials-handling, construction, medical and automation customers, right through to the consumer sectors.

That particular project is a staged expansion of the production capacity at Denroy's factory, and it will allow it to purchase new equipment to support the industry's growth in the global aerospace industry. I know that we need tens of thousands of new planes across the globe, and the Northern Ireland industry, and Denroy specifically, is offering some products, particularly one plastic polymer that is absolutely unique. Denroy, I think, will continue to be an important supplier to the global aerospace sector. For the company to grow in Northern Ireland, that investment in buildings and production is required. It will create 32 new manufacturing jobs at the Bangor factory. We already have eight of those jobs in place. People ask what the average salary is, and I think that it is important to say that the average salary for those jobs is somewhere in the region of £18,687, which I think is very attractive indeed.

**Mr Easton:** I thank the Minister for his update. Will he agree that Denroy is a world leader in its field? Can he maybe tell us how much investment went in from Invest Northern Ireland and the company itself, and what benefits that will have for the population of north Down?

**Mr Bell:** I am more than happy to identify with Mr Easton's comments about Denroy being a local economic leader and a national and international leader in the product that it can specifically offer.

In that particular case, Invest Northern Ireland offered total assistance of £400,000, which leveraged a £3 million investment by Denroy. We are providing Invest NI capital grants towards the eligible cost of the buildings but also, and I mean this, absolutely state-of-the-art manufacturing equipment. This is a sector, as Mr Easton rightly points out, that is at the leading edge of aerospace development. That will provide new skills and new capabilities for a whole range of people in Northern Ireland.

2.45 pm

The project is an outworking of what many Members will know to be the Northern Ireland aerospace strategy, Partnering for Growth, which was launched in January 2014 when Northern Ireland companies committed to doubling the size of the aerospace sector to £2 billion of sales and to increasing employment from 8,000 to 12,000 staff over the next 10 years. I expect that project to be fully completed and the 32 new jobs to be in place by 2017. That is building on what Denroy already does in employing some 127 people and a commitment to employ 151 staff in Northern Ireland by 2017.

**Mr Speaker:** I call Ms Michaela Boyle. There may not be time for a supplementary, so you may want to choose which question to ask.

## Strabane Business Park

T5. **Ms Boyle** asked the Minister of Enterprise, Trade and Investment for his opinion on why potential investors are not interested in relocating to Strabane business park, given that, since its opening, although Invest NI has met with a number of interested businesses, unfortunately, as of yet, none of those interactions has led to an actual sale, and given the high level of need for jobs in the area, will he come to Strabane, where he would be welcome, to see the business park. (AQT 2725/11-15)

**Mr Bell:** Thanks. The Member's smile led me to get that question short. I know of the interest that she has in that particular area, and I am more than happy to take up the offer to visit.

I think that it is important how we frame this. I think that Strabane has a huge amount to offer through the development of the Strabane business park. It has released 16 acres of new industrial land that will support economic development not only in Strabane but right across the wider west Tyrone area.

Invest Northern Ireland has engaged with the council and stakeholders regarding the development of the business park. If we frame it in the context of the significant investment by first, Invest Northern Ireland, I think that it shows that there is an ongoing commitment to secure investment and to get employment opportunities for the west Tyrone area. It is the view of Invest Northern Ireland that the current availability of land within Strabane business park will be sufficient to meet the needs of the qualifying businesses across the medium term. I assure the Member that Invest Northern Ireland will continue to proactively market the land to potential investors, both indigenous and foreign direct. We need to remember that the final decision on investment location rests solely with the investor.

I will certainly take up the offer to visit when I can. We will put in whatever resources we can to bring together and to see the fulfilment of the potential that the Strabane business park has to offer.

## Environment

### Recycling: Household Figures

1. **Mr Beggs** asked the Minister of the Environment for his assessment of the figures for household recycling for the 26 local councils for October to December 2014. (AQO 8517/11-15)

**Mr Durkan (The Minister of the Environment):** When the provisional information on municipal waste for the October to December quarter of 2014 was published back in April, I welcomed that the tonnage of recycled household materials excluding composting had increased by more than 16,000 tons, which is over 3.5%, compared with the same October to December period of the previous year.

However, whilst the total tonnage of household materials sent for recycling increased, the rate of recycling

decreased slightly by 0·3% to 38·6%, mainly because of the even faster growth in the total amount of waste collected by councils, but it is important to put that into context. Over the last five years, the recycling rate across all councils has increased in spite of significant challenges. Over the last decade, the annual recycling rate has increased fourfold to 41·3% in 2013-14. That is the most recent validated figure.

Year-on-year improvements in the recycling rate have been increasingly more difficult to achieve. This is because of a number of factors such as poor financial return on low-grade recyclables, low global energy prices, which have made the substitution of virgin material with recycled material less financially attractive, and the high costs of recycling for some waste streams. Despite those difficulties, councils are working to meet the European Union waste framework directive target of a recycling rate of waste from households of at least 50% by 2020, and doing so with a much greater focus on improving the quality of recyclates so that those materials can be used closer to home, which will create jobs and additional value for the local economy.

**Mr Beggs:** I thank the Minister for his answer. Modern, user-friendly layouts in recycling centres encourage citizens to recycle a wide range of material. Will the Minister acknowledge that, in Carrickfergus in particular, where there is lower recycling, there is an urgent need to upgrade the local recycling facility? What help, support and grants are available to encourage local government to upgrade its facilities to modern, user-friendly facilities that will encourage people to recycle?

**Mr Durkan:** I thank Mr Beggs for his questions. I certainly concur with the Member's view that, the easier and more attractive it is to do something, the more people will do it. That is certainly borne out if we look at investment that has been made over the last number of years in recycling infrastructure through supporting councils to create better and more attractive amenity sites for their recycling.

Since May 2010, my Department has allocated over £12·5 million in capital funding and over £1·6 million in revenue funding through the Rethink Waste programme. Much of that funding has helped to deliver the current recycling rates of over 41%. Whilst there has been a slowdown in recycling rate increases in recent years as most of the kerbside services for the main waste streams have already been rolled out, many of the Rethink Waste initiatives and projects will take further time to come to fruition. Those will contribute to ensuring that we meet the European recycling target of 50% by 2020.

Obviously, the Member will have heard me lament the current financial situation for my Department and all Departments. What we can do on Rethink Waste grants has been impacted on by the swingeing cuts that came with the final Budget settlement. However, capital funding is still available, and I am happy to work with Carrickfergus, or wherever, on applications that they might make for grants.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for the presentation. Will he outline the possible impacts that the new councils, since their amalgamation, may face in reaching their waste management targets?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr McMullan for that question. It is not dissimilar to one that was asked previously in the House, in response to which I spelt out the inevitable teething problems of different councils with different waste collection policies and programmes coming together and trying to find what methods best suit the council area as a whole. While I would very much like to see some degree of uniformity across all councils, it is understandable that what works in an urban area or city might not necessarily work in a more rural area. It is important that councils retain that flexibility to identify what works best for them and the environment.

We are now three months into the new council structure and setup. I believe that all the councils should have overcome those teething problems. Although up-to-date figures are not available yet, I think that that will be borne out in the coming quarters in the amount of waste collected and, more importantly, the amount of waste being sent for recycling.

**Mr Speaker:** I call Ms Claire Hanna and welcome her to her first Question Time and first question.

**Ms Hanna:** Thank you, Mr Speaker. What are the Minister's thoughts on the glass bottle deposit return scheme being trialled in Scotland, and has he any plans to introduce a similar pilot here?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I very much thank Ms Hanna for that supplementary question and welcome her to these Benches, to which I know she will bring much sense as well as plenty of passion.

I welcome the findings of the feasibility study for a deposit return scheme for Scotland that were recently published by Zero Waste Scotland. The study was informed by a number of recycle-and-reward pilot projects undertaken at locations across Scotland during 2013. The pilots clearly demonstrated that incentivised recycling of drinks containers can be made to work and that the materials collected by the schemes were typically of very high quality. I believe that a deposit return system for drinks containers could play an extremely important and effective role in reducing litter, improving recycling services and supporting my ambition to develop and promote a low carbon circular economy here.

Since I floated this idea on Friday, I have been overwhelmed by the positivity of responses that we have received to date from the public. Far from a novel idea, it is almost a nostalgic one, as many in the Chamber — perhaps not the Member in question — will recall deposit return schemes existing for drinks containers in our childhood. Again, it is something that I will be pursuing. I have asked my officials to prepare papers outlining the feasibility and desirability of such a scheme for Northern Ireland.

**Mr Clarke:** Following on from your answer to Mr McMullan, in which you talked about the difficulties of local issues, is it not time for your Department, Minister, to drive towards having a single waste authority in Northern Ireland to bring all the waste together, as opposed to having three separate organisations doing the same job?

**Mr Durkan:** I thank the Member for that question. I suppose, in what is a rarity, I concur with what he is suggesting. Again, it is something that I have spoken of



here before. Ultimately, this will be a decision for local government as well, but it is one on which my Department will work closely. I believe that a single waste authority is the best way forward, and I am happy to talk to and negotiate with local government to find the best way forward.

## Wind Energy

**2. Mr Milne** asked the Minister of the Environment whether his department will implement the key recommendations from the Committee for the Environment's inquiry into wind energy [NIA 226/11-16]. (AQO 8518/11-15)

**Mr Durkan:** The Member will already be aware of my Department's formal response to the Environment Committee's inquiry into wind energy. I welcome the Committee's report as the product of an extensive and thorough inquiry process. I believe that it makes a valuable contribution to the debate surrounding wind energy development. The Member will know that I have sought to take account of the report's recommendations in finalising my strategic planning policy statement (SPPS), which I will publish as soon as possible following its consideration by the Executive.

Other recommendations are being taken forward through guidance notes that my Department is preparing on the processing of wind energy development. Work on this guidance is at an advanced stage, and I can confirm that it will address matters such as cumulative impact, noise impacts and planning conditions. Furthermore, I have made clear my intention to undertake a fundamental review of strategic planning policy for renewable energy following publication of the SPPS. Some of the report's recommendations, including those regarding the use of the ETSU-R-97 noise assessment methodology and the minimum separation distance between turbines and dwellings, require further research, policy development and public consultation, and are better considered as part of this fundamental review.

Some other recommendations — such as those relating to the consent process for connection to the grid, models of community energy ownership or the report on the turbine failure at Screggagh — fall outside DOE's remit and will require consideration and action by other Departments and bodies. Nevertheless, my Department is continuing to liaise with the responsible authorities, in a supporting role, to ensure that, where possible, these recommendations can also be advanced.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. I thank the Minister for his very detailed answer thus far. Do he and his Department work to a specific definition of cumulative impact in relation to wind turbines and saturation levels in particular areas?

**3.00 pm**

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Milne for his question and his supplementary question. Cumulative impact is something that is considered — at least, it certainly should be considered — in the assessment of any renewable energy application, but, in particular, to date, with wind applications. Unfortunately, as the Member touched on in his supplementary question, there are no set criteria for what

the cumulative impact or threshold should be. However, as I outlined in my initial answer, that is something that I wish to address through the fundamental review of PPS 18, the policy that pertains to renewable energy applications.

The term "saturation point" is one that I have heard in some areas in the North, particularly west Tyrone, which has proved extremely attractive to wind energy companies. That is why I think that, in many respects, councils will welcome the fact that they will now make decisions on the vast majority of applications. Indeed, any application under 30 MW will be dealt with locally. Councils are best placed to make those decisions, as they will know what will work in their communities and what will be acceptable. If not, their communities will certainly let them know.

## Local Development Plans

**3. Ms Ruane** asked the Minister of the Environment how his Department plans to consult with communities on the new local development plans. (AQO 8519/11-15)

**Mr Durkan:** The Planning Act (Northern Ireland) 2011, supported by subordinate planning legislation, established a two-tier planning system on 1 April 2015 that gave the 11 new councils powers in relation to the functions of development planning, development management and planning enforcement. The 2011 Act places a statutory duty for the preparation of a local development plan (LDP) on the new councils, with the Department having an oversight role, whereas, prior to 1 April, the development planning function was exercised by my Department.

One of the key elements of the reforms to the planning system is enhanced and early public engagement, including through the development plan process. The 2011 Act places a statutory duty on each council to prepare a statement of community involvement (SCI). That is a statement of a council's policy to involve members of the public who appear to councils to have an interest in matters that relate to development in their districts. With respect to a local development plan, it is therefore the responsibility of each council to prepare a statement of community involvement and to consult communities on their new local development plans to involve them in shaping the growth and development of those areas.

To support councils in their new development planning functions, my Department has developed a series of practice notes, one of which provides guidance on the preparation of a statement of community involvement and which is publicly available on the planning portal. It is hoped that that practice note will be of particular assistance to councils that are undertaking consultation with communities on their new local development plans.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. When devising their LDPs, will communities be able to secure local policy flexibilities, where appropriate, that are aimed at reflecting local and particular circumstances?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Ms Ruane for that question. It is very much my intention that flexibilities will be able to be secured by local councils for local communities. That is something that I alluded to in my earlier answer to Mr Milne about how

well placed councils are to know what their communities require and what will work in and for their communities.

Obviously, DOE will retain oversight and responsibility for policy. However, I am determined that, within that framework, flexibility exists for councils not to do just as they choose willy-nilly but so that, within reason, they can work within that framework to deliver for their communities in a sustainable fashion on the ground.

**Mr Rogers:** Thanks to the Minister for his answers thus far. Will he detail the reasons why the Departments are not being named as statutory community development partners?

**Mr Durkan:** I thank the Member for his question. In my view, there is a very close linkage between community planning and the local development plan, which, in many respects, will be the spatial expression of that community plan. The consultation responses on the draft Local Government (Community Planning Partners) Order indicated a desire on behalf of local government and others to see Departments named as statutory partners on their community planning partnerships. I therefore sought the views of my Executive colleagues on including the 12 Departments as statutory community planning partners. Whilst their responses indicated support for the community planning process, most Ministers do not believe that it is necessary or productive, I might add, for their Department to be named as a statutory community planning partner, preferring, where appropriate, that the arm's-length bodies — many of which are named as statutory community planning partners — participate in the partnership.

It is vital that we have as many Departments and or through their arm's-length bodies buying into the community planning process as possible, if it is to be the success that we need it to be and anticipate that it can be. We have to look at other processes that are still running, however, with mixed measures of successes. I think of neighbourhood renewal and maybe the reluctance of some Departments and agencies to buy into that, which, in my opinion, has not allowed it to realise its full potential.

**Ms Lo:** I agree with the Minister. I had bitter experience of being involved with neighbourhood renewal, with the Departments not having enough buy-in. The Minister has said that he will establish an engagement protocol with the Departments: can he detail a bit more about how that may help with more buy-in?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Ms Lo, and I hope that she has recovered from her bitter experience in neighbourhood renewal. She is correct in identifying that I am consulting Executive colleagues on the development of a community planning engagement protocol. The responses that I have received to date on that have been entirely positive. In addition, Members should be aware that I have established the partnership panel for Northern Ireland, membership of which comprises a representative of each of the 11 new councils, Executive Ministers and representatives of NILGA. That partnership panel provides a mechanism for discussion between Executive Ministers and local government elected members on strategic policy matters at a political level. While we have had only four meetings to date, I would like to think that it is taking shape and will be a useful tool in the future.

**Mrs Overend:** Does the Minister have any concerns about councils adjacent to one another adopting conflicting policies in regard to the plans?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mrs Overend for that question. It is a valid question and a valid concern. It would seem ridiculous that one council would zone housing right up to the border of its area, which would then be immediately adjacent to land zoned as open space or where development was prohibited by the neighbouring council. That is why it is important that there is a central oversight retained by DOE. We will do everything that we can to encourage liaison between councils as well. That is very important, and it would not just be on a council-by-council basis but, naturally, for councils in border areas to liaise with their neighbouring councils in the Republic of Ireland as well.

## Environmental NGOs: Funding

4. **Mr Weir** asked the Minister of the Environment for an update on departmental funding provision to environmental non-governmental organisations in 2015-16. (AQO 8520/11-15)

**Mr Durkan:** In the past, I have highlighted the very serious implications of the budget settlement for my Department, particularly emphasising the implications for a wide range of grant and other programmes aimed at supporting key environmental programmes. I further stressed that these cuts would have immediate and significant implications, including the loss of jobs, for a range of voluntary bodies across the North. Since then, I have focused on doing whatever I can within the imposition of this extremely difficult budget to ease the impact of these cuts, primarily through the use of carrier bag levy receipts. Therefore, I agreed initial allocations to environmental organisations totalling just under £1.5 million to help to deliver a wide range of environmental outcomes. Furthermore, my Department set up a workshop on 23 April to discuss how best to allocate £1.25 million of residual funding from carrier bag levy income to support key environmental priorities and help in safeguarding some of our most valuable sites and landscapes, protecting our priority species and encouraging access to the countryside.

Following the workshop, which was attended by 22 environmental non-governmental organisations (ENGOS), the natural environment fund (NEF) opened for applications on 1 May with a closing date of 20 May. All applicants to the NEF were informed of the outcome of their grant application on 18 June in line with the established timetable. Twenty-one NGOs and landscape management bodies were awarded funding. I have also allocated £0.3 million for the 2014-15 challenge fund from the carrier bag levy that will provide money to support community groups and schools in delivering environmental projects. ENGOS, provided that they are not the lead applicant, are encouraged to partner with eligible organisations in project delivery. The competition closed at noon on 26 June for community groups and will close at noon on 25 September for schools.

**Mr Weir:** I thank the Minister for his response. Albeit somewhat belatedly, there has, at least, been some progress on this front. How many groups did not receive funding, and how many potentially face removal of their activities as a result?

**Mr Durkan:** I thank the Member for his question and his begrudging recognition of my intervention — albeit belated — in this regard and efforts to ensure that the number of groups and the amount that groups lose in funding was kept to a minimum.

As regards who is no longer eligible for funding or who has not been successful with the NEF, I do not have that detail to hand. However, I will certainly provide it to the Member. I can assure him, if he has not seen it on the TV or heard it on the radio — I have not heard any particular criticism of the process that I engaged in, perhaps apart from the regret that it was a wee bit late; we would love to have been in a position to carry this out prior to the Budget and this financial year — that the vast, vast majority of groups, in the region of 99%, recognise the efforts that I have made in this regard.

**Mr Wells:** Whilst I am sure that the voluntary groups — I am probably a member of every one of them — are very happy with progress so far, does the Minister not accept that this is a very ad hoc arrangement in the sense that the previous funding was guaranteed for up to three years and organisations knew where they stood? Under his new scheme, they will constantly have to apply with no guarantee that that funding will continue.

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Wells for that question, although why he would want to be a member of any group that would have him as a member, I do not know.

I agree that this has been a very ad hoc arrangement. The Member should recall that he was a Minister at the time, when we had to decide on a one-year Budget. They were extremely ad hoc circumstances all round. I have said on record publicly again and again and will do so again today that I was not particularly pleased with the hand that was dealt to me in that Budget. However, I think that I have played that hand as well as I could. While the stakes are high for all those groups, I took the gamble and got a big win for them.

3.15 pm

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Does the Minister think that the budget cuts for the environmental NGOs will have a negative impact on them when applying for European funding?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle, and I thank Mr Ó hOisín for that question. As part of the criteria for the natural environment fund that we set to judge the performance of the ENGOs — it is worth remembering that we are here as the Department of the Environment not to ensure the survival of voluntary and community groups but to ensure the survival, protection and promotion of our environment, and all those groups happen to be providing services that do just that — we looked at their ability to draw match funding from many other sources, including Europe. That was weighed up when we were assessing their applications and, ultimately, allocating funding to them. It is important, particularly in these straitened times, that we look externally and maximise the drawdown of money from other sources.

**Mr Speaker:** I am afraid that that ends the period for listed questions. We now move on to topical questions.

Questions 7, 8 and 10 have been withdrawn within the appropriate time frame.

## Hightown Quarry Application

T1. **Mr Clarke** asked the Minister of the Environment for an update on the Hightown quarry application and to state when he is likely to make a decision on that for the waste management group. (AQT 2731/11-15)

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Clarke for that question. He is right to establish the connection between things such as recycling figures and waste infrastructure or lack of infrastructure here in the North to deal with our waste. The Member will be aware that an article 31 planning application is being assessed by my officials. I have not received a report from my officials on that application to date nor have I had any indication of when that report might arrive.

There is massive public interest in the application, as the Member will be well aware, with in the region of 3,500 objections. Assessments of an application are based not on the quantity of objections but on their quality. This application, like any application, will be subject to the most stringent examination and scrutiny by planning officials and Northern Ireland Environment Agency officials before it even reaches my desk. It will then be up to me to make a decision.

**Mr Clarke:** I thank the Minister for his answer, and I welcome the scrutiny of those officials. I am sure that he, like me, will welcome the fact that one council group has, through Arc21, come forward with a proposal to deal with the waste. Can I take it from the Minister that, whatever recommendation his officials make on that application, he will sign this off in concurrence with that recommendation?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Clarke for his question. However, I am not in a position to give any guarantee on something of which I do not know the content. One thing that I can give a guarantee on is that I will give careful consideration to all factors, as I do with all decisions that I make, before making a decision.

## Wind Turbines: Safety Concerns

T2. **Mr Buchanan** asked the Minister of the Environment what weight his Department is giving to the concerns expressed by members of the public during its consideration of applications for new wind turbines, given that he may be aware of the growing concerns about the safety of wind turbines, either those on wind farms or, more particularly, second-hand single wind turbines. (AQT 2732/11-15)

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Buchanan for that question. I am extremely aware of many concerns and objections that residents across the North and beyond have about wind energy applications.

I referred to many of those concerns in response to Mr Milne's earlier question. I also referred to the fact that the Member's constituency is one area that is particularly well versed in these objections and concerns.

As for safety fears, I presume that the Member is referring to the potential health impacts of wind turbines and

wind farms. I remind the Member that the Public Health Agency (PHA) is a consultee on these applications. When objections are made, they must be addressed and answered by my Department, which it does in consultation with agencies such as the PHA. My Department works with those agencies to allay residents' concerns and fears — hopefully, in most instances — and, if a genuine concern is shared by the relevant statutory agency or authority, that can be addressed by the applicant.

**Mr Buchanan:** I thank the Minister for his response. It appears that any safety checks are being done during the consultation process, but, during the application process or when an application is being approved, what stipulation does the Department have for regular safety checks on those turbines after a wind farm has been completed and is up and running?

**Mr Durkan:** I thank the Member for that question. Again, in response to an earlier question on the Committee's report on wind energy, I briefly referred to the incident at Screggagh earlier this year or late last year when the wind turbine fell during an unprecedented event here in the North. The fact that that could happen, and the potential impact of such an occurrence should it happen in close proximity to houses, sent shock waves not just through the local community but through the community at large across the North and beyond.

When I answered questions about that in the House, I explained that, although my Department retains authority over planning matters, it is not the relevant authority to run checks on the safety of these structures when they are up. That is a job for the Health and Safety Executive, in the same way that, if the DOE gives planning permission for a house, it cannot be chasing round doing building control inspections. Other agencies and bodies are charged with that work, and it is important that my Department works with them to ensure that they are doing that so that we can give some peace of mind and security to those who have these perfectly understandable concerns.

### Tyres: Disposal Records

T3. **Mr Wilson** asked the Minister of the Environment what action his Department takes to ensure that company records of tyres that have been taken off customers marry with the records of disposal for those tyres, especially because, when customers change tyres, the company that changes them takes a fee for their proper disposal. (AQT 2733/11-15)

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. Again, this is a subject of which Mr Wilson never tires. My Department is working very hard to bring forward new measures to tackle the scourge of used tyres being illegally disposed of. Mr Wilson is a former Minister of the Environment, and I know that he recognises the complexity of this area of work and the complications in trying to grasp the issue and deal with it in a conclusive manner. I can, however, assure him that we are working closely with tyre manufacturers to discuss the best way forward.

We are also working closely with councils, which is timely in that we are close to bonfire season when many tyres that are illegally and wrongly disposed of end up causing huge environmental damage as well as being a huge antisocial scourge, which tortures communities across the North.

**Mr Wilson:** I am not so sure that the Minister gave any answer to my question. Surely, if there is a record of tyres that have been taken off, there should be a record of how those tyres have been disposed of. Given that around this time of year, tens of thousands of tyres are dumped on to bonfires by companies that, presumably, took money from customers, why can his agency not simply call with tyre companies, check what tyres have been changed, ask where they have been disposed of and, if no reasonable explanation can be given, prosecute?

**Mr Durkan:** I thank the Member for his supplementary. As I tried to outline in my initial answer, the Northern Ireland Environment Agency and other areas in my Department are working hard, along with other agencies and jurisdictions, to come up with a producer responsibility scheme for tyres. We have to look South — I know that the Member would love to see how such a scheme is rolled out in the Republic of Ireland. As I said in answer to Mr Wilson's initial question, this is a very complex issue, and I thought that he, as a former Minister of the Environment, would have had some appreciation of that complexity. Clearly, however, he does not, and that indicates to me that, when he was Minister, he did not grasp the issue and take control of it. I could probably continue the discussion with him outside.

### Local Government: Review of the Transfer of Functions

T4. **Mr Givan** asked the Minister of the Environment what preparatory work is being carried out for the review of those functions that were transferred to local government, given that when those powers were transferred, it was built in to the process that there would be a review and, potentially, further powers could be transferred. (AQT 2734/11-15)

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Givan for his question. In my response to an earlier question, I referred to the establishment of the partnership panel, which comprises Ministers and representatives of each of the 11 new councils. That panel is a very useful tool. It gives Ministers — not just this Minister — an opportunity to hear the concerns of local government and to discuss the opportunities offered by the functions that have already transferred and those that might transfer in the future.

A review should be looked at, and it will be looked at within a year of a vesting day in April next year. However, we need to do that in close partnership with local government because, as the Member may hear from his colleagues in local government, there is quite a bit of disquiet and discontent about some of the functions that they have received, or, rather, the budgets going with the functions that they have received. Some in local government have the perception, albeit mistaken, that the transfer of functions was used as — can I use the term without offending the Member? — a Trojan Horse for central government to pass cuts on to local government to make.

**Mr Givan:** I welcome the Minister's commentary on the partnership process. Two functions that colleagues in Lisburn and Castlereagh City Council have expressed to me that they want to look at are on-street car parking — off-street car parking is already within their remit, obviously — and particularly the maintenance of grass verges. That



issue has come to the fore and is a function that I believe local government could deliver. Will the Minister lead on trying to see what efforts could be made, working with local authorities — I appreciate that this is a DRD matter — to take forward some kind of approach that ensures that the maintenance of grass verges, a basic function of government, can be delivered, where currently it is not?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Mr Givan for his supplementary. Quite rightly, he identifies that both functions to which he refers do not fall within my Department, and, therefore, I cannot lead in their transfer. However, I do, and will continue to, lead in convening the partnership between central and local government and facilitating the conversations that have to take place. As I said, I am not sure that there is a tremendous appetite at this time in local government for assuming new functions in the immediate future. However, I am happy to talk to local government, listen to it and work with it on that.

**Mr Speaker:** Time is up, I am afraid. The House should take its ease while we change the top Table.

3.30 pm

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

## Executive Committee Business

### Health and Social Care (Control of Data Processing) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Lunn:** I support the Second Stage of the Bill. Kieran McCarthy would normally be speaking for the party, but he is absent today owing to family matters. I am not a Health Committee member, and it is fair to say that I am not 100% familiar with all the issues raised by other Members.

The Bill has the potential to be an important tool in helping us to better understand the nature of the health challenges facing our society and, consequently, helping us tailor solutions more efficiently and effectively. The Alliance Party believes that it is a good and necessary Bill. It is quite clear from comments from Members that there are a lot of issues with it, but those can be addressed through the Committee's scrutiny and at Consideration Stage and Further Consideration Stage.

The Bill provides a proper, ethical framework for the use of confidential data in the wider public interest and for the wider public good. That extends most notably to research and development efforts that are seeking to discover more effective treatments and cures for a wide range of conditions, many of which are life-limiting or life-threatening. Members have spoken in the past about the quality of the research base in life sciences in Northern Ireland and paid tribute to the many discoveries and contributions that have made a real difference to healthcare and people's lives.

The sharing of individualised data exists in an uncertain state in Northern Ireland. Its legality is shaped by the provisions of the Human Rights Act, the Data Protection Act and the common law on confidentiality. As other Members have said, the current basis around a public interest test appears to be ambiguous and risky. There is a difference in consent between that for direct care and the disclosure for improving the general functioning of health and social services. The Bill is seeking to address the latter point only if it is impossible or impractical. Anonymised data would not achieve the desired outcome, and, most crucially, a committee or body established for that purpose must authorise the processing. I appreciate that many people will have concerns about such use of individual data, but that is why it is so important that sufficient safeguards be put in place.

In that regard, we can take comfort from the fact that the privacy advisory committee that advises the Department on such matters appears to understand the logic of the Bill and sees the bigger picture. We must also recognise that, without the legislation, Northern Ireland would be out of step with other jurisdictions, and, indeed, our researchers and practitioners would be hindered from engaging and collaborating effectively with their counterparts. It is also clear that the legislation will benefit bodies such as the Northern Ireland Cancer Registry, which is located at Queen's and has done great work to understand the frequency, diagnosis and treatment of cancer. Without the

legislation, its work would be hindered. The Bill recognises that, in certain circumstances, the use of anonymised individual data is not sufficient, particularly when there are advantages to be gained from intersection with genetics.

This legislation is already a fine balance between respect for the individual and working for the common good of all. The Bill provides for oversight structures and safeguard measures to be put in place. Given the uncertainty and ambiguity of the current loose legal framework, the Bill should work in the interests of all by ensuring that there will be a clearly understood, balanced framework in place for decision-making. We therefore support the further passage of the Bill, but we look forward to the Minister's reaction to the points that have been raised by other Members on all sides of the House.

**Mrs Cameron:** I rise today as a member of the Committee for Health, Social Services and Public Safety to speak on the Health and Social Care (Control of Data Processing) Bill. I was greatly concerned to learn that patient information is being shared without prior consent or knowledge within the secondary health service. Whilst the Bill aims to put in place a legal basis for sharing that information, I believe that there is a great deal of obscurity and lack of precision in it. I trust that the Minister will provide some more clarity on those issues today. That said, I feel that the Bill offers huge opportunities to advance the healthcare system by allowing information to be disseminated for the purposes of further research into various illnesses and conditions, as well as planning for future health and social care provision. We must ensure, however, that in taking the Bill forward we do absolutely everything we can to make sure that privacy and personal information are protected.

In cases where consent has not been possible and where anonymous information is used, the requirements to protect the information fall under the Human Rights Act, the Data Protection Act and the common law duty of confidentiality. There must be a clear statutory reason for sharing the information, and it must be deemed to be in the public interest. Therein lies the first major anomaly in the current provision. The term "public interest" is incredibly vague and open to interpretation, meaning that decisions are based on subjectivity and are open to challenge. Organisations are often reluctant to pursue information on that basis, and there is a significant deficiency, in the legal context, for them to do that. Thus any benefit that may have been gained is lost.

The Bill aims to put in place a legal framework for sharing any information in restricted and controlled circumstances. It would also include an overseeing body that would independently assess any request for access to information within the parameters of the legal guidance. It will be necessary that any information that is provided will be used to secure a significant outcome that could not otherwise have been achieved in the absence of that information. My concern with that is that the phrase "public interest" still forms the basis of any decision that is made. Public interest remains open to interpretation and will still require any organisation making an application to access information to make its case for why it needs it and how it will serve public interest. I am anxious that that loophole is addressed and a much clearer definition put in place to remove the subjectivity of the term and to ensure that

decisions to share information are made on the most robust basis.

In looking at how the Bill may assist medical research, I am of the opinion that there is a vast opportunity to improve the healthcare system, streamline services and better predict future trends. However, that area also requires incredibly stringent guidelines. Our current position permits information to be shared without a framework, structure or guidelines, and in taking the Bill forward I hope that many of the obscurities will be removed. It is my view that the key focus of the Bill should be on the principle of attempting to obtain consent at all times when practically possible and that we should have to call on this in only the most extreme circumstances.

I would hazard a guess that many people whose information is shared for the purpose, for example, of researching outcomes for cancer patients would not object to that, but questions remain about who would be able to access the information and for what purpose. We must ensure that we do not open the floodgates to sharing personal information without prior consent, awareness or knowledge.

I do, however, support the Bill in the main and believe that, if properly worked out, it will give us a great opportunity to make our health service much more efficient and competent. I trust that the Department will ensure that the privacy and protection of service users is kept at the forefront during the next stage of the Bill, if passed.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Tá imní orm faoi ghnéithe áirithe den Bhille seo caithfidh mé a rá. Like others, I have concerns about some aspects of the Bill. The Bill aims to provide a statutory framework and safeguards so that information relating to the health and social care of individuals may be used for medical or social care purposes without the consent of the people concerned. While there are, no doubt, very good reasons for collating valuable patient information in order to feed into research and where all that can take us for very positive reasons, I would like, nevertheless, to draw attention to a couple of areas of concern that I feel are vague and require more stringent definition.

First, I want to refer to the use of the expression "in the public interest". There are some concerns around sharing identifiable information without consent, particularly as it would be regarded as permissible to do so if it is believed to be in the public interest. I have difficulty with that and I know that there are difficulties in defining what the public interest actually means. If a person's views are being overridden because of some undefined public interest, I feel that we should have a clear definition of what is meant by that.

"Social well-being" is another undefined concept. Again, the Bill uses this phrase without giving a definition. If an individual's personal information is to be used with or without their consent, I believe that it is only reasonable that we have some idea of how it will be used. The Bill states:

*"For the purposes of this Act, "information" means ... information (however recorded) which relates to the social well-being of an individual".*

"Social well-being" is a vague phrase, which could be interpreted very widely or very differently from one person to another, so we must have clarity as to what that will mean in order to take a properly informed view on it.

The Bill proposes that a committee may be established as a safeguard to decide how confidential information is processed. I question the use of the word “may” in this case. If a committee is intended to be put in place as a safeguard, why does it appear to be optional rather than obligatory? In conclusion, these questions, and many others that other Members have raised, will need to be addressed as we proceed with the scrutiny of the Bill.

**Mr Givan:** I will not labour the points that colleagues have already made but I will make a couple of points about the scrutiny of the Bill at Committee Stage. There are a number of interesting areas that we will need to drill down on, and they are not just applicable to healthcare provision. There are issues around public interest tests that a lot of us could debate in a whole sphere of different arenas. It will be interesting as we get into it around healthcare; what is it to have a public interest that would override other aspects?

Colleagues have mentioned social well-being. Let us look at the clauses in the Bill where this is relevant. Clause 1(11)(b) mentions social well-being and goes on to outline what these areas are. Clause 1(14)(a) refers to:

*“research into social care or social well-being”.*

When we read that in the context of the type of areas that we will be considering, including disability, dependency on alcohol and drugs and so on, we see that these are very sensitive and personal pieces of information. When we talk about that in the context of research and sharing that information, we need to be careful and have the right kind of measures in place to protect that. Having said that, I recognise that the Department is coming from a position whereby we already have disclosure of this information through the common law aspect. Therefore, the starting position on this is one in which information is already being shared but the Department wants to make sure that there is a proper strategic framework in place. We need to be careful about where the debate on this starts, in recognition of the current environment where this information is being shared. That will be important as we go forward.

The key area seems to be around the secondary use of that personal information, as opposed to its primary use. That personal information is very sensitive and it is right that we have the appropriate safeguards in place. Having said that, you still have existing legislation on data protection and the Human Rights Act, which govern this and which are still applicable to it.

### 3.45 pm

There is a point of interest that I will want to tease out at Committee Stage, and the Minister may be able to comment on it. Clause 3(5) states that the code of practice, which we will be giving the Department enabling powers to introduce, speaks only about the code applying to:

*“Any other person who provides health and social care under arrangements made with a public body”*

What about private healthcare where there is no contract with a public body in its provision? Would the code of practice be applicable to private healthcare provision that has not been contracted in by a public body? Should we be looking at arrangements for how personal information is controlled and managed by private healthcare providers? Otherwise, we are in danger of having a two-tier system

in which there will be very clear rules on the handling of people's personal information in public provision, through the health service and where there is a public contract, but we do not seem to be clear on what the rules are in respect of personal information for private healthcare provision where there is no public connection. That is something that I will certainly be interested in teasing out as we go through the Committee Stage. Thank you, Mr Deputy Speaker.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I thank all Members who contributed to the Second Stage debate. There has been commonality in issues raised by Members from all sides around some concerns, if I can put it as strongly as that, with aspects of the Bill. I will seek to address, as far as I can, some of those as I go through the comments.

I do not think that there was much disagreement on the purpose of the Bill and support for the purpose of the Bill. The purpose is laid out very clearly early in clause 1. Clause 1(1) states that the release of information that identifies individuals will be for “medical or social care purposes”. Clause 1(1)(a) and clause 1(1)(b) go further and talk about information not being released:

*“in the interests of improving health and social care, or in the public interest.”*

That has been a debating point during Second Stage, and I will return to it before the end. As we go through all these issues and concerns, it is worth bearing in mind, as the Bill proceeds through its various stages in the House, that it is for medical “or” social-care purposes, to pick up on Mr McKinney's point that this goes much further than the equivalent legislation across Great Britain. That is simply because we have the benefit of an integrated health and social-care system. It is not some great conspiracy; it is actually a benefit of the system that we have in Northern Ireland. The release or sharing of information, within certain parameters, which I will come on to momentarily, is for medical or social-care purposes.

The primary purpose of the Bill is to place that sharing of information, which can and does identify individuals, on a clear statutory framework. That is something that does not currently exist — a fact that was identified by many Members in their contributions. At this minute in time, we have a situation in which information is already being shared via the common-law parameters. It is my view, and, I think, the view of other Members, that information can be shared, and is being shared, via common-law tests, that it is better for us to have a statutory framework, and that it is far better for us to have a Bill passing that has robust safeguards to ensure that that information is shared appropriately.

The safeguards are extensive. Obviously, we have regulations, including the limited circumstances in which information can be shared, that will have to be put through. Many Members touched on the creation of a committee that will look at each application. I think that that is a robust safeguard to have in place. An onerous task will be placed on that committee. Mr McKinney shared some not-so-good experiences from England. I will come back to them, but I agree with him on the points that he raised.

Even in that situation, which is not a perfect system, since 2001, about two thirds of applications have been

approved and one third has not been approved. That is an indication that not every application coming forward to their committee is getting through and that a robust test is being applied. Although not the majority, a significant number — around one third, which is 300 out of 900 — of applications since 2001 have been turned down and have not proceeded.

I know that the Committee has a concern about the committee in that the Bill as currently drafted permits rather than requires the establishment of the committee. I am happy to look at that, perhaps by way of an amendment at a later stage, because I understand the point that the Committee has made in its deliberations so far. Similarly, on a code of practice, which is part of the safeguard that is there, the legislation as currently drafted says to "have regard to" the code of practice. Again, I would be content to look at strengthening that by way of an amendment.

Other safeguards in place include the Human Rights Act, particularly in respect of the right to private and family life, and the Data Processing Act, especially around fair and lawful processing so that information is only what is absolutely needed and only those who are entitled to have that information have it. The Human Rights Act and the Data Processing Act and how they apply to this are still applicable. Those safeguards are not in place at present in respect of the way information is shared via the common law. We will be in a far better position if we have the robust safeguards of a committee and a code of practice in place to ensure that this is done in a more robust and safer way than has hitherto been the case.

Some Members alluded to the fact that there has been broad support for the legislation. Our inboxes have been populated today by some people from various sectors who support it. Some 96% of respondents to the consultation supported the legislation. I could not quite work out Mrs Dobson's comments about how she thought that, if more people knew about the Bill, they would be shocked that their private information was being kept. I would have thought that most people were quite content that their private information was being kept within the health and social care system. Having that information and the ability to share it and use new technology like the electronic care record ensures that people get a high standard of care no matter what health and social care establishment they go into.

Of course, there is a practical purpose. In debating the definition of social well-being or the definition of public interest, we can sometimes forget the very good practical purpose that there is in the Bill in taking the legislation forward. There are already examples of where the legislation, when passed, will enhance the sharing of information for good, sound, solid, medical and social care purposes. For example, it will underpin the operation of the already successful Northern Ireland cancer registry, and many Members referenced and acknowledged the good work that that is doing. Within that registry, it will allow the removal of duplicate information. People can appear in several different environments within the health and social care system and are, perhaps, being double-, triple- or quadruple-counted. It will allow that to be taken out; it will facilitate genetic requests; and it will have the ability to link patient data with a death certificate. It will also enable Northern Ireland participation in many UK-wide epidemiology studies. It will allow us to participate in our own and other clinical audits, health monitoring

and research studies, with the other safeguard that any research must be shown to be ethical.

As Members are aware, there are concerns about legal challenge to releasing information via the common law. Dr Paul Darragh of the BMA is quoted as having said:

*"We agree that using the public interest justification for collecting data for the cancer registry in Northern Ireland is open to legal challenge."*

I do not think that we want to put any medical practitioner in the position where they are concerned about legal challenge to the releasing of information for good purposes, for trying to improve our understanding of cancer and other diseases. There is an existing desire among many health professionals to participate in studies. Some of them are UK-wide, and some of them are just for Northern Ireland. In fact, there was a recent cancer satisfaction survey that we were unable to participate in because of the fear of legal challenge on releasing the information. If we were to cast our net around for other examples, I am sure there would be many. We do not want that to be the case. We want to have the ability to participate in studies in the UK or further afield that increase our understanding of certain diseases, how people respond to certain treatments and, above all, raise the standard of care that people in Northern Ireland receive. I think we would want to participate in such studies and play our part. We would want to gain the benefit for Northern Ireland of the information that would be derived from the conclusions and recommendations that come out of such studies. However, we cannot do that, clearly, if people in the health and social care sector are fearful of releasing their information for legal reasons.

Some Members, particularly Mr McKinney, raised concerns around the release of information to insurance or pharmaceutical companies. I certainly share that concern. Members appreciate that I have almost inherited this legislation, so, in studying it completely afresh, this was one of the concerns that I had: who might get their hands on this information? You would be surprised if I said anything other than that it is not the intention for insurance or pharmaceutical companies to get such information. However, it goes further than it not being our intention; there is enough in the Bill to make it clear that it is not for those purposes. Clause 1 makes it clear that it is:

*"for medical or social care purposes".*

I do not see how it could be gained for insurance purposes. Again, it must be:

*"in the interests of improving health and social care".*

That makes it clear that sharing the information with insurance companies or other financial institutions is not the intention.

There is another safeguard in that respect. Say an application were to come from an insurance or a pharmaceutical company for what appeared to be commercial purposes. Of course, a pharmaceutical company could request such information for medical or social care purposes, and that could actually benefit patients and people in Northern Ireland, so we must decouple them from insurance companies.



**Mr McKinney:** I thank the Minister for giving way. He will not want to get into a protracted debate at this stage because a lot of this will be debated in Committee. Part of the evidence that we heard was about academic research. What safeguards and guarantees will be put in place to ensure that such information will not be forwarded to the very organisations that, he says, should not receive it?

**Mr Hamilton:** The safeguards will apply to any application. There is nothing to prevent anyone from applying. The Bill is not as prescriptive as that, because the test is:

*“for medical or social care purposes”.*

That is quite broad. I do not think — I will get onto this on some other issues — that we should get into the habit of defining who can apply and who cannot. As soon as you start doing that, you remove flexibility, and you can shut down the possibility of having very good research done. I do not think that we want to be very specific about it. Obviously, safeguards are in place in that the application will be made to the committee, and it will judge whether it is:

*“for medical or social care purposes”,*

in the interests of improving health and social care or in the public interest.

This is a hypothetical situation, but, if an insurance company were to make an application for what appeared to be commercial purposes, we all might say that that should not get through, and I expect that the committee would stop that. However, if, for some reason, the committee did not do so, there is a further backstop in that health and social care organisations do not have to give up the information. An application could get through the process — I do not expect that it would — and the request could come before a trust, for example. The trust, you would hope, would say, “Hang on a minute, this is not what the legislation is intended for”. It would seek guidance and support from the Department, and it would be made clear that it did not have to release that information. There are safeguards built upon safeguards. It would have to be made very clear in a research application why the information is required, the purpose of getting it, who would be using it, what it would be used for and so on. If the information was to be passed to somebody else for work to be done on it, that would have to be made very clear in any application. Of course, the research would have to be ethical and be tested through the relevant authorities for that. There are safeguards and measures put in place to ensure that those scenarios, about which I share concerns with Members, do not come to pass.

#### 4.00 pm

On the issue of public interest, which exercised most contributors to the debate, I understand, again, where people are coming from. It is worth pointing it out that public interest in this case is for medical or social care purposes and not broad public interest. Under the common law duty of confidentiality, the public interest test is already a consideration. Public interest is not defined, because it is, as you would expect, specific to each application. Public interest in one application may be different from that in another, and, again, you get into the difficult situation of defining what public interest may or may not be. It would take up much more lines in the legislation than it currently takes up in the Bill if you were to get into specifically

defining public interest. The Bill provides more checks and balances around public interest than the current test via common law, because of the safeguards that I have already gone into. In making a decision, the committee will weigh the potential benefits to society of disclosure against the risks of any negative impact of disclosure.

It is also worth saying that, without the public interest test in the Bill, the opportunity for greater scrutiny of public interest will be missed and the current common law consideration will remain. It has been a common thread throughout the debate that there is dissatisfaction with the current common law situation and how it may allow information to be shared without the statutory framework that the Bill will put in place. Again, I make the point that the Bill only permits sharing; it does not require it to be done. In many cases, it may be only minimum information that is shared with applicants; for example, the contact details of somebody so that they might be contacted by an organisation to ask for their consent to participate in a study. Rather than being about information on their specific circumstances, their health and their social care, it may be about the ability of an organisation to contact somebody to ask their permission to take part in a study.

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

Clause 1(11)(b) talks about social well-being and has quite a long, but not exhaustive, list of what social well-being is. Again, I understand the points that Members raised. Generally, I do not like legislation that has long lists and examples because, invariably, you will include lots of things about which you can say, “Yes, that’s fine, I agree with all those”, but you will exclude some things that you think should be there. You may even sometimes include stuff that you are not entirely sure should be there. As a rule, we should seek to avoid being too prescriptive, but there are really only those two choices available to us. Either we make an attempt or we do not put anything there at all and have it quite broad. I appreciate the point made around the words “or any”, in that it could be other stuff as well.

The 2009 Health and Social Care (Reform) Act placed a general duty on my Department to design an integrated system of social care to secure improvement in the social well-being of people in Northern Ireland without having a very specific definition of social well-being. The Bill, therefore, merely reflects the statutory duty on my Department to advance social well-being and makes an attempt to define, in some cases, the areas in which social well-being might happen. I would be happy to listen to any feedback from the Committee around whether to have a list of things, an incomplete list or no list or whether another option of having a better definition may be a better way to proceed.

I hope that the Bill, with the House’s support this evening, can move to what is probably one of the most critical stages in testing any legislation: the Committee Stage. I look to the Committee to do its job rigorously to test the legislation and examine the concerns. Hopefully, some concerns have been clarified and assuaged today. If not, I hope they can be assuaged through the Committee process. I have to say that I am very open to the input of the Committee, and I have already taken on board some of the concerns on some of the language. The Committee will see that reflected, I hope, in amendments that will

be brought forward throughout Committee Stage. The concerns expressed are concerns that I understand.

I would not proceed with the legislation if I did not think that there was a good practical purpose to it. I believe that stringent safeguards are in place; if they were not, I would not proceed.

I welcome the general support for the purpose of sharing information to help people to improve standards of care and enhance the health and social care of people in Northern Ireland.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed.*

## **Water and Sewerage Services Bill: Second Stage**

**Mr Kennedy (The Minister for Regional Development):**  
I beg to move

*That the Second Stage of the Water and Sewerage Services Bill [NIA 51/11-16] be agreed.*

The Executive approved proposals for the Water and Sewerage Services Bill on 15 January 2015, and its introduction was agreed on 8 June. I introduced the Bill on 16 June, and, now that it has reached its Second Stage, I will set out its components in more detail.

The Bill deals with six main areas, covering the subsidy payment, governance and environmental measures. It also includes a number of practical powers to make subordinate legislation. Importantly, the legislation makes good the Executive's commitment not to introduce household water and sewerage charges within this Assembly mandate, and it flows — no pun intended — from the one-year extension in this mandate.

The Bill also includes a power to make further extensions to the payment of the subsidy power, if necessary, by way of subordinate legislation, which would be subject to affirmative resolution. Members may recall that two Acts, passed in 2010 and 2013, have already been required to extend the subsidy-paying power. The new power to make further extensions by subordinate legislation would provide some flexibility and enable any future extensions to be made more quickly and efficiently.

The Bill further introduces powers to streamline the process for NI Water in relation to drought plans and water resources management plans. The Water and Sewerage Services (Northern Ireland) Order 2006 requires NI Water to prepare a water resources management plan every five years and a drought plan every three years. Those plans set out how the company will manage water resources for future supply needs and environmental protection during periods of drought.

The Bill will remove much of the administrative burden and reduce costs. Under my proposals, NI Water will produce a single overarching plan — a water resources and supply resilience plan — every six years. That will coincide with six-year price control funding periods. The consolidated plan would be subject to a review every two years.

Importantly, the Bill includes a power to make regulations to amend the existing legal requirement on NI Water to install water meters at domestic properties that are connecting for the first time to the public water supply. Installations have been costing NI Water some £137,000 every year. Regulations made under that provision would be subject to affirmative resolution.

The Bill addresses concerns previously highlighted by the Committee for Regional Development in its 2012 inquiry into unadopted roads. As things stand, developers construct private sewerage systems, and, whilst most seek to construct them to appropriate standards so that NI Water can adopt them and take responsibility for the sewers, there is no obligation on it to do so. That means that, if developers do not complete the sewers, which has happened over recent years as a result of the economic downturn, or do not construct them to the proper standards, residents may be left with responsibility for that

private sewerage system. This can present a public health risk and lead to significant expense to put matters right. The Bill will address this problem. My proposals mean that there will be no automatic right to connect a private sewer to the public sewerage network unless the developer has entered into a sewer adoption agreement. Developers will be guaranteed a sewer connection only if they meet all of the terms of the adoption agreement, they construct the private sewerage to appropriate standards that NI Water can then adopt and they enter into bond arrangements.

The Bill promotes sustainability, reducing surface water connections to the public sewer network and encouraging developers to manage it in other sustainable ways. As Members may be aware, for historical reasons, much of Northern Ireland's sewerage infrastructure is combined: it carries foul and surface water. In recent decades, developments have been required to have separate foul and surface water sewers, but these separate sewers are often simply connected to the public sewer. As a consequence, NI Water ends up having to pump and treat surface water, which has an impact on costs. NI Water spends well over £30 million every year on energy. High volumes of surface water can increase the risk of flooding and pollution. NI Water can refuse a connection to its network only if it would prejudice the public sewers or if construction standards are not met. The Bill adds to these circumstances to enable NI Water to refuse a surface water connection if suitable alternatives are available or could reasonably be provided.

This brings me neatly to the topic of sustainable urban drainage systems (SUDS). There are alternative ways of dealing with surface water in order to reduce the volume or rate of flow. SUDS can take the form of hard, engineered solutions, such as large tanks to hold surface water for longer before releasing it to watercourses or for treatment, or soft SUDS, which include shallow ponds, trenches and planting, which also slow the flow of surface water. England and Wales experienced difficulties in implementing SUDS, particularly in relation to adoption and maintenance, and now link SUDS with planning consent instead. Local government reform in Northern Ireland will present councils with the opportunity to make progress in this area. The Bill includes powers for NI Water to require developers to construct hard SUDS schemes.

The Bill progresses important reforms in the provision of water in Northern Ireland, and it reflects my commitment not to introduce domestic charges. My Department's officials have already briefed the Committee for Regional Development on the contents of the Bill, and the response was favourable. I look forward to working with the Committee on the Bill and to expediting its progress.

**Mr Clarke (The Chairperson of the Committee for Regional Development):** I welcome the opportunity to contribute to the debate in my capacity as Chair of the Committee for Regional Development. The Committee undertook some pre-legislative scrutiny in a session on 3 June, and the Deputy Chair and I were afforded an in-depth briefing at an early stage as well. I thank the Minister and his officials for that opportunity. It was a very in-depth briefing, and we had an extra session on SUDS that, for my part, I found very useful.

The Minister outlined the principles of the Bill in his opening remarks, and I do not intend going into great detail on these today. Very obviously, the Executive have

a continuing commitment not to apply water charges to domestic customers, and the Bill will extend this Programme for Government commitment until 31 March 2017. I am sure that, as we move forward, there will be some debate from others on that particular issue. However, I welcome the commitment from the Executive and the Minister.

#### 4.15 pm

It appears logical to amalgamate the water resource management plans and the drought management plans into one overarching plan. In times in which there are considerable financial constraints, I believe it to be a responsibility to seek to alleviate as much red tape and bureaucracy as possible without the dilution of controls and governance. Tying the new water resource and supply resilience plan in with the price control period is also a sensible move.

I commented in Committee that the way in which clause 3 is framed is really future-proofing. I commend the Department on that. It will introduce a great deal of flexibility and discretion further down the line.

I suspect that there will be a great deal of debate around the issue of sustainable urban drainage systems measures. As someone who represents a constituency that is prone to flooding, I have seen at first hand the damage and despair that flooding brings to households and businesses. Of course, there is a significant cost not just to our constituents but to the Executive, given the commitment that they have made to help in cases of flooding. It is important that we talk to developers about means of introducing cost-effective and efficient SUDS schemes. I look forward to having those discussions. The interactions that the Deputy Chair and I had on SUDS were useful. A development was allowed to go ahead, and a problem was identified soon after it commenced. It is unfortunate that the Department had to pick up the bill in that case, but there have been lessons learned from that that were very enlightening. I think that the Bill will go some way to addressing that.

Clause 5 will go hand in hand with SUDs, as it will add sustainable drainage to the reasons that Northern Ireland Water can refuse connection of surface water to its public sewer network. If drains, sewers or now SUDS do not meet the required standards or would prejudice the system, they can now be refused. That is an important protection.

Clause 6 is an example of how a Committee and a Department can work together, as it will bring into effect a recommendation that was made in the Committee inquiry's on unadopted roads, which the Minister has already spoken about. During the inquiry, the Committee expressed its extreme concern that there was no mandatory requirement in the Water and Sewerage Services (Northern Ireland) Order 2006 for a developer to submit a drainage plan to Building Control or even to enter into an agreement with NIW on a bond. The Committee understandably considered those to be major flaws that needed redressing urgently. As the explanatory and financial memorandum details:

*"The clause introduces a requirement to enter into a sewer adoption agreement within the meaning of Article 161 of the 2006 Order (agreements to adopt sewer, drain or waste water treatment works at future*

*date) as a condition of that right. This is in order to enable NI Water (i) to set the standards to which the private sewerage, including any necessary sustainable drainage system, must be constructed and (ii) to require an appropriate security (such as a bond). Provided the agreed construction standards are met, connection may not then be refused by NI Water."*

Clause 6 offers householders protection, particularly when they are purchasing or renting a new home, as they can now be assured that the sewers connecting to their home are up to an appropriate standard.

**Mr Frew:** I thank the Member for giving way. He quite rightly pointed out, as did the Minister, the potential issues for new builds, with those in the building industry perhaps not putting in place the infrastructure. However, there is another concern with any new developments, which is that, given the additional households being put into the system, the current system that NI Water operates may not be fit for purpose the whole way to the end of a drainage system or waste management plant. Are there any measures in the Bill that will help to reinforce the system that is already in use to ensure that it is not on the NI Water side that flooding is caused?

**Mr Clarke:** I thank the Member for that intervention. We will consider that once we get into scrutinising the Bill.

The Committee has agreed that, when it receives the Bill at Committee Stage, we will consult on it over the summer recess. The Department has a very tight deadline to ensure that the Bill receives Royal Assent before the end of the mandate, but that will not affect the detailed level of scrutiny that is normally applied by the Committee. I am sure that issues such as that which the Member has just brought forward will be of concern to other Members. We will, however, endeavour to work with the Minister and his officials to ensure that the deadlines are met and that we can have the legislation passed.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I also welcome the opportunity to speak on this stage of the Bill. I concur with much of what the Chair said. I thank the officials who briefed us on a number of occasions on issues regarding the SUDS.

This is one of the more painless Bills, as there is much agreement on it from all Members. I do not wish to go into every aspect of it, but I will speak on a number of the clauses. I think that the amalgamation of the management plans and drought management plans into one overarching plan stands to sense. It not only saves money and addresses red tape but makes for a much smoother process.

Clause 3 relates to water meters. This was an issue that came to public prominence a couple of months ago. I think that it sent shockwaves through a lot of householders, as they believed that the House and these parties were all about to introduce household charges, but that was not the case. I welcome this clause, as it will cease the installation of meters in new dwellings. I know that my party across the island of Ireland has been at the forefront of the campaign against water charges in the South of Ireland.

Clause 4 concerns sustainable drainage systems, which are commonly known as SUDS. The Chair and I got a briefing on them. As I said, it crystallised a lot of the issues on this. I think that, currently, approximately 70% of surface water goes into the public sewerage system.

As we know, when we have heavy downpours, we have flooding and sewage problems, which lead to public health and environmental issues. It is to be welcomed that SUDS are to be introduced through the Bill and will be adopted by NIW. The Bill will require developers to provide SUDS that have been constructed to adoptable standards and protected by a bond so that householders will be protected. That is something that we learnt when we did our report. There were some horror stories, where sewage had run straight out into fields. I think that in one place in Coalisland the householder realised that their sewerage system just ran into a green field.

Clause 5 will add "sustainable drainage" to the reasons why NIW can refuse connections of surface water to its public sewer network. If the drainage system does not meet the required standards or would damage the system, it can also be refused. Again, that is to be welcomed, as it will protect householders.

As I said, as a result of the Committee's inquiry into adopted roads back in 2012, one of our recommendations was to tighten up on sewer connections. As I said, we learnt of a number of horror stories, such as sewage running straight out into fields. I welcome the right to connect, depending on the developer having to enter into a sewer agreement. That will certainly go towards protecting the householder.

I look forward to seeing the Bill at the scrutiny stage.

**Mr Dallat:** I join others in speaking on the Second Stage of the Water and Sewerage Services Bill. The Bill has come to the Assembly after a period of consultation, and as already indicated, it has six clauses.

Clause 1 would allow the Department for Regional Development to continue to pay a subsidy to Northern Ireland Water on behalf of domestic customers until March 2017. It would also enable the subsidy to continue until a later date, subject to regulations. During the consultation process, there was agreement that the subsidy should be extended until the end of the current mandate and that additional powers should be brought forward to allow the Department to extend the subsidy through subordinate legislation.

Clause 2 aims to amalgamate the water resource management plan and the drought management plan into one overarching plan. The water resource and supply resilience plan will mean that, instead of having a water resource management plan every five years and a drought management plan in place every three years, there will be a single plan every six years. It is beneficial that this coincides with the price control period, and I am glad to hear that it is aimed at reducing bureaucracy, red tape and administration costs. God knows, nobody in the Assembly would disagree with that.

Clause 3, of course, is the very exciting one that gives the Department the power to stop installing water meters when making domestic connections. I am glad to hear that, before any regulations are made, there will be a consultation process involving the DOE, the regulator, the Consumer Council, Northern Ireland Water and other stakeholders. I support that. It was soul-destroying, under the previous Minister, to see 25,000 water meters installed, when the stated position was not to introduce water charges. On this occasion, as in the past, I commend Mr Kennedy on stopping that process and ensuring that water charges are not introduced here. The SDLP, just to



mention the party briefly, opposes water charges, which we already pay through our rates. We should not be forced to pay twice for water. Forcing a new charge on already hard-pressed householders would increase inequality.

Clause 4 defines a sustainable drainage system, popularly known as SUDS, a structure that is designed to receive surface water from premises and discharge it at either a reduced rate or in a reduced volume to the public sewer system or watercourses. I am sure that those of us who have watched areas of Belfast experience flash flooding hope that this clause will make a massive contribution to reducing the awful hardship that we saw imposed on so many people, many of whom were without house insurance.

Clause 5 relates to surface water connections. The Bill will add lack of sustainable drainage to the reasons why Northern Ireland Water can refuse connections of surface water to its public sewer network. If a drain, sewer or system does not meet the required standards and would prejudice the public system, it can be refused. This clause also means that connections could be refused if suitable alternatives are available. I know that some people in Kilrea, which is built on a hill, will certainly be looking with great interest to this particular clause becoming a power.

Clause 6 is on sewer adoption. The clause was brought forward by the Committee's inquiry into unadopted roads and is included in the Bill to make the right to connect dependent on the developer having entered into an agreement. There will be no certainty of connecting to the public network unless the article 161 agreement is in place; construction standards have been met, which refers to drains, sewers or SUDS; a bond is in place; and provision is made for the adoption of the infrastructure by Northern Ireland Water. Again, many people in new estates were left with the heartache of living in an area where these connections were not up to standard or not properly connected at all.

In conclusion, we in the SDLP support the Bill moving forward to Committee Stage, when we can tease out more detail on certain areas. The Bill is a good example of bringing forward legislation after consultation, but another opportunity to hear from stakeholders is beneficial. I wish the Bill well in the future.

**Mr Cree:** The Ulster Unionist Party stood on a manifesto in 2011 that included a commitment not to implement water charges in Northern Ireland during this mandate. I am pleased that I can stand here today and welcome the next stage of the Bill that continues to make that a reality. We should not underestimate the importance of today's debate for households across Northern Ireland, as it will reassure them they will not be faced with yet another bill coming through the letter box at a time when many are finding it increasingly difficult to strike a balance between income and the rising cost of outgoings, such as heating and electricity. It may come as a surprise to him, but I congratulate Danny Kennedy. He is a Minister who has ensured that that Programme for Government commitment has been honoured throughout this Assembly mandate.

#### 4.30 pm

While we —

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

**Mr Cree:** No. Let me get started first.

While we recognise that some in the House seemed to have revised their positions and are now in favour of implementing domestic water charging, the Ulster Unionist Party continues to recognise the high levels of opposition to such an additional charge, and we do not believe that it would be fair to implement it at this time. Remember: this is a charge that would apply equally to those who are least able to budget for an additional charge and to those who are most able to pay. In saying that, we do not ignore the issues of the future governance of water in Northern Ireland, but the Bill will continue to provide some breathing space for the Assembly to agree a way forward for what shape that might take in future.

I pause to point out that the Bill will allow the Department to remove the requirement on Northern Ireland Water to install meters at domestic properties that are connecting to public water supplies for the first time. That is proper. I give way to the Member.

**Mr Lyttle:** I thank the Member for giving way. I appreciate his contribution so far. He said that the Bill will ensure that the commitment to avoid the introduction of an additional domestic water charge in this mandate. It is my understanding that the Bill extends the deferral of additional domestic water charging beyond this mandate and into 2016-17.

**Mr Cree:** I thank the Member for his intervention. He is quite right: it does that. That is very observant of him. However, remember that we also pay an unhypothecated amount through the regional rate. That is another point for discussion, perhaps on another day.

It is important to remember that Danny Kennedy inherited a system that had seen chronic underinvestment over decades. Since taking up office, he has striven for stability and sought to improve the levels of service, and he should be congratulated for that. Let us remember how things were when he took up his role as Minister for Regional Development and the real water crisis and uncertainty of supply that the public had faced in the preceding years. However, it is important not to become complacent with the current set-up; Northern Ireland Water must always strive to do better and to provide a better service to the public.

The Ulster Unionist Party has said that we will not force water charges on anyone during this mandate, and hopefully for the next couple of years, and we honour that pledge. However, having said that, we recognise the importance of sustainable drainage systems and, despite the weather, drought plans. We look to see how those will be taken forward at the next stage of the Bill.

**Mr Lyttle:** I welcome the opportunity to speak on the Water and Sewerage Services Bill and, hopefully, to get into the detail of the significant issues more than we have been able to do recently. I thought that it would be a fairly robust debate, but it seems that harmony has broken out across the Chamber, further to a few fairly robust debates in relation to the Minister of late. Maybe he will be glad to see that development, but, if I am honest, I am not sure that I will contribute to that harmony.

I foresee the Bill passing to Committee Stage, and I am certainly committed to interacting wholeheartedly with it at that stage and to ensuring that it is a constructive process. However, I think that the reason why that will happen is primarily because there is no viable alternative that could be delivered within the time frame that has been

created by a lack of action by the Minister on the issue. That is disappointing. There is an urgent need to consider alternatives and to look at how the significant funding that will be required to invest adequately in our water infrastructure will be found.

There are some extremely encouraging aspects of the Bill; however, some cause me significant concern. As MLAs mentioned, there are the key proposals to extend the delay of water charges for another year to include 2016-17; the power for DRD to pay Northern Ireland Water in place of those deferred water charges with taxpayer contributions, which are currently around £280 million per year; and a proposal to give DRD an enabling power to pay a subsidy in future by way of subordinate legislation.

It does mention that there will be consultation, but I think that is a significant development that the Committee will want to consider as well.

The Bill will also introduce measures to streamline obligations on NI Water to produce water resources management plans and drought plans. That is to be welcomed. It will give the Department power to remove the requirement on NI Water to install meters at domestic properties connecting for the first time to the public water supply. I think that needs to be examined in more detail as well. If there is to be any type of universal application of any additional fair water pricing in the future, that may well be a key component in relation to that, so it is important that we at least examine it in detail at Committee Stage.

The Bill also promotes more sustainable means of managing surface water to reduce the volume of surface water being carried and treated by Northern Ireland Water's sewerage system. Many constituents will welcome that provision. I know that many of my constituents in East Belfast have seen significant trouble when combined sewerage systems are in place.

The Bill also includes powers to require new sewerage that will be connected to the public sewerage network to be constructed to standards that NI Water can then adopt. The Minister has mentioned a keen commitment to introducing sustainable urban drainage. Again, many constituents who live in fear of heavy rain will welcome those particular developments as well.

The provision of water and sewerage services for everyone in Northern Ireland is indeed a serious and important matter. It is estimated that it will cost Northern Ireland around £2.8 billion to address waste water infrastructure issues. My understanding is that an investment of £750 million is required to address Belfast's waste water treatment alone. Those are indeed significant investments that are needed if we are to meet those targets. It is also a serious matter because it is central to health, safety, environmental protection and social and economic development in Northern Ireland. People in my constituency know painfully well that the current level of investment in water and sewerage infrastructure is not enough. The current model does little to help vulnerable households that live in fear every time we see heavy rain and have concern for the damage that flooding can cause to their homes.

We should not reduce the debate to misrepresentative political campaigning. I am glad that we have not seen too much of that yet today. We need mature, open and honest debate around what we are going to prioritise in

the Department for Regional Development's budget and, indeed, in the Executive's Budget.

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

**Mr Lyttle:** I will give way, yes.

**Mr Dallat:** I just ask the Member innocently — maybe he is an aspiring future party leader in the Alliance — when is he going to stop adopting the clocking-hen approach, on the eggs one day in relation to water charges and off the eggs the next day?

**Mr Lyttle:** I thank the Member for his intervention, but I will continue with my contribution. Maybe he will make his mind up about what exactly I am calling for. To be clear, we need an open and honest debate. We have a contribution of around £280 million — out of a DRD budget that is struggling to make ends meet — going towards subsidising the full cost of water services in Northern Ireland. That is £280 million lost to other vital public services. We cannot put our head in the sand and pretend that it is a straightforward policy. We need to look at it in detail and be clear about the priorities that we are making via that decision.

Significant work has already been done in this policy area. In 2007, the independent water review panel did some detailed work on water policy. Indeed, it was at a time when the Northern Ireland Executive and Assembly were suspended and the direct rule Administration had announced far-reaching reforms in relation to water and sewerage services. It proposed that the Water Service would become a government-owned company and that all households would be required to pay a direct water charge. The aim was to make the service self-financing. Understandably, there was significant concern about these proposals. Some people objected that they had already been paying for water through rates and should not have to pay twice. Some argued that water was a human right, not a commodity, and so should not be treated like other utilities. Some saw the creation of a Government-owned company as a step towards eventual privatisation and were opposed to the selling off of public assets. I am glad to help to restore public confidence: the Executive announced that privatisation would not be an option.

The Minister for Regional Development at the time set up the independent review panel to carry out comprehensive analysis of the reform process and also to make recommendations on the two key areas for water policy: how to cover the costs of water provision and how we should govern the model that will do that. The panel's first report covered costs and funding. The second report dealt with governance. The panel was made up of substantial experience, knowledge and skills from utility regulation to representation of consumers' interests, social justice, economic research, sociology and social policy. It had at the forefront of its considerations a desire to avoid any increase in the pain that would be felt by poor families or any proposals that would cause any further poverty to them. It was keen to balance economic, social and environmental objectives.

Its initial findings were that public services in Northern Ireland have two main sources of income — the block grant from Westminster and the regional rate — and if water and sewerage services were paid for from either of these sources, there would be less available for other public services. The initial report stated that:

*"If as a society we want to replace our out-dated Victorian sewers or stop the discharge of sewerage into our beautiful coastal waters, we will need to invest in new infrastructure. The money for this will have to be found, whether through the rates or user payments. There is no other option. We face hard choices."*

Unfortunately, they seem to be hard choices that, to date, the Minister has been unwilling to even discuss or bring forward proposals on for us to consider.

Interestingly, the Executive response to the independent panel's strand one report was led by the Minister for Regional Development at the time, Sinn Féin MLA Conor Murphy. In his opening statement, the Minister paid tribute to the work of the panel. He stated clearly:

*"Through the collective application of their knowledge and experience they have produced a report which offers us an opportunity to reform our water and sewerage services in a better way than direct rule ministers were proposing."*

Referring to the panel, the Minister said that the Executive:

*"agree with the panel's message that we need to reduce our carbon footprint and develop sustainable ways of delivering clean water and disposing of our sewerage. As a society we will have to pay more in the short term to achieve these objectives: but we must do so for the sake of future generations."*

The Minister went on to say:

*"This is an important message and one we must not, and cannot, duck. We were elected because our people have had enough of being governed from a distance. We were elected because our people had confidence in our ability to take hard decisions on their behalf."*

He also went on to say:

*"The Executive has accepted the recommendation that ... there should be full recognition that domestic regional rates revenue makes a contribution to the funding of water and sewerage services. In 2008/09, this will be households' only contribution to the services; the balance will be paid from the NI [Budget]. This represents the Executive's commitment to tackling the [issue] of double charging."*

However, noting the panel's conclusion that the revenue from the regional rate did not — and indeed does not — cover the full cost of water services, Mr Murphy said:

*"The Executive accepted the case made by the report that without an uplift in what people currently contribute, other public services would be deprived of funding."*

He said that the Executive recognised this and had agreed that from 2009-2010, there would need to be additional contributions from householders. He said:

*"We have concluded that these additional contributions should be phased in with domestic households paying two thirds of their full liability in 2009/10 and full liability the year after. The amount due to be collected from domestic households will be reduced by the amount of the contribution that households are already making*

*via the rates ... This means there will be no double payment".*

#### 4.45 pm

The Sinn Féin MLA Conor Murphy, as Minister for Regional Development, concluded by saying:

*"The position I am outlining today on behalf of the Executive provides a firm basis for delivering a better deal for all water customers than the Direct Rule administration. However, there is still a great deal of work to be done by the Executive, the Independent Panel, the Regional Development Committee and all the stakeholders. With goodwill and commitment by all parties I am confident we will achieve our goal of better services at an affordable cost."*

That is fairly clear. Unfortunately, as the chair of the panel acknowledged, reports were prepared, and the numerous recommendations and detailed proposals for alternative considerations appear to be sitting on a shelf somewhere today.

It is correct that concern exists in the community regarding any potential additional cost, which some have estimated could be in the region of £400 per year if all households pay the same amount. It has also been argued that if alternative proposals were considered in a robust and mature way, it could be possible to introduce a more progressive system of payment based on the ability to pay and could protect the most vulnerable.

The chair of the panel, in recent conversations, went as far as to suggest that the failure to introduce a fair pricing policy for water and services, coupled with the failure to establish a municipal company as recommended by the independent water review panel, meant that DRD was paying a subsidy out of taxpayers' contributions of around £270 million — say, £280 million today — to Northern Ireland Water; most likely a capital depreciation charge of around £200 million; and as a result of that model, Northern Ireland Water must borrow capital at a higher rate than if it was a stand-alone municipal company.

All of this could mean that households are, indirectly, paying more for the provision of water and sewerage services than if a direct charge of an additional £400 per household was introduced.

That is quite concerning and a level of detail that I hope the Committee for Regional Development will be willing to go into at Committee Stage, because it is unfortunate that the debate today does not seem to have gone into that level of detail. It might be for that reason that the Chair of the Committee for Regional Development was quoted on 4 October 2014 as saying:

*"Water charges in Northern Ireland have been deferred until 2016 but everything is potentially up for discussion".*

It is my understanding that our Minister of Finance and Personnel made similar comments in recent weeks.

The Alliance Party — and perhaps Mr Dallat will be eager to hear my contribution at this point — have been clear that we oppose the introduction of an additional water charge at this time, in line with the Executive agreement that we supported. This is primarily because other Executive

parties have, frankly, failed to tackle waste and inefficiency in their Departments. We certainly do not want households to be paying additional fair water pricing simply to paper over the cracks of financial mismanagement by other parties.

Existing charges for water should be more open and transparent. They should be separated from the rates bill in an identifiable way, and no household should pay twice. This would provide a clearer picture of how our water and sewerage system is being paid for, with protections for vulnerable households. Northern Ireland Water may then have in part an improved borrowing capability for capital investment in its vital service.

The Minister of Finance and Personnel said that the Budget was about tough choices, yet by continually deferring difficult decisions on many issues — on this occasion, water services, but on other fair revenue-raising and redistribution — the Executive are failing to adequately invest in our public services.

We heard recently that the Department for Regional Development was struggling to provide adequate funding to Northern Ireland Water for operational and capital costs. We heard recently that, should the Minister's bid for June monitoring funds be unsuccessful, the Department could be around £20 million short of the funds necessary to deliver only the minimum required standards on street lighting, grass cutting, gully cleaning and general road maintenance, all of which are essential services for public safety and flood prevention in our community.

We also heard, when officials gave evidence at the Committee for Regional Development, that there is a wider issue. If there is an ongoing inability to modernise the water infrastructure and it does not keep pace, it could become an inhibitor on basic social and economic development. That shows clearly that there has been a failure on the part of the Minister to generate full and proper consideration of appropriate alternatives and recommendations that will be around 10 years old by the time this deferral is extended. The Committee Stage represents an opportunity for the Regional Development Committee to show leadership on the issue, to take evidence and to generate open, mature public debate on the two key issues facing water provision in Northern Ireland: financing and governance. How do we cover the full cost of water services, and what model do we need to bring forward to improve the capacity of Northern Ireland Water? Despite that, the proposals defer financing for yet another year, and, as far as I can see, they say absolutely nothing about governance. We need to see significant improvements in that regard.

The Executive Budget, as put forward by the Minister of Finance, shows that tough decisions are needed. This demonstrates a Minister who is reluctant to debate and put forward the difficult decisions that are needed on behalf of the people of Northern Ireland. The Alliance Party has been accused by the Ulster Unionist Party of politically motivated comments about some of these issues and of lacking collective responsibility. To that, I can say only that the Alliance Ministers in the Executive have endeavoured to show leadership on some very difficult decisions on difficult issues. For the Minister of Justice, legal aid budgets have been a very difficult process. The Minister for Employment and Learning put forward courageous, forward-thinking proposals on teacher training, but support

and collective responsibility from the Ulster Unionist Party was lacking on those issues. Indeed, the Minister of Justice and the Minister for Employment and Learning have shown leadership in shared future-proofing every policy that they bring forward.

My party has also, however, acknowledged that the political intransigence of Sinn Féin, the SDLP and the Greens on the Stormont House Agreement and welfare reform is costing the Executive and the people of Northern Ireland dearly, and we need urgent progress on that issue. We also want leadership from the Minister for Regional Development on these key issues, and I hope that that will be possible at the Committee Stage of the Bill and, indeed, that the Executive will begin to demonstrate their ability to take difficult decisions and to govern for the common good of everyone in Northern Ireland.

**Mr Easton:** The Bill allows the Department to extend existing arrangements to allow it to pay subsidies to Northern Ireland Water to ensure that there are no household charges for homeowners — in other words, that there will be no water charges. This is allowed up to March 2017 and is welcomed right across Northern Ireland.

Clause 2 will put in place measures to amalgamate water resources management plans and drought management plans into an overarching plan. That will reduce bureaucracy and is welcomed. Clause 3 will remove the requirement for Northern Ireland Water to install water meters in new-build domestic properties. That will create savings of around £135,000 per annum, and I believe that it is a sensible way to save money. Clause 4 will see further powers given to Northern Ireland Water to enable it to adopt infrastructure and to enter into agreements about adoption. It will also give powers to ensure that those constructing any new builds construct sustainable drainage systems as a condition of adopting a drain or sewer. That makes practical and economic sense. Clause 5 adds lack of sustainable drainage to the reasons why Northern Ireland Water can refuse connection of surface water to its network. If a drain, sewer or SUDS system does not meet the standards set down, connection can be refused. This is an important protection for the ratepayers and for Northern Ireland Water.

Clause 6 introduces a requirement to enter into a sewer adoption agreement. This will allow Northern Ireland Water to set the standards to which private sewers, including any necessary sustainable drainage system, must be constructed, and an appropriate security, which is a bond, will have to be paid. If all the standards are met, connection may not be refused by Northern Ireland Water. This protection is good news for those who are purchasing or renting a new home, as they can now be assured that the sewerage connection to their home will be up to the appropriate standard. I support the Bill.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an Bhille seo. I welcome the Bill and commend the Minister for what he has brought to the House.

I have a particular interest in clause 6 and will address most of my comments to that clause. I commend the Committee for its previous report on unadopted developments, and I am grateful that the Minister has taken forward some of the recommendations. Through previous correspondence with the Minister, I am aware that



he is sympathetic to some of the issues facing households and developers and is keen to find a resolution. It is in that spirit that, I believe, the Bill has been introduced.

I want to highlight where there have been problems in the past and where the Bill can help to address them. I am hopeful that minor changes can be made to prevent such problems recurring. Residents in Galliagh Shore, Enniskillen, face the situation of drains outside their front door being constantly blocked by waste, including sewage. The development is unadopted, and, as the developer went bankrupt or into liquidation, he is not under a statutory obligation to involve himself. It is very much a case for the residents and NI Water. Officials from NI Water have been very helpful, coming to the site to engage with residents and explain how they can get the site adopted. The residents, however, have to pay to bring it up to standard. That is a huge burden for people who have already purchased a property, many of whom are now in serious negative equity because the house is worth less now than when they bought it. They just do not have the money to invest.

I am trying to work with the residents, who have a range of conveyancing solicitors, each of whom was required to hold back money under the Water and Sewerage Services Order 2006 in case the work was not completed. Thankfully, some of the solicitors have the money, but I find it a bit burdensome that residents, through a local MLA, have to chase up this money with their solicitor. There does not seem to be a central database kept by NI Water that indicates whether the bond money exists. Perhaps that system does exist, and it just has not been communicated to me. Perhaps the Minister and the Committee could look into that and see whether a central list could be kept, showing whether bonds are kept under the 2006 Order, whether the money taken at the time still exists and whether it is held by the conveyancing solicitor or by NI Water.

Mr McManus, who came out with me, gave me a couple of examples of residents who came together and managed to get all the money that had been paid in bonds and use it to, largely, offset the development works. I am hopeful that the same position might be reached in Galliagh Shore, but it is a problem that there are barriers in the way of resolving issues that could be fairly straightforward, if the mechanisms were in place to help residents who wanted to explore this avenue to find it.

Another case involves a small unfinished housing development in Garrison. As the waste water treatment plant in Garrison is full to capacity and Lough Melvin is so heavily protected, it should be a priority for an upgrade. However, because the population of Garrison is small, the work has not been prioritised in the current round of funding. When the development was brought forward in Garrison, the developer was forced to construct a stand-alone waste water treatment works inside the plant, which increased the cost of buying and building the homes.

**5.00 pm**

**Mr Deputy Speaker (Mr Beggs):** I remind the Member that we are on the general principles of the Bill, not individual cases. I allow the Member to continue.

**Mr Flanagan:** I am coming to a finish. The point that I want to make is that, after the developer went into liquidation,

the residents had to pay Power NI the costs of operating it and keeping the management going, and that left them with a debt of £15,000 for something that they had not expected. They are now left facing that.

There is another issue that I would like to see resolved through the Bill. I want some credence to be given to the need for waste water treatment works in various areas to be upgraded to allow developments to take place where they need to take place. We need to see movement on that. On how those decisions are made —

**Mr Frew:** I thank the Member for giving way. He will recognise, I am sure, if he is on the ground like I am, that a lot of our waste water treatment plants are over capacity — some well over — and some are bordering on it, being over 80% of capacity full. That needs to be addressed in the future.

**Mr Flanagan:** I completely agree with the Member. There are not too many waste water treatment plants in Fermanagh that are at under 80%. Some of them are at around 120%. The investment has not really been coming in as quickly as we want, and that holds back the ability of people to build houses. It affects private developers, but it is also a serious barrier for housing associations that want to build houses yet cannot go into an area where there is need. I would like to see greater transparency in how NI Water decides where it wants to put in investment and in how the Utility Regulator decides whether that investment is warranted and whether it is a priority.

Clause 3 is very welcome. It gives the Minister power to bring forward regulations to amend the 2006 Order so that water meters no longer have to be a requirement of a connection notice. I merely ask the Minister whether he intends to bring forward those regulations once the Bill comes into effect. There was perhaps another way in which this could have been dealt with through the legislative process, and I am interested in finding out from the Minister whether he intends to bring forward the regulations before the end of this mandate, if we get that chance. We will all be keen to see the installation of water meters stopped where they are not required, because that is a huge financial barrier to NI Water. I commend the Minister for bringing forward a solution to the problem. I am sure that, when he is responding, he will be fit to tell us whether he thinks that it is the best possible solution and whether he will bring the regulations forward.

The final point that I make to the Minister is on the incentive for NI Water to produce accurate bills. He will be aware that that issue has been raised by the Consumer Council, Manufacturing NI and other organisations. The most high-profile example was when Altnagelvin Hospital was able to claim back a quarter of a million pounds with support from the Consumer Council. Figures that the Minister provided to me at one stage indicated that NI Water had got its bills wrong by £4.5 million and that £136,000 had been written off. Therefore, when an organisation has only a 3% rate of bad debt, it is not much of an incentive for it to improve. I would like to hear from the Minister his plans, maybe through this legislative process, to encourage NI Water not merely to have the option to claw money back for up to six years but to issue accurate bills to commercial and non-domestic customers in the first instance.

I thank the Minister for bringing forward the Bill. I look forward with interest to looking at it once it comes out of Committee to see how we can improve it at that stage.

**Mr Kennedy:** I thank the Chair and members of the Regional Development Committee, as well as Members of the House, for all their contributions to the Second Stage of the Water and Sewerage Services Bill. I am genuinely pleased to present the Bill to the House, and I am grateful for the attention that Members have given it. I think that it is of very considerable importance that the Bill obtains Royal Assent before the end of the mandate, as my Department's power to pay the NI Water subsidy is due to expire in March 2016. That is one of the key reasons for the legislation, but there are other important aspects of the Bill, which Members rightly alluded to.

I know that Members appreciate the importance of the issue. In addition to securing the subsidy-paying power, the Bill will make significant progress on important governance and environmental issues and will, I believe, benefit everyone in Northern Ireland. There are a number of contributions that I want to refer to. Mr Clarke, as Chair of the Regional Development Committee, welcomed the Bill and its scope. There was useful work and engagement before we reached this stage of the Bill's life in briefings with him, the Deputy Chair and members of the Regional Development Committee generally on what we were seeking to do. I think that that has been sensible, and it sets the scene for very positive engagement at the Committee Stage of the Bill.

Mr Lynch welcomed the Bill and indicated widespread support for it, particularly those aspects that will address red tape. He referred back to the report of the Regional Development Committee from a couple of years ago on sewer connections and other such issues.

I thank Mr Dallat for his positive contribution. I am very glad that we are, through this legislation, able to stop the practice of having to install meters when it does not make sense to provide them. I think that that is a very positive outcome that I hope everyone can share. Mr Cree reminded us of the Ulster Unionist Party's 2011 election manifesto commitment, which we have managed to honour and carry forward. He made an important point, saying that Northern Ireland Water needs to strive to do better and to further improve services, cost-effectiveness and cost efficiencies. Certainly, I am very much seized of that.

We then had the contribution from Mr Lyttle, who pretty much sought to rain on our parade. It is the time of year, I suppose. My difficulty with Mr Lyttle's contribution is that it was fairly lengthy in its criticism of me — I have grown used to that — the Department, other Executive parties and every other political representative except the Alliance Party, which seems to have a monopoly on wisdom in all things, according to Mr Lyttle. But he would say that, wouldn't he? I think that it was short on giving alternative details. Yes, we know that the Alliance Party is broadly in favour of the introduction of water charges, although not in this mandate, it would seem. It seems to have accepted the Executive decision on that, but then he continually criticises me and the Executive for our failure to, in his words, bring forward plans to change that. He was short on detail on whether he or the Alliance Party would like to see privatisation or a form of mutualisation.

As Minister —

**Mr Lyttle:** Will the Minister give way?

**Mr Kennedy:** No.

**Mr Lyttle:** *[Inaudible.]*

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr Kennedy:** We allowed a very reasonable amount of time to listen to Mr Lyttle's contribution, and I am trying to address the points and some of the criticisms that he made. I do not know whether the Minister of Justice or the Minister for Employment and Learning have had time to brief Mr Lyttle on what happens around the Executive table and in the subcommittees. I will leave that to them, but they will know, if he does not, that I have produced a paper to the Executive's Budget review committee outlining full proposals or alternatives and setting out the scope and all the options considered. One hopes that the Executive will move forward in discussions around these issues, but I think that it is unfair and not very politically astute of him to observe that it is my fault as Minister not to bring forward a solution to what will have to be a consensus, arrived at around the Executive table. Whilst I hear the criticisms, in practical terms I do not think that they bear substance because I have remitted that paper to the Executive for consideration. I have no doubt that these issues will be taken up and carried forward.

Mr Easton welcomed, I think, all aspects of the Bill as we go forward. Mr Flanagan took the opportunity to raise a couple of constituency issues, which we will attempt to address through correspondence, largely around what I term legacy issues around the economic downturn, when so many developers and house builders went under, largely through no fault of their own. However, in many cases, they left situations where poor water and sewerage connections meant a very unsatisfactory state of affairs in many places, not only in his constituency but in mine. I am cautious because we are talking about literally hundreds of millions of pounds to address those legacy issues, and that is money that I currently do not have. I suspect that the Executive do not have that money either. We will continue to look at those legacy issues. We have had some discussions with legal representatives, contractors and the construction industry on how best that can be improved. We will seek to continue to do that.

On the question of meters not having to be installed, the Bill represents the best chance for that if it receives Royal Assent by the end of this mandate. The legal situation is that NI Water is, at this point, obliged in law to insist on the installation of meters even though it amounts to a nugatory expense in excess of £135,000 a year. That is money that would be better spent on other aspects of the water system.

I hope that I have addressed most of the points that were raised, and we will study Hansard for any other issues to be picked up. I am committed to the Bill and I want to see the subsidy-paying water power extended to secure the ongoing delivery of water and sewerage services for everyone. I want to make sure that we reduce the unnecessary administrative burden on NI Water, and I believe that we have the power to allow NI Water to stop installing home water meters, not least because I intend to exercise it. I want to protect homeowners by making sure that developers have to construct sewerage to appropriate standards and to provide bonds before they can connect to the public sewer network. I also want to

ensure that NI Water has more power to refuse surface-water connections. Furthermore, I want to ensure that we promote more sustainable solutions to reduce flood and pollution risk and to provide cost efficiencies.

**5.15 pm**

This has been a valuable opportunity to hear Members' views. I am pleased that the consensus has been positive — perhaps one siren voice — and supportive of the principles of the Bill. I commend the Bill to the House. I am grateful for the support that the Committee for Regional Development and Members have expressed, and I ask for your continued support as we move to the next stage.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Water and Sewerage Services Bill [NIA 51/11-16] be agreed.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Second Stage of the Water and Sewerage Services Bill. The Bill stands referred to the Committee for Regional Development.

I ask Members to take their ease for a few moments as we change those at the Table.

## Food Hygiene Rating Bill: Consideration Stage

**Mr Deputy Speaker (Mr Beggs):** I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move the Bill.

*Moved. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Deputy Speaker (Mr Beggs):** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 4, 5, 7, 9, 10, 12, 13, 15 to 18, 21, 25, 26 and 36, which deal with timing, operational and technical Information. The second debate will be on amendment Nos 3, 6, 8, 11, 14, 19, 20, 22 to 24 and 27 to 35, which deal with communication, reporting and scrutiny.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at the appropriate points in the Bill. If that is clear, we will proceed.

*Clause 1 ordered to stand part of the Bill.*

### **Clause 2 (Notification and publication)**

**Mr Deputy Speaker (Mr Beggs):** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 4, 5, 7, 9, 10, 12, 13, 15 to 18, 21, 25, 26 and 36, which deal with timing, operational and technical information.

Members will note that amendment No 26 is consequential to amendment No 5.

I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move amendment No 1 and to address the other amendments in the group.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I beg to move amendment No 1: In page 2, line 8, after second “must” insert

*“(in so far as the district council has not already provided the operator with the following)”.*

*The following amendments stood on the Marshalled List:*

No 2: In page 2, line 19, leave out “Having given a notification under this section” and insert

*“Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 4: In page 2, line 25, after “appropriate” insert

*“; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 5: In page 2, line 25, at end insert

*“(5A) The “end of the appeal period”, in relation to a food hygiene rating, means—*

*(a) the end of the period within which an appeal against the rating may be made under section 3, or*

*(b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 7: In clause 3, page 3, line 11, at end insert

*“(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—*

*(a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and*

*(b) if the district council has changed the establishment’s food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.*

*(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 9: In clause 4, page 4, line 6, at end insert

*“(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—*

*(a) must inform the Food Standards Agency of its determination on the review, and*

*(b) if the district council has changed the establishment’s food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.*

*(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 10: In clause 4, page 4, line 25, after “applies” insert

*“, with such modifications as are necessary.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 12: In clause 4, page 4, line 28, at end insert

*“(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 13: In clause 5, page 5, line 1, leave out “having received” and insert “within 7 days of receiving”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 15: In clause 5, page 5, line 3, at end insert

*“(3A) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 16: In clause 5, page 5, line 4, leave out “(2)” and insert “(3)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 17: In clause 5, page 5, line 5, after “2(4)(b)” insert “, 3(6A)(b) or 4(4A)(b)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 18: In clause 6, page 5, line 29, leave out subsection (4).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 21: In clause 12, page 8, line 8, after “regulations” insert

*“(in so far as the district council has not already done so)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 25: After clause 15 insert

#### **“Adjustment of time periods**

**15A.**—(1) *The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.*

*(2) Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, “working day” means a day which is not a Saturday or Sunday.*

*(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 26: In clause 16, page 9, line 19, at end insert

*“end of the appeal period”, in relation to a food hygiene rating, has the meaning given in section 2(5A);”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*



No 36: In clause 18, page 10, line 33, at end insert

*“( ) An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Hamilton:** I thank the members of the Health Committee for their detailed consideration of the Bill. As always, the Bill has got to this stage only due to partnership between the Department and the Committee.

In total, there are 36 amendments that, I believe, strengthen the Bill and reflect the detailed work carried out by the Committee, the Office of the Legislative Counsel and officials in my Department and the Food Standards Agency (FSA). I put on record my thanks to everybody who has been involved in this process for the efforts that they have made.

The first group of amendments relate to timings and operational and technical issues. I will consider first those amendments that relate to timings.

The Bill requires district councils to provide specified information about the food hygiene rating scheme to operators of food business establishments within set time frames. Amendments Nos 1 and 21 introduce flexibility for district councils in that the specified information does not have to accompany the rating or be issued to new food business establishments within the set times where it has already been provided. Amendment No 25 also provides flexibility for district councils and the Food Standards Agency to comply with certain time-bound requirements as soon as is reasonably practicable, where, due to exceptional circumstances, they have been unable to do so within the required period; for example, a major outbreak of food poisoning that requires deployment of resources. It also extends certain time-bound requirements by seven days over the Christmas period to take account of office closures.

Amendment Nos 2 and 9 place a new requirement on district councils either to notify the Food Standards Agency of an establishment's rating or that it is not appropriate to publish the rating within 34 days of carrying out an inspection. Amendment No 7 also requires the district council to notify the Food Standards Agency of the determination of an appeal before the end of the appeal period. Amendment Nos 4, 7 and 9 require the Food Standards Agency, having received food hygiene ratings from district councils, to publish those ratings online, unless it is not appropriate to do so, within seven days of receiving them.

Within the Bill, the operator of an establishment is afforded the opportunity to make written representations on their establishment's food hygiene rating to the district council, and the Food Standards Agency is required to publish online written representations it receives from district councils alongside the rating to which the representation relates. Amendment Nos 13, 15 and 17 require the Food Standards Agency to do this either within seven days of receiving the representation or within seven days of publication of the rating to which the representation relates.

I turn now to the amendments that relate to operational and technical issues. Amendment Nos 5 and 18 simply move the definition of the “end of the appeal period” from

clause 6 to clause 2. The definition remains unchanged, and amendment No 26 refers the definition of the “end of the appeal period” in the interpretation section of the Bill to the definition to be laid out at clause 2. Amendment No 10 is a technical amendment to ensure that the appeal mechanism in clause 3 also applies when a food hygiene rating is produced following a request for a rerating in clause 4. Amendment No 16 corrects an incorrect reference in subsection 4 to clause 5. Amendment No 36 is a technical amendment providing that, where an order is made under clause 1(7) to amend the definition of “food business establishment”, consequential provision in such an order can amend clauses 7, 10 and 11.

Amendment No 12 provides a power for the Department to amend subsection 5 to clause 4 to limit the number of occasions on which the right to request a review of each food hygiene rating may be exercised. Amendment No 25 also provides a power for the Department to amend time periods specified in the Bill. Both of those powers would be exercised following a review of the scheme as required by clause 14 only if necessary.

That concludes my comments on the first group of amendments regarding timings, operational and technical issues. I hope that the House can support them.

**Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat. On behalf of the Committee, I welcome the Consideration Stage. The Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, the Committee is content that it will take us another step forwards in reducing the incidence of food-borne illnesses caused by poor hygiene standards.

The Bill provides for a mandatory food hygiene scheme, which will give consumers information about food hygiene standards in places where they eat out or shop for food. That will enable consumers to make informed choices, which, in turn, will provide a strong incentive for businesses to comply with existing food hygiene law.

The Bill was referred to the Committee on 11 November 2014. To ensure that there was enough time to scrutinise the legislation, the Committee sought an extension to the Committee Stage until 8 May 2015. However, I am pleased to say that we finished a week ahead of schedule, thanks to the hard work of members and the cooperation of officials.

The Committee received written submissions from 15 organisations and individuals and took oral evidence from a range of interested parties in the time available. The Committee's scrutiny led to it recommending to the Department that it make amendments to a significant number of the 20 clauses contained in the Bill. I am pleased to report that all the recommendations have been accepted by the Minister and are reflected in the amendments that we are considering. I thank the Minister for his cooperative approach in taking on board the Committee's recommendations. I am sure that my Committee colleagues support me in noting the good working relationship that was established between the Committee and the Food Standards Agency officials during Committee Stage. That certainly helped the process along and paid dividends when it came to agreeing recommendations for amendments.

Before I talk specifically about the amendments in the first group, I wish to provide a quick overview of the key issues we identified as we scrutinised this Bill. First, there was a major issue about the display of food hygiene ratings on websites through which consumers make food orders; secondly, timescales for the notification and publication of hygiene ratings; and, thirdly, the scope of any future review of the legislation. Those are all issues to which we can return later in the debate.

I now comment directly on the first group of amendments. Amendment Nos 1, 2, 4, and 5 all relate to clause 2, which concerns the notification and publication of a food hygiene rating. Originally, clause 2 did not contain a timescale within which councils must inform the Food Standards Agency of a rating. Food businesses were concerned about that omission because they had found from experience that it could take up to two and half months between an inspection and the rating being published on the Food Standards Agency website. That means that, for that period, the Food Standards Agency website could be displaying an out-of-date rating, which could be detrimental to a business that had improved its rating or give a false impression to consumers where a rating had fallen. Food businesses also pointed out that the Bill did not contain a timescale within which the Food Standards Agency must publish a rating on its website. Again, that could lead to delay in an up-to-date rating being displayed on the website.

The Department recognised that those were valid issues and proposed an amendment to require councils to inform the Food Standards Agency of a rating within 34 days, as well as an amendment to require it to publish a rating online within seven days after the end of the appeal period. The Committee was content with the Department's rationale and amendment Nos 2 and 4 will achieve that. Amendment Nos 1 and 5 clarify practical matters and are proposed by the Minister. The Committee supports those amendments.

Amendment No 7 relates to clause 3, which deals with the appeals process. It ensures that a council will be required to inform the Food Standards Agency of the outcome of an appeal or where the appeal has been abandoned. If a rating has changed as a result of an appeal, the Food Standards Agency will be required to publish the new rating online within seven days. That is consistent with the amendments to clause 2 and is supported by the Committee.

### 5.30 pm

Amendment Nos 9, 10 and 12 concern clause 4, which is focused on the issue of rerating. Amendment No 9 requires a council to notify the Food Standards Agency of the outcome of a rerating within 34 days and for the Food Standards Agency to publish the new rating online within seven days. Again, this is in keeping with previously established timescales and was welcomed by the Committee. Amendment No 10 is a technical amendment proposed by the Minister and supported by the Committee. Amendment No 12 allows the Department, through subordinate legislation, to limit the number of occasions on which a business can request a rerating. The Committee took the view that that was a sensible provision and, therefore, supported the amendment.

Amendment Nos 13, 15, 16, and 17 relate to clause 5, which concerns the right of reply of a food business

operator. Amendment No 13 requires the Food Standards Agency to publish a right of reply online within seven days, and amendment No 15 ensures the correct linkage between the right of reply and the rating to which it refers. Amendment Nos 16 and 17 are technical amendments. All the amendments relating to clause 5 are supported by the Committee.

Amendment Nos 18 and 21 are technical in nature and are supported by the Committee.

Amendment No 25 introduced a new clause, which will do a number of things. It will allow the Department to amend the period specified in the Bill by substituting a different time period, and it will allow councils and the Food Standards Agency flexibility in meeting the various timescales set out in the Bill because of things like Christmas closure of premises and potential exceptional circumstances. The Committee, again, took the view that this flexibility was sensible and pragmatic to ensure the smooth operation of the legislation and, therefore, supported the amendment.

Amendment No 26 is technical and is supported by the Committee.

Amendment No 36 relates to clause 18, which deals with regulations and orders that may be made under the Act. The Committee received a letter from the Minister relating to this amendment dated 27 May 2015 after we had completed our report on the Bill. The correspondence advised that the Attorney General and the Minister of Justice had asked for some changes to the wording of amendment No 36. It referred to "civil penalties" when, in fact, it should have referred to "fixed penalties". The Attorney General also suggested that the reference in the amendment to "online provision of ratings" should, in fact, have read "duty to display ratings", for the sake of greater accuracy. The Committee noted those proposed changes to amendment No 36 and, at its meeting on 3 June, had no issues with it. The Committee, therefore, supports amendment No 36.

**Mr G Robinson:** I will be fairly brief in my submission because the Chair has outlined most of the points that the Committee debated. May I congratulate all those people who assisted the Committee's deliberations for their diligent work on crafting the Bill, and I thank all those who gave evidence to inform the Committee decisions. I also commend and support the Health Minister's amendments to this very important Bill.

I will concentrate my remarks on clauses 2 and 4. Clause 2 deals with the notification and publication of a rating and the timescales surrounding the same. It is essential that there is a clear path for councils to follow and adhere to so that expectations are realistic from premises and owners of businesses.

There was also discussion on the criteria for appeal periods, which permits business owners to challenge an unfavourable decision. It is also welcome that a timescale is established for the FSA to be notified and publish final ratings online. More importantly, the businesses will have the same information, including the reasoning behind the ratings provided.

It is much more important that any areas for improvement are included so that proprietors can address them. As the premise of the Bill is to protect public health by way

of ensuring top-quality food hygiene, I appreciate the public being able to identify the ratings that any premises achieves, and I sincerely hope that it will ensure that all businesses will gain top results and ratings.

Clause 4 deals with a request for rerating. If an establishment receives notification that improvements are required and then positively addresses that notification, it is fair that they can request rerating between inspections. This should ensure that improved ratings can be published and will ensure equitable treatment for all businesses.

More importantly, it ensures that hygiene standards are positively addressed, which, I would hope, benefits the general public whom they are there to protect. I ask all Members to support this important Bill.

**Mr McKinney:** I welcome the Food Hygiene Rating Bill, which, as was described, is designed to build on the voluntary food hygiene scheme and prescribe in law a mandatory obligation for restaurants and some shops that sell food to display food hygiene rating stickers. We have heard how it will give customers valuable information to make informed decisions and provide a strong incentive for businesses to comply with existing hygiene law.

We have come to learn the value of the food hygiene rating scheme in promoting public confidence in many establishments. If, for example, you were to take a walk down Botanic Avenue in south Belfast, as I did last night, you would see a multitude of dining establishments, all proudly displaying their five-star rating. As was highlighted, that was a voluntary scheme, and it played a very valuable role as a pilot by establishing an overall authority. The Bill adds further architecture to that.

We can agree that Botanic Avenue, the Lisburn Road and the Ormeau Road, along with many other areas in my constituency, are bustling and vibrant areas that are populated with diverse food and drink opportunities. That needs to be celebrated, and there is no doubt that the food hygiene rating scheme has added to public confidence across Northern Ireland by providing eateries with the best possible incentives to provide the service that we expect.

Against that backdrop, the Bill can only be welcomed as a step in the right direction. It builds on the voluntary scheme that was outlined and removes the weakness associated with the scheme, whereby a number of businesses with a lower rating failed to display their rating stickers publicly.

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

The consideration of this legislation by the Health Committee has been a valuable experience, with each clause and schedule undergoing extensive scrutiny to ensure the legislation is best placed to fulfil its policy objective. In that context, it is important to take this opportunity to commend all those involved in bringing forward today's Bill, including the Minister and the Department for accepting the Committee's concerns about online purchasing and the timescale for review changes; the Food Standards Agency — I see that two of its officials are in the Chamber — for its diligent work and advice to the Committee; councils; and all the stakeholders who engaged with the Committee during the scrutiny process.

The Committee Stage of the Bill was largely non-contentious and has the broad support of the Health Committee and stakeholders from the private sector.

Against that backdrop, I welcome the Minister bringing forward today's amendments. As was described, most are technical and are of a procedural nature, but they do not distort the original purpose of the Bill.

**Mrs Dobson:** I welcome the opportunity to make a few brief remarks on the first group of amendments.

I acknowledge the beneficial role that the Committee played in scrutinising the Bill, identifying issues and persuading the Department to come back with further amendments. As a result, many of the amendments before us are indicative of the will of the Committee. Amendment Nos 1 and 2 are examples of that: both make sense and show a greater degree of pragmatism. Amendment No 1 still allows councils to provide information at an early stage, and amendment No 2, along with amendment No 9, makes sure that there are no excessive delays between councils notifying the Food Standards Agency of a rating.

This group also touches on the appeals process. When Pubs of Ulster was before the Committee, it called for a period of grace. I am sympathetic to that idea, but, ultimately, I realise that adopting such a scheme could take away from the purpose of the Bill — namely, self-compliance by businesses.

Amendment No 12 gives the Department the authority to restrict the number of requests for a review. That is a sensible proposal, as it should, in theory, mean that pressures on staff are kept to minimum. However, the right to request a rerating should be exercised equally across all council areas.

The right to reply, which amendment No 13 briefly touches on, was another issue that the Committee took an interest in. It makes sense to allow businesses to write in and state what they have done to improve the hygiene standards on their premises, but it will surprise some people that council officials have the ability to edit these responses. The Food Standards Agency states that it could happen only in cases of inaccurate or defamatory content, but, nevertheless, I urge that caution needs to be exercised here.

**Mr Hamilton:** I want to make a brief contribution at this stage and thank Members for their contributions. All were positive about the amendments in this group, so I thank everyone for their broad support. Specifically, I thank the Chair and members of the Committee for their diligent scrutiny of the Bill, including this group of amendments.

Some Members talked about the food hygiene rating scheme and welcomed its success. Whilst, as Mr McKinney pointed out, it has been voluntary, it clearly has been well received right across the hospitality sector. It has not just provided good information to allow customers to make informed decisions but has been used almost as a marketing tool by businesses to highlight those doing exceptionally well in food hygiene. It has not been so well used by those who did not do well, but, of course, their absence from the scheme has been noted and will no longer be possible. The scheme has also made it somewhat easier for those in the councils who carry out this work. Instead of having to inspect every business regularly, they can have a degree of confidence in those that get a five-star rating, so they do not need to deploy as many resources to them. Obviously, they have to check them regularly, but they do not have to go back and check with the same scrutiny or as frequently as a business that has scored a much lower rating would require. It has,

hopefully, helped councils to deploy their resources more smartly.

Again, I thank Members for their contributions and look forward to their support for this group of amendments.

*Amendment No 1 agreed to.*

*Amendment No 2 made:*

In page 2, line 19, leave out "Having given a notification under this section" and insert

*"Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Principal Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 6, 8, 11, 14, 19, 20, 22 to 24 and 27 to 35, which deal with the availability of information through communication, reporting and scrutiny. Members will note that amendment No17 is consequential to amendment Nos 7 and 9. Amendment Nos 20 and 27 are consequential to amendment No 19. Amendment No 30 is consequential to amendment No 12, amendment No 32 is consequential to amendment No 25 and amendment No 33 is consequential to amendment No 29.

**Mr Hamilton:** I beg to move amendment No 3: In page 2, line 24, leave out "on its website" and insert "online".

*The following amendments stood on the Marshalled List:*

No 6: In page 2, line 26, leave out "of sticker to be provided under subsection (3)(a)" and insert

*"or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—*

*(a) by the Food Standards Agency,*

*(b) by the district council which provides the stickers, or*

*(c) by the Food Standards Agency and the district council jointly in the specified manner."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 8: In clause 3, page 3, line 19, leave out "the" and insert "a".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 11: In clause 4, page 4, line 27, leave out "the" and insert "a".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 14: In clause 5, page 5, line 2, leave out "on its website" and insert "online".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 19: In clause 7, page 6, line 2, at end insert

*"(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment's food hygiene rating is provided online in the specified manner.*

*(4) The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5)."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 20: In clause 10, page 6, line 32, leave out "7" and insert

*"7(1) or a duty in regulations under section 7(3)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 22: In clause 14, page 9, line 6, at end insert

*"(7A) The Department must publish its response to the report; and its response must indicate—*

*(a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),*

*(b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and*

*(c) in so far as it does not so propose, its reasons for not doing so."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 23: In clause 14, page 9, line 7, leave out subsection (8).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 24: In clause 14, page 9, line 8, at end insert

*"(9) The Food Standards Agency must promote the scheme provided for by this Act."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 27: In clause 18, page 10, line 19, at end insert

*"(1A) No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 28: In clause 18, page 10, line 20, after "under" insert "any other provision of".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 29: In clause 18, page 10, line 21, leave out subsection (3).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 30: In clause 18, page 10, line 27, at end insert"( ) section 4(10) (power to limit number of requests for review of rating);".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 31: In clause 18, page 10, line 28, leave out paragraph (c).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 32: In clause 18, page 10, line 29, at end insert"( ) section 15A(1) (power to amend time periods);".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 33: In clause 18, page 10, line 30, at end insert

*"(4A) An order under any other provision of this Act, other than section 20 (commencement), is subject to negative resolution."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*



No 34: In clause 18, page 10, line 31, leave out subsection (5).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 35: In clause 18, page 10, line 32, leave out subsection (6).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Hamilton:** As you said, Mr Principal Deputy Speaker, the second group of amendments relates to communication, reporting and scrutiny issues. First, I will consider the amendments relating to communication. Amendment Nos 3 and 14 change the requirement on the Food Standards Agency from publishing the rating on its website to doing so “online”, the purpose of which is to provide flexibility for future technological developments.

#### 5.45 pm

To reflect current practice in the voluntary scheme, where district councils can produce the food hygiene rating sticker showing their council name and logo, amendment Nos 6, 8 and 11 provide for regulations to prescribe more than one form of sticker. In particular, amendment No 6 provides for the regulations to specify whether the cost of producing the prescribed stickers is to be borne by the Food Standards Agency or district councils.

The Committee held strong views that, where a food business establishment provides a facility for ordering food online, consumers should be able to have sight of the business's rating on the website or, alternatively, to be provided with a link to the Food Standards Agency's website, where all ratings are available. Amendment No 19 therefore introduces a regulation-making power for the Department to require operators of food business establishments that supply consumers with food through an online facility to provide their rating online in the manner specified. Amendment No 20 provides for an offence where an operator fails to comply with that requirement. Amendment No 24 requires the Food Standards Agency to promote the food hygiene rating scheme.

I turn now to the amendments that relate to reporting and scrutiny functions. Clause 14 requires the Food Standards Agency to review the operation of the Act within three years of its commencement and to send the review report to the Department for it to be published. Amendment No 22 introduces a requirement on the Department to publish a response to the report indicating whether or not, along with reasons, it intends to exercise certain regulation-making powers. The Examiner of Statutory Rules expressed concern that the order-making power in clause 14(8) is too wide to be an appropriate delegation of legislative power. In response, amendment No 23 removes that power.

Amendment Nos 27 to 36 relate to scrutiny functions laid down in clause 18. They are technical amendments to improve the order of drafting of the clause and address consequential matters arising from other amendments earlier in the Bill. Amendment No 27 requires regulations made for online provision of ratings to be subject to the draft affirmative procedure of the Assembly. Amendment No 28 requires that all other regulations be subject to negative resolution. Amendment Nos 30 and 32 add two order-making powers to the list of orders that are required to be laid before, and approved by, a resolution of the Assembly. Amendment No 33 requires that all other

orders be subject to negative resolution. Consequential to amendment No 23, amendment No 31 removes the reference to the wide-ranging power at clause 14(8), as noted by the Examiner of Statutory Rules. Amendment Nos 29, 34 and 35 remove a number of subsections as a result of the reordering of clause 18.

That concludes my second group of my amendments, which concern communication, reporting and scrutiny issues in the Bill. Again, I hope that the House can support the amendments.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will now comment on the second group of amendments.

Amendment No 6 relates to clause 2 and deals, as the Minister said, with the sticker that advertises an establishment's food hygiene rating. The format of the stickers will be set out in regulations. The amendment allows for the potential for there to be different types of stickers; for example, FSA or local council branding. It also allows for the regulations to cover who pays for the sticker, whether it is the Food Standards Agency, local councils or both. The Committee was of the view that that is a pragmatic approach that will allow for those sorts of details to be ironed out during the process of drafting the necessary regulations. We therefore support amendment No 6.

Amendment No 19 relates to clause 7, which deals with the duty to display the food hygiene rating. It is fair to say that that issue exercised the Committee the most. We engaged in lengthy debates with the Food Standards Agency on it. Clause 7(1) sets out the duty for food business operators to display a valid rating sticker in a location and manner to be specified by the Department in regulations. The Food Standards Agency advised the Committee that its intention was that businesses will be required to display a sticker, made of plastic, only at the physical location of their premises. Clause 8(1) sets out the duty for food business operators to inform customers verbally of their rating on request. That provides for people with visual impairments who are at the premises and for people making a telephone order or enquiry.

The Committee was concerned that the Food Standards Agency did not intend for the rating to be displayed on businesses' websites in certain circumstances. Given that customers can place orders for food through websites, we were of the view that those websites should display the business's rating.

We drew a distinction between websites that simply advertise a business's existence and those that allow for the direct ordering of food online for either collection or delivery. In relation to those types of transactions, where customers do not visit the physical location of the premises or talk to someone over the phone before placing an order, the Committee believed that customers should be able to have sight of the business ratings on the website through which the transaction is made or be provided with a link to the Food Standards Agency website, which contains ratings for all food business establishments in the North. Where websites that allow online ordering from a range of businesses are concerned, the Committee believed that the website should provide a link to the Food Standards Agency website.

Initially, the Food Standards Agency advised the Committee that it had given consideration to the issue

but had come to the view that it would not be viable for a range of reasons. Its aim is for the mandatory scheme to be as resource-neutral as possible, and it argued that introducing a requirement for business websites would introduce an additional cost for businesses and for councils for policing compliance. It also advised that the issue had been explored in Wales but that, due to the complexities involved, it has not been progressed there. The Food Standards Agency attempted to address the Committee's concerns by proposing an amendment to require it to promote the scheme. While the Committee had no issue with the proposed amendment, it did not believe that it addressed members' concerns on access to ratings on websites used for ordering food.

The Committee asked the Food Standards Agency to provide more detail on the challenges associated with the Committee's proposal, particularly on the experience in Wales. It stated that there were a range of difficulties, including the arrangements that would be required for multinational companies that operate across a number of jurisdictions, as well as the location of the rating on the website. However, in the Committee's view, many of the challenges related to having a blanket requirement for all websites linked in some way to food businesses having to display a rating. The Committee's proposal was much more limited in nature, in that we believed that only those websites that allow for the direct ordering of food online for either collection or delivery should be required to display a rating or provide access to the ratings on the Food Standards Agency website.

Furthermore, the Committee was not convinced by the Food Standards Agency argument that that requirement would require additional resources from councils for policing compliance. Members made the point that businesses should be required to provide a link to the Food Standards Agency website, rather than having to display their own rating directly. That would prevent councils having to devote resources to check whether ratings were out of date.

Furthermore, given the duty under clause 8 for businesses to verbally inform customers of their rating on request, the councils advised the Committee that they would not be actively policing compliance but would be more likely to carry out test purchases only if they received specific complaints. Therefore, the Committee expects councils to take a similar approach to the enforcement of the display of or access to ratings on websites. The Food Standards Agency proposed to deal with that as part of the review of the Act. Clause 14 requires the FSA to review the Act within three years of it coming into operation. It suggested that clause 14 could be amended to require, as part of the review of the Act, consideration of whether it would be feasible to impose on a food business the requirement to publish online ratings relating to the establishment. If the FSA decided that that was feasible, it would bring in regulations to impose that requirement. However, again the Committee's view was that the proposal would simply mean that consideration of the issue would be deferred for three more years. Furthermore, it offered no guarantees that, following review of the Act, businesses that allow for the ordering of food online would be required to display or provide access to the rating.

After ongoing discussions with the Committee, the FSA finally proposed an alternative amendment to provide

regulation-making powers for the Department to require food businesses supplying food by means of an online facility to ensure that the establishment's rating was provided online. The manner of display would be specified in the regulations and could include providing a link to the FSA website. That amendment is amendment No 19, which is before us today and is very much welcomed by the Committee. However, the Committee was concerned that the proposed amendment did not contain a timescale in which the regulation-making power would be exercised. It was also concerned that other priorities could mean a delay in bringing the regulations forward. Therefore, the Committee again requested a written ministerial assurance that the power would be exercised as part of the first set of regulations made when the Act comes into operation. The Minister subsequently provided that assurance to the Committee, which agreed that it was content with the proposed amendment. We therefore support amendment No 19.

Amendment No 20 is directly linked to that issue in that it amends clause 10 so that failure to comply with the duty to display a rating online would be an offence under clause 10, with the possibility of a fixed penalty notice being served under clause 11. The Committee supported amendment No 20.

Amendment Nos 22 and 23 relate to clause 14, which deals with how the operation of the Act will be reviewed. Clause 14 requires the FSA to review the operation of the legislation within three years of its commencement. The Bill as drafted allows the Department to amend the legislation to implement recommendations produced by the FSA as part of its review of the scheme. The Committee was concerned that those powers, which were contained in clause 14(8) of the Bill as drafted, were too wide-ranging. It took the view that this would be an inappropriate delegation of powers and would, indeed, set a dangerous precedent. As an alternative, the Committee suggested that the clause be amended to provide for order-making powers to allow the Department to be able to alter time limits in the Bill only following review of the Act. The Committee also believed that those powers should be subject to draft affirmative procedure rather than negative resolution, as envisaged in clause 18(6). The Department accepted the Committee's position and proposed an amendment to omit clause 14(8), as set out in amendment No 23.

The Department also proposed an amendment to clause 14 to require it to indicate whether, after having conducted a review, it intends to exercise any of those draft affirmative order-making powers, and, if so, to explain why; and, if not, to explain why not. The Committee was therefore content with that approach, which is set out in amendment No 22.

Amendment No 24 requires the Food Standards Agency to promote the scheme, and the Committee again believed that this was a sensible idea that would, indeed, enhance public awareness. It therefore supported that amendment.

Amendment Nos 27 to 35 all concern clause 18, which deals with regulations and orders made under the Act. The amendments take account of the amendments made to clauses 7 and 14, and specify how subordinate legislation will operate in relation to the new clause on adjustment of time periods. The Committee supports amendment Nos 27 to 35. Amendment Nos 3, 8, 11, and 14 are technical in nature and were proposed by the Minister. The Committee supports those amendments.

**Mrs Cameron:** As a member of the Committee for Health, Public Safety and Social Services, I rise to support the Consideration Stage of the Food Hygiene Bill and to address the second group of amendments. I would like to begin by commending the hard work carried out by the Food Standards Agency following consultation with the Committee. That work has been vital to ensure that the Bill is comprehensive and thorough but, above all, is user-friendly for establishments that serve food and environmental health officers who will oversee its day-to-day outworkings. I also place on record my thanks to the Committee Clerk, staff and the researchers, who worked hard to provide members with all relevant information throughout the scrutiny process.

The current scheme has been operated on a voluntary basis for a number of years. Whilst it has worked well in instances where establishments have achieved a good rating, I believe that it has led to consumers being less well informed when choosing establishments with ratings that have not been so good. It is my perception that most of the public assume that the scheme is mandatory. Therefore, it is to be welcomed that the Bill will remove this grey area and allow the public to make clear and informed choices when eating food outside of their homes.

The Bill's primary function is to reduce instances of food-borne illnesses in Northern Ireland, around 48,500 cases of which are reported each year, resulting in 450 hospitalisations and 20 deaths. I believe that this figure is only the tip of the iceberg, with many more cases going unreported. The health of the public is of the utmost importance, and the Bill will provide a structure to enable food establishments to improve standards across the industry.

#### 6.00 pm

Under the current voluntary scheme, 56% of businesses display their ratings. However, that falls dramatically to only 13% in businesses that were given ratings of between zero and two. The new mandatory scheme will provide a more consistent approach to food hygiene ratings and will increase consumer confidence in the hospitality industry. During the Committee's scrutiny of the Bill, we agreed a number of amendments that will help businesses to administer the scheme.

I am particularly pleased that the Committee agreed to table amendment No 19 to clause 7 to require businesses supplying food via online facilities to display their ratings online through regulations, and I look forward to seeing those regulations in the near future. I spoke out consistently, and throughout the Committee's scrutiny of the Bill, for the need for online food outlets to be included in the legislation.

In 2015, we see an ever increasing reliance on the Internet to order food directly to our homes, and I believe that it is vital that those who supply food online be equally subject to this important piece of legislation and that we, as consumers, can see clearly on our screens the food hygiene rating awarded to a food provider. Just as you would now expect to see the rating displayed clearly in a prominent place, such as the door or window of a premises, you should also be able to see it online, or at least a link to the FSA published ratings.

Increasingly, we rely on technology in all aspects of our lives, and the ordering of food has not escaped that

change. Many of us order food through websites or apps on our mobile phones, tablets and computers; we pay for it and arrange delivery without ever actually visiting the premises. The new ratings scheme should be as easily identifiable and recognisable through online ordering processes as it would be as if the consumer were visiting the premises and observing the rating displayed in the establishment.

It is testament to the work of the FSA and departmental officials that the Bill has gone through the Committee with minimal amendments. I look forward to it progressing to the next stage.

As I have already said, the Bill will, without reservation, provide consumers with a clear and simple way of identifying the hygiene standards of a food outlet and allow them to make choices based on that information. That will undoubtedly improve standards across the hospitality industry, and I trust that it will be broadly welcomed on that basis.

**Mr McKinney:** I will be brief, as I only want to say that I concur. Amendment No 19 did exercise the Committee, and, after substantial toing and froing and a reasonable amount of tension between all involved, we eventually arrived at the amendment. We welcome the provision from the Department and the assurance from the Minister that it will not be delayed.

To add to the comments that were made by Pam Cameron, you only have to watch your television at night to see the extent to which advertisers recognise that there is an online market for food. It is a sensible provision, and we welcome it.

**Mrs Dobson:** As has been said previously by Members, one area of the Bill that the Committee spent a lot of time on was how the ratings could be communicated online. That is what I will focus my comments on. As we have heard, amendment Nos 3, 14 and 19 all relate to that.

At the moment, the Bill proposes to place a duty to display a sticker or notice on a prominent position in a premises. Many businesses operating the voluntary scheme already display those stickers on doors on the way into their premises, but that is not surprising, given that they have something to be proud of. Last year, however, only 13% of businesses that received a poor score took part in the scheme. Thankfully, they will not have the luxury of choosing after the Bill has been implemented.

As we know, the means by which people order their food is significantly different from what it was even a few years ago. The requirement to physically display stickers on a premises showed no cognisance of the fact that more and more people choose to order their food over the Internet. In fact, a whole new industry of websites is developing to catch the market of astute consumers who want to conveniently choose from the range of takeaways in their areas. I know that that has worked very successfully for businesses in my area. By ignoring the fact that so many people are now ordering online, the Bill would have missed on impacting the decisions of a significant number of people.

People eating in restaurants would see the rating, but many people ordering from takeaways would not. The Bill is just as important for customers of takeaways as it is for those of restaurants, so it is important that it is adopted correctly for both.

I got the sense in Committee from the Food Standards Agency that it was reluctant to broaden the scope to include online sales. They said that it would not be resource-neutral, as staff time would be required to check for compliance. While it would undoubtedly require some supervision, I do not accept the broader argument given. In the time taken by a council official to make one physical inspection of premises to ensure compliance, dozens of websites could be checked in the same period. Eventually, after challenging the Committee's concerns for some time, the agency shifted ground. They have agreed to move the focus from a specific website to a more general online presence.

In addition, amendment No 22, relating to the review, at least offers some possibility for further improvement again in three years, but I warn the Department and the Food Standards Agency not to use the amendment to simply appease and defer the concerns that have been raised with them during the Committee meetings.

**Mr Hamilton:** Again, I thank all Members for their contributions, and I particularly thank the Chair for summarising the Committee's work on this group of amendments. I concur with all the comments made, particularly around the online publication of ratings. We are absolutely right to change the requirement on the FSA to publish on a website to a requirement to publish online. In so doing, we are future-proofing the legislation and the scheme because of the need to publish the rating on a website selling food or at least to provide a link to the FSA's website. That issue was particularly pursued, most vigorously by Mrs Cameron, during the Committee scrutiny. I congratulate her and thank her for pursuing that. We are right to take account of and try to future-proof our legislation. It is something that I would like to see across the House in all legislation that comes forward. Even though we may not be able to precisely predict what technological advances there will be, we should at least try, so far as we can, to ensure that we keep up with the times.

It is interesting, though, that, even though we are trying to future-proof the legislation by ensuring publication online, we are not just as sophisticated in ensuring that a sticker is still produced. That is a good old-fashioned way of communicating the message, but a very important one nonetheless. For a significant number of customers, it will be the way in which they see the food hygiene rating. It may not be as sophisticated, but it is absolutely necessary for our customers. It is absolutely right that it should be visible to customers at the establishment that they go to buy food at.

The figures show, roughly, that, for the last three years, around 40% of establishments have visibly displayed the sticker on the outside of their premises. Between 50% and 60% have displayed it somewhere. It is interesting that not even close to 100% of those who have a four or five — the highest rating — have chosen to display it, even though, as we have said, it is a useful marketing tool for them. The proportion of those who have had four or five ratings who have displayed their sticker has ranged from 57% to 67% over the last three years. It is right that we should make it mandatory and ensure that it is done.

Again, it is Mrs Cameron's amendment — if I can call it that, even though it is in my name — that requires the online publication of the rating. As other Members have said, an increasing number of people purchase takeaway food, in particular, online. I have minimal experience

of that, of course, Mr Deputy Speaker, as you can tell. There is an increasing volume of people who purchase directly from a takeaway or via what might be described as aggregating websites that sell on behalf of a range of local food establishments. I understand that all will be covered by the legislation. We are right to seek to keep pace with technological advances. We are right to ensure that it is not just people walking physically into premises that is covered and that we recognise the changing habits of many people who order food via their mobile phone or other online devices.

Again, I thank Members and the Committee for the scrutiny that they have given. I hope that Members see fit to support the amendments in the group.

*Amendment No 3 agreed to.*

*Amendment No 4 made:*

In page 2, line 25, after "appropriate" insert

*"; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 5 made:*

In page 2, line 25, at end insert

*"(5A) The "end of the appeal period", in relation to a food hygiene rating, means—*

*(a) the end of the period within which an appeal against the rating may be made under section 3, or*

*(b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 6 made:*

In page 2, line 26, leave out "of sticker to be provided under subsection (3)(a)" and insert

*"or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—*

*(a) by the Food Standards Agency,*

*(b) by the district council which provides the stickers, or*

*(c) by the Food Standards Agency and the district council jointly in the specified manner".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Clause 2, as amended, ordered to stand part of the Bill.*

### **Clause 3 (Appeal)**

*Amendment No 7 made:*

In page 3, line 11, at end insert

*"(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—*



(a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and

(b) if the district council has changed the establishment's food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 8 made:

In page 3, line 19, leave out “the” and insert “a”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 3, as amended, ordered to stand part of the Bill.

#### **Clause 4 (Request for re-rating)**

Amendment No 9 made:

In page 4, line 6, at end insert

“(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—

(a) must inform the Food Standards Agency of its determination on the review, and

(b) if the district council has changed the establishment's food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.

(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 10 made:

In page 4, line 25, after “applies” insert

“, with such modifications as are necessary.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 11 made:

In page 4, line 27, leave out “the” and insert “a”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 12 made:

In page 4, line 28, at end insert

“(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 4, as amended, ordered to stand part of the Bill.

6.15 pm

#### **Clause 5 (Right of reply)**

Amendment No 13 made:

In page 5, line 1, leave out “having received” and insert “within 7 days of receiving”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 14 made:

In page 5, line 2, leave out “on its website” and insert “online”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 15 made:

In page 5, line 3, at end insert

“(3A) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 16 made:

In page 5, line 4, leave out “(2)” and insert “(3)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 17 made:

In page 5, line 5, after “2(4)(b)” insert “, 3(6A)(b) or 4(4A)(b)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 5, as amended, ordered to stand part of the Bill.

#### **Clause 6 (Validity of rating)**

Amendment No 18 made:

In page 5, line 29, leave out subsection (4).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 6, as amended, ordered to stand part of the Bill.

#### **Clause 7 (Duty to display rating)**

Amendment No 19 made:

In page 6, line 2, at end insert

“(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment's food hygiene rating is provided online in the specified manner.

(4) *The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

#### Clause 10 (Offences)

**Mr Principal Deputy Speaker:** Amendment No 20 has already been debated and is consequential to amendment No 19.

Amendment No 20 made:

In page 6, line 32, leave out “7” and insert

“7(1) or a duty in regulations under section 7(3)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

#### Clause 12 (Provision of information for new businesses)

Amendment No 21 made:

In page 8, line 8, after “regulations” insert

“(in so far as the district council has not already done so)”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

#### Clause 14 (Review of operation of Act)

Amendment No 22 made:

In page 9, line 6, at end insert

“(7A) The Department must publish its response to the report; and its response must indicate—

(a) *whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),*

(b) *in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and*

(c) *in so far as it does not so propose, its reasons for not doing so.*”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 23 made:

In page 9, line 7, leave out subsection (8).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 24 made:

In page 9, line 8, at end insert

“(9) *The Food Standards Agency must promote the scheme provided for by this Act.*”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

#### New Clause

Amendment No 25 made:

After clause 15 insert

#### “Adjustment of time periods

**15A.**—(1) *The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.*

(2) *Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, ‘working day’ means a day which is not a Saturday or Sunday.*

(3) *Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.*”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

#### Clause 16 (Interpretation)

**Mr Principal Deputy Speaker:** Amendment No 26 has already been debated and is consequential to amendment No 5.

Amendment No 26 made:

In page 9, line 19, at end insert

“‘end of the appeal period’, in relation to a food hygiene rating, has the meaning given in section 2(5A);”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

#### Clause 18 (Regulations and orders)

**Mr Principal Deputy Speaker:** Amendment No 27 has already been debated and is consequential to amendment No 19.

Amendment No 27 made:

In page 10, line 19, at end insert

“(1A) *No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 28 made:

In page 10, line 20, after “under” insert “any other provision of”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 29 made:

In page 10, line 21, leave out subsection (3).—  
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

**Mr Principal Deputy Speaker:** Amendment No 30 is consequential to amendment No 12.

*Amendment No 30 made:*

In page 10, line 27, at end insert“( ) section 4(10) (power to limit number of requests for review of rating);”—  
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Amendment No 31 made:*

In page 10, line 28, leave out paragraph (c).— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

**Mr Principal Deputy Speaker:** Amendment No 32 is consequential to amendment No 25.

*Amendment No 32 made:*

In page 10, line 29, at end insert“( ) section 15A(1) (power to amend time periods);”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

**Mr Principal Deputy Speaker:** Amendment No 33 is consequential to amendment No 29.

*Amendment No 33 made:*

In page 10, line 30, at end insert

“(4A) An order under any other provision of this Act, other than section 20 (commencement), is subject to negative resolution.”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Amendment No 34 made:*

In page 10, line 31, leave out subsection (5).—  
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Amendment No 35 made:*

In page 10, line 32, leave out subsection (6).—  
[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Amendment No 36 made:*

In page 10, line 33, at end insert

“( ) An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clauses 19 and 20 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Long title agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Food Hygiene Rating Bill. The Bill stands referred to the Speaker. I ask the House to take its ease as we move to the next item of business.

6.30 pm

## Road Traffic (Amendment) Bill: Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister of the Environment, Mr Mark Durkan, to move the Consideration Stage of the Road Traffic (Amendment) Bill.

*Moved. — [Mr Durkan (The Minister of the Environment).]*

**Mr Principal Deputy Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 and 2, 28 to 30, 39 and 40 and opposition to clause 3 stand part, which deal with drink-driving law reform. The second debate will be on amendment Nos 3 to 27 and 31 to 38 and opposition to clause 16 stand part, which deal with the arrangements relating to young drivers. I remind Members who intend to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

**Mr Durkan (The Minister of the Environment):** Thank you, Principal Deputy Speaker. At the outset, I should advise Members that a number of the amendments that we will debate today arise from —

**Mr Principal Deputy Speaker:** Order. No amendments have been tabled to clause 1 or clause 2. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

*Clauses 1 and 2 ordered to stand part of the Bill.*

### Clause 3 (“The prescribed limit”: further provision)

**Mr Principal Deputy Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 28 to 30, 39 and 40 and opposition to clause 3 stand part. The amendments are on drink-driving law reform. Amendment Nos 30, 39 and 40 are consequential to amendment No 2. If clause 3 should stand part of the Bill, amendment No 28 will not be called.

I call the Minister to address his opposition to clause 3 and to address the other amendments in the group.

*Question proposed, That the clause stand part of the Bill.*

*The following amendments stood on the Marshalled List:*

No 1: In clause 6, page 7, line 13, leave out “repealed” and insert “omitted”.— [Mr Durkan (The Minister of the Environment).]

No 2: After clause 6 insert

#### “Choice of specimens

6A. Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—

(a) for the title, substitute “Lower of 2 specimens of breath to be used”,

(b) in paragraph (1), the words “Subject to paragraph (2),” are omitted,

(c) paragraphs (2), (2A) and (3) are omitted.”.—  
[Mr Durkan (The Minister of the Environment).]

No 28: In schedule 1, page 29, line 7, leave out “sections 2 and 3” and insert “section 2”.— [Mr Durkan (The Minister of the Environment).]

No 29: In schedule 1, page 29, line 10, leave out paragraph 2.— [Mr Durkan (The Minister of the Environment).]

No 30: In schedule 1, page 29, line 17, at end insert

**“Choice of specimens**

**2A.** The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.”.— [Mr Durkan (The Minister of the Environment).]

No 39: In schedule 2, page 33, line 31, in column 2, leave out “In Article 19, paragraph (2).” and insert

“In Article 19(1), the words ‘Subject to paragraph (2),’.— [Mr Durkan (The Minister of the Environment).]

No 40: In schedule 2, page 33, line 31, at end insert, in column 2

“

	Article 19(2), (2A) and (3).
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“.— [Mr Durkan (The Minister of the Environment).]

**Mr Durkan:** I think that I have already demonstrated how quickly I would like to get through this.

At the outset, I should advise Members that a number of the amendments that we will debate today arise from recommendations made by the Environment Committee. I want to express my appreciation for the work carried out by Committee members and for the timely manner of their consideration of the Bill.

The collective effect of this group of amendments, together with the removal of clause 3, is to remove what is known as the “statutory option” from drink-driving legislation. It may be useful if I explain what the statutory option is. Currently, a driver whose breath:alcohol reading is over the legal limit will normally be arrested and subjected to an evidential breath test. If the evidential reading is marginally above the legal limit, the law allows the driver to opt for a blood or urine specimen to replace the breath specimen.

The Bill as introduced retained the statutory option and applied it to the new lower drink-driving limits that are proposed. However, the retention of the statutory option reflected a lack of clarity prior to the introduction of the Bill on whether removal would be compliant with article 6 of the European Convention on Human Rights, that is, the right to a fair trial. With that in mind, my predecessor decided that the position should be kept under review during the Bill’s legislative passage. Such review could also take into account any legal concerns that might arise during the passage of similar legislation in Westminster. The GB legislation — the Deregulation Act — is now in place, and the statutory option was removed from law in

April 2015. No human rights concerns were raised. That leaves us as the only jurisdiction among all EU member states and all signatories to the convention to retain such an option.

Why do we need to remove the statutory option? There are at least three key reasons. First is the reliability of the modern breath-testing equipment. When breath-testing was first introduced, the equipment was not as reliable as it is now, so the alternative of a blood or urine test is therefore no longer necessary. Secondly, the time delay in getting a doctor to come out to a police station to take a blood or urine sample means that the blood:alcohol levels are likely to reduce in the interim. That could mean that drivers who were over the limit at the time that they were stopped end up evading prosecution. That will become more pertinent if we apply the statutory option to the new lower limit. Thirdly, the continued operation of the statutory option could force the PSNI in some circumstances to have to close down checkpoints to take the driver to a police station, where the blood or urine test can be carried out.

I firmly believe that the statutory option should be removed from drink-driving legislation. In reaching that decision, I have commissioned further legal opinion that suggests that the removal of that statutory option is compliant with the European Convention on Human Rights. I have listened also to the Environment Committee, which, having considered all the evidence before it, recommended:

*“the continued provision of the statutory option as set out in clause 3 of the Bill should be removed”.*

Again, I thank the Committee for its detailed scrutiny.

In proposing the removal of the statutory option, I am not weakening the protections against marginal error in the operation of breath-testing equipment. There are a number of safeguards built into the process of obtaining evidence that are designed to ensure that only those drivers who are undoubtedly over the limit are brought forward for prosecution in court. The safeguards include a prosecution threshold, which is applied by the PSNI. That currently means that a driver will not be prosecuted unless the lower of two breath samples contains at least 40 micrograms of alcohol, despite the prescribed limit being 35 micrograms. The PSNI will continue to apply an equivalent prosecution threshold at the new limits.

The safeguards also include the rigorous testing of breath-testing equipment as part of the type-approval process. Indeed, as I mentioned, the technology used in modern breath-testing equipment is advanced, and it is very uncommon for its reliability to be legally challenged. There is also the laboratory margin of error that is built into the blood or urine testing process, which is also reflected in the breath limits. That margin of error is designed to safeguard the driver who for health reasons has had to provide a specimen of blood or urine for analysis against any imprecision in testing machinery. Indeed, the statutory option has never been available to such drivers.

To finish on this issue, in the light of all these factors — clear legal opinion, the strong support of the Environment Committee, other safeguards that remain in place, its recent removal from legislation in Britain and the fact that no other jurisdiction in the EU has equivalent provision — I now propose to remove the statutory option from the legislation here.



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

**Mr Durkan:** I will, certainly.

**Mr Allister:** I want to explore the Minister's point that the police will have a practice of not prosecuting a reading below 40 micrograms even though the statutory provision is set at 35 micrograms. Is he emphatically saying to the House that in no circumstances will there be a prosecution of a reading below 40 micrograms?

**Mr Durkan:** I thank Mr Allister for his intervention. He will be aware that I am not in a position to give that categorical assurance. I have outlined the PSNI's current practice and I can assure the Member and the House that the PSNI has assured me and, I believe, the Committee that that practice will continue.

In passing, I should also mention two of the other amendments in this group. Amendment No 1 is simply a technical drafting amendment, which I am making on the advice of the Office of Legislative Counsel. Its only objective is to ensure consistency with drafting elsewhere in the Bill. Amendment No 29 is a technical amendment to remove a transitional provision in the Bill. The provision is no longer required following the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008. These are the amendments in group 1.

**Ms Lo (The Chairperson of the Committee for the Environment):** On behalf of the Committee for the Environment, I welcome the opportunity to outline the Committee's consideration of the Road Traffic (Amendment) Bill. The Bill was referred to the Committee after its Second Stage on 27 May 2014. The Assembly agreed to extend the Bill's Committee Stage until 27 March 2015. Given the Bill's potential to help save lives and improve road safety, the Committee was keen to allow adequate time for scrutiny of this important and significant piece of legislation and to hear from a variety of stakeholders.

A total of 17 organisations responded to the Committee's request for written evidence. The Committee took oral evidence from the Department of the Environment, TTC 2000, the Police Service of Northern Ireland, the Ulster Farmers' Union and the Driving Instructors National Association Council. The Committee also sought an up-to-date report on the views of young people on the provisions of the Bill. The Assembly's research service collated these views on the Committee's behalf through an online survey and focus groups. A total of 582 responses were received, which were interesting and useful for the Committee as it considered the detail of the Bill.

I would like to place on record my thanks to all the organisations and individuals who took the time to provide written and oral evidence to the Committee. I would also like to thank the members of the Committee, past and present, for their contributions during Committee Stage. The Committee concluded and agreed its report on 19 March 2015. The report makes three recommendations, and I am pleased to report to the Assembly that the Minister accepted those recommendations, which are reflected in some of the amendments that he has tabled today. I would like to thank the Minister and his officials for making themselves available to the Committee and for ably answering members' questions.

I now turn to the first group of amendments on drink-driving law reform. Under current legislation, a driver

who provides a breath test that is marginally over the prescribed limit is entitled to ask for a blood or urine specimen to replace the breath test. This right is commonly known as the statutory option and was retained at clause 3 to apply to the new lower prescribed limits proposed in the Bill. The Department advised the Committee that consideration had been given to the removal of the statutory option but that legal opinion had suggested that the withdrawal of such a right may run contrary to article 6 of the European Convention on Human Rights. Officials indicated, however, that further legal clarification was being sought.

The PSNI outlined the logistical problems of coping with the statutory option. When a driver with a positive breath test has to be accompanied to the station for further blood or urine tests, the impact on police resources may result in the closure of the roadside checkpoint. Police representatives emphasised that modern breath-testing technology has vastly improved since the time when the statutory option was envisaged as an essential safeguard and now provides reliable and consistent evidence. Departmental officials also stressed that the use of a breathalyser at the scene of a traffic collision may provide a more accurate snapshot of a driver's condition than tests carried out a number of hours later.

#### 6.45 pm

In addition, the Committee took into account the fact that no other signatory to the European Convention on Human Rights has ever had a similar statutory option and that Great Britain was in the process of removing the legislative basis for the statutory option in a Bill that was about to receive Royal Assent.

For those reasons, the Committee recommended that the continued provision of the statutory option, as set out in clause 3, should be removed. The Minister accepted the Committee's recommendation. Therefore, the Committee supports the opposition to clause 3 and, consequently, amendment Nos 2, 28, 30, 39 and 40, all of which relate to the removal of the statutory option.

Clause 6 enables police to carry out evidential breath tests at the roadside without the need to have first conducted a preliminary breath test. The clause also extends the police power of arrest, currently linked to the preliminary breath test, to enable police to arrest a person following an evidential breath test. The Committee was content with the policy content of clause 6, but agreed amendment No 1, which is a minor technical drafting refinement made for consistency elsewhere in the Bill.

The Committee also agreed amendment No 29, which was a transitional measure required until the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008 relating to the definitions of "taxi" and "taxi drivers' licence". Those provisions have now commenced, and paragraph 2 is no longer required.

That concludes the Committee's consideration of the amendments in group 1.

**Mrs Cameron:** I welcome the opportunity to speak briefly on the group 1 amendments to the Road Traffic (Amendment) Bill as a member of the Environment Committee. The Committee received responses in written evidence from 17 organisations, one of which, as we have already heard, was the PSNI, which was concerned with

the practical outworking of the statutory option at clause 3. A classic example would arise in the case of a driver who received a positive reading when the breath test was taken at the roadside and requested to have a further test at the station. That would mean a delay of, possibly, hours, leading to a scenario of a higher or lower reading of alcohol. That, obviously, would have a negative impact on police resources and, we are told, would mean the closure of the roadside checkpoint whilst the alleged offender was escorted to the police station in order to have further blood or urine tests carried out.

The PSNI emphasised that modern technology has improved much over time, provides reliable, consistent evidence, and has lessened the need for the safeguard of the statutory option.

It is worth noting that the statutory option has not been adopted by any other signatory to the European Convention on Human Rights and that Great Britain is in the process of removing the same statutory option from their legislation. The Committee had recommended the removal of the statutory option and is supportive of the Minister's opposition to clause 3.

I am also satisfied that, when looking at clause 3, the Committee has agreed to reduce the legal limit of blood alcohol permitted for driving to 50 milligrams per 100 millilitres of blood, which will bring Northern Ireland into line with much of Europe. The change from 80 per 100 to 50 per 100 will encourage us all not to take chances and drive with excess alcohol in our system. I also welcome the reduction to 20 milligrams per 100 millilitres for professional drivers, such as bus and taxi drivers. Reducing that limit to virtually zero limits the ambiguity, and that will be removed in both scenarios. Hopefully, we will reduce the number of people who endanger lives by driving while under the influence of alcohol.

**Mr I McCrea:** Will the Member give way?

**Mrs Cameron:** I will, yes.

**Mr I McCrea:** Does the Member agree that this is not only a good move but is important in promoting more responsible driving? Whilst it is difficult to know exactly what your limits are, the reduction in the limit goes some way to reducing the amount of drink and getting that into the mindset of people. I know that, in parts of Europe, it is mandatory for motorists to have a breathalyser in their car. While I do not think that we should go that far, does the Member agree that people who intend to take a drink — we would encourage them not to — should take some measures to ensure that they do not drink and drive or at least are not over the limit?

**Mrs Cameron:** I thank the Member for his intervention and agree with the points that he made. There is no doubt that the reduction in the alcohol limit in the testing will be good, because it takes out of the scenario the question "Can I have these drinks and still be OK to drive?". From the beginning, it makes the decision for the individual. Hopefully, it will make it easier for people to manage their social life, and they will know in advance to make other plans. Obviously, the results from the test can vary depending on whether you are male or female, your size, your weight, what you have eaten and whether you have exercised. There are so many different scenarios in there, and it is difficult to be sure that you are being safe. This will make things easier for the consumer.

I realise that the legislation has the potential to change for ever the habits of the people of Northern Ireland. I cannot imagine that anyone would object to the new measures to ensure that we do all that we can to reduce the number of fatalities and serious injuries that we hear about too frequently on our news channels. I support the amendments.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I rise to speak on the first group of amendments to the Road Traffic (Amendment) Bill, which, as outlined, contains 27 clauses and two schedules. Other Members, including the Minister, have reminded us of the main objectives of the Bill. At the outset of my party's contribution to Consideration Stage, I want to point out that Cathal Boylan, who led for us in Committee, has recently undergone a major operation. I wish him a full and speedy recovery. Cathal certainly played a full role in the scrutiny process of the Bill.

As has been outlined by the Chair and Deputy Chair of the Committee, we have reached consensus in the Committee on the group 1 amendments, as I understand it, and we broadly support the Bill. At an early stage in the process, the Committee expressed concerns about a number of provisions, but, as the Minister outlined, the Department was responsive to the Committee's concerns. I do not always say it, but the Department was well served by the calibre of the officials who came before the Committee and listened carefully to everything that the Committee had to say. The Committee has now arrived at a situation where the Minister has accepted, in this group of amendments, its recommendations.

As has been stated, group 1 relates to drink-driving law reform and the removal of the statutory option. Compliance with European human rights legislation and standards was key to securing our support, and that has been achieved. The Minister said that one of the key factors in that was the reliability of modern breathalysing equipment.

My colleague Ian Milne will speak later on group 2 and will make it clear that we are taking a precautionary approach to other amendments.

I reflect that the Chair and Deputy Chair of the Committee have accurately dealt with the Committee's position on each of the amendments in group 1 relating to drink-driving law reform.

**Mr A Maginness:** I congratulate the Minister for bringing forward the Bill and the Committee on its good work in cooperation with the Minister and Department on significant elements of it. In particular, the Committee raised the issue of the statutory option and its removal, and that was a worthwhile exercise on the part of the Committee. Initially, I was not minded to be fully supportive of it because I felt that there were certain protections in the present law that were important for the individual citizen. However, I have been convinced by the arguments put forward by the Minister and the Committee on protecting the individual and making sure that the removal of the statutory option is consistent with article 6 of the European Convention on Human Rights.

The Minister and the Chair of the Committee have both adverted to this: throughout Europe you have a similar situation, where there is no statutory option. Indeed, throughout the UK and Ireland, there is no statutory option now available. That is consistent with the law and

protecting the individual citizen. The other reassurance is the reliability of equipment for breath testing, which, I believe, has been so modernised and has become so good and reliable that the citizen can be assured that breath testing is accurate and fair to the individual who is being tested. That is important.

The Minister makes a number of other, collateral points. One of them is that, if you retain the statutory option, there can be a delay in the removal of the arrested person to a designated police station for testing and awaiting a medical practitioner to carry out the testing of blood or urine. That could lead to a person avoiding a charge relating to excess alcohol. The other point that the Minister has adverted to is the closing down of checkpoints established, quite properly, to deal with people who may be breaking the law. The removal of that checkpoint could permit other guilty people to go undetected. That is an important factor to take into consideration. However, the fact, that the Committee had urged the Minister to reconsider the legal opinion that he had initially received and to be reassured that the further legal opinion was supportive of the removal, was important. It was a win-win for the Department, the Minister and the Committee.

### 7.00 pm

The general approach taken by the Minister will lead inevitably to safer driving and a culture of awareness on the part of motorists who drink alcohol that they must be very careful about their consumption of alcohol. It creates a deeper culture of that awareness and responsibility. That is an important point to understand when making the law in the Assembly. The reduction in the levels for testing is important for better road safety and the reduction of injuries and fatalities and the misery that is caused by them.

I raise one point of concern in relation to dealing with professional drivers. They will be obliged in their employment not to exceed the new limit of 20 milligrams. That is as low as you can get to approaching zero tolerance when dealing with drink driving. It is an important step, and I am supportive of that. It applies to new drivers as well as probationary drivers.

On a first conviction, there can be the acceptance of a driving course, which is important because it provides a method of rehabilitation for those who have committed a first offence. It is important that they be given that opportunity to improve their driving and learn a lesson. That is subject to judicial discretion in any event. The point I will make is this: where professional drivers marginally exceed the new limit of 20 milligrams and that is established on a second offence, they would be subject to disqualification for three years. That is my understanding of the Bill as it stands. There should be a period of disqualification for the professional driver in such circumstances, having been warned, effectively, when carrying out a first offence. However, in my view — I have said this in Committee, so it does not come as any surprise, and I have said it to the Minister and officials — the period of three years is excessive and disproportionate and, in that sense, would be unfair.

If you disqualify a taxi driver or lorry driver who earns their living professionally from driving, you are, effectively, depriving them of employment, not just for three years but possibly for ever. The chances of them getting back into that sector of employment have been seriously and significantly

reduced. It may well be that colleagues in the House do not feel sympathetic to the point I am making; nonetheless, it is important to make the point that the law should be proportionate and any penalties imposed should be fair.

In such circumstances, it may be that the law is not proportionate and is, therefore, not fair. I invite the Minister to have a look at that provision again to see whether any alteration can be made to it. I ask Members to think about that carefully.

**Mrs Overend:** I welcome the Road Traffic (Amendment) Bill's progression to Consideration Stage. On behalf of the Ulster Unionist Party, I will address the group 1 amendments, which specifically relate to drink-driving law reform.

The Committee's scrutiny was detailed, and it is good that everyone here this evening is satisfied with the amendments. I agree that the Chair and the Deputy Chair have fairly covered the Committee's points of view. I welcome the opposition to clause 3, which would have given drink-drivers the ability to ask for a blood or urine specimen to replace the breath test if they were marginally over the limit. That could be perceived to be an effort to buy time until the blood:alcohol level reduced to below the limit. I accept the Minister's assurances on the accuracy of breath-testing equipment and the relative accuracy of other tests.

I accept the other amendments in the group. Mrs Cameron referred to all the variables in the measurement of alcohol levels in the blood. The key message from this legislation on drinking and driving, which needs to reach the general public, is: just do not do it.

**Lord Morrow:** Generally, I support the provisions in the Bill. The Committee gave much time and attention to this legislation. The Minister has paid great attention to what the Committee said, which is very welcome. In many cases, he not only listened but took things on board, so that, when the script was written, some of the Committee's amendments and proposals were to be found in the Bill.

As legislators, we have a responsibility to put in place as strong and robust legislation as we possibly can, because, if the legislation is found wanting, and it becomes clear that we should have taken some of the measures that we did not take, it will reflect on this place.

I come from the school of zero tolerance for drink-driving. I am not much out of step with anyone else in the House when I say that. Certainly, when I said that in Committee, no one rose up in arms and said that that was not the way to go. However, when it was pointed out that it may not be physically possible to have a zero limit, we had to reflect on that. I was interested to hear Alban Maginness say that the "law should be proportionate". I thought that that was quite striking. Yes, the law should be proportionate, but "proportionate" means different things to different people. In our country, we have a situation whereby road deaths and road traffic accidents are escalating. The Department is putting on horrendous and horrific advertisements that are hard to watch but are, nevertheless, necessary to bring what is happening on our roads to people's attention.

We have an opportunity here to make change for the better. I think that the legislation goes a long distance in bringing that about, and I trust that the House will find it possible today to support its general principles and clauses. I think that we still have some distance to go. For too long, there has been tolerance of those who have been reckless on

our roads and caused mayhem — no other word comes to mind right now. I hope that, as a result of the legislation, there will be a change in attitude to other road users and, in particular, a change in attitude to drink-driving. I do not think that we can ever overdo tackling drink-driving. I think that, if we can come to the position one day of having legislation that is tough enough, the Northern Ireland community will rise up to thank the Assembly for putting in place legislation that is effective in tackling this scourge.

The legislation is still wanting, but that is not a reflection on the Minister, and I want to make that very clear. It is not a reflection on him or his Department. They have been sincere and genuine in trying to put in place legislation that will be effective. However, we need to monitor the situation continually and try to improve our legislation as the weeks and months go by, certainly for the duration of the present mandate. As a party, we will, of course, support the legislation. We support the removal of clause 3 because, as the Committee Chair said, this matter was discussed at some length and in some depth at Committee. Therefore, I support the general principles of what is proposed today.

**Mr Durkan:** I thank Members for the questions and issues that they raised in the debate on the first group of amendments, and I will comment on a number queries that they raised. Ms Lo, speaking as Chair of the Committee, outlined very comprehensively the Committee's consideration, and she reiterated the rationale behind its support for my amendments and the removal of clause 3.

Mrs Cameron elaborated on evidence heard by the Committee and welcomed changes to the drink-drive limit. In an intervention, Mr McCrea raised the issue of self-testing. I am aware of the availability of such products, but I think that we would all like to get to a point at which, where doubt exists, people should not have to depend on such a device to tell them whether they should be behind the wheel.

Mr McElduff referred to the participation and contribution of Mr Boylan throughout the passage of the legislation, and I would like to take this opportunity to extend my best wishes to Cathal. I am sure that he will be back giving me hell here in no time. I will also check Hansard very closely to ensure that my ears were not deceiving me when I heard the praise bestowed by Mr McElduff on the Department.

Mr Maginness raised an issue that I am aware he had raised at Committee and which he has raised with me in the corridors here on more than one occasion: whether the three-year ban on professional drivers might be disproportionate. If a three-year ban were to be applied to a first offence at the new lower 20 mg limit, it might be viewed as a disproportionate penalty for a professional driver, but this is not the case. For a first offence at the new lower limit — between 20 mg and 79 mg — a professional driver will be offered a fixed penalty notice that will not result in a criminal conviction, and, importantly, no disqualification period will apply.

## 7.15 pm

I am sure that everyone will agree that it is not unreasonable to expect professional drivers, whether they be bus, lorry or taxi drivers, to be able to carry out their role professionally and safely at all times. It is only when drivers continue to ignore the risk of consuming alcohol while on duty — thereby representing a particular risk to themselves, their passengers and other road users — that

the more stringent three-year ban will apply. That level of professionalism is not a new requirement in the industry. Many commercial companies already operate a zero tolerance policy for drivers on duty.

The Department strongly advises people not to drive after having consumed any alcohol. People heeding that advice will often rely on public transport for their journey home. They have every reason to expect that the law should require that their drivers be fully sober and for it to punish them if they are not. If a person is convicted of a second drink-drive offence within 10 years, the minimum disqualification period, as we have discussed, will be increased to three years. As is currently the case, there is room for discretion. The court may, for special reasons, order a shorter period of disqualification or none at all, depending on the evidence and circumstances. The actual level of discretion exercised by the courts is an issue that my Department and the Environment Committee have explored in order to support the decision-making process on how repeat offenders should be treated under new lower limits. Data detailing the number of repeat offenders and sentences handed down between 2007 and 2011 suggested that, in almost one in five repeat drink-driving cases, district judges are indeed exercising discretion and imposing disqualifications that are below the minimum three-year period. In the light of those sentencing trends and the fact that district judges appear content to apply discretion in repeat drink-driving cases, I am satisfied that any concern surrounding a three-year disqualification period being disproportionate in certain circumstances has been addressed. Mrs Overend supported my view on that, I believe, when she said that it is important that we continue to get out what is the key message, which is that people should never ever drink and drive.

I concur with Lord Morrow that any legislation that we bring forward in the House, and we would like to bring forward more, should be as effective and robust as possible. He quite rightly pointed out that the past couple of years have seen an increase in the number of deaths on our roads. As effective as the advertisements that he referred to are, they alone cannot address that. The passage and enforcement of legislation such as this is a key component of the toolkit for reducing the number of lives destroyed on our roads and the number of families devastated.

I ask the House to oppose clause 3 and support amendment Nos 1, 2, 28 to 30, 39 and 40.

**Mr Principal Deputy Speaker:** Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 3 but that, as usual, the Question will be put in the positive.

*Question, That the clause stand part of the Bill, put and negatived.*

*Clause 3 disagreed to.*

*Clauses 4 and 5 ordered to stand part of the Bill.*

## **Clause 6 (Evidential breath test without preliminary breath test or check-point breath test)**

*Amendment No 1 made:*

In page 7, line 13, leave out "repealed" and insert "omitted". — [Mr Durkan (*The Minister of the Environment*)]

*Clause 6, as amended, ordered to stand part of the Bill.*



**New Clause***Amendment No 2 made:*

After clause 6 insert

***“Choice of specimens*****6A.** *Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—**(a) for the title, substitute “Lower of 2 specimens of breath to be used”,**(b) in paragraph (1), the words “Subject to paragraph (2),” are omitted,**(c) paragraphs (2), (2A) and (3) are omitted.”.—*  
*[Mr Durkan (The Minister of the Environment).]**New clause ordered to stand part of the Bill.**Clauses 7 to 15 ordered to stand part of the Bill.***Clause 16 (Minimum age for licence: small vehicle)**

**Mr Principal Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 4 to 27, 31 to 38 and opposition to clause 16 stand part. Amendment No 23 is consequential to amendment No 17. Amendment Nos 37 and 38 are consequential to amendment No 25. If clause 16 does not stand part, amendment No 31 will not be called.

*Question proposed, That the clause stand part of the Bill.**The following amendments stood on the Marshalled List:*No 3: In page 15, line 17, leave out “12” and insert “6”.—  
*[Mr Durkan (The Minister of the Environment).]*

No 4: In page 15, line 26, after “Order” insert

*“(or section 36 of the Road Traffic Offenders Act 1988).”—*  
*[Mr Durkan (The Minister of the Environment).]*

No 5: In page 15, line 28, after “1998” insert

*“(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995).”—*  
*[Mr Durkan (The Minister of the Environment).]*

No 6: In clause 18, page 17, line 17, leave out “13 (grant of licences)” and insert

*“13A (residence requirement for grant of licences).”—*  
*[Mr Durkan (The Minister of the Environment).]*No 7: In clause 18, page 17, line 20, leave out “13A” and insert “13B”.—  
*[Mr Durkan (The Minister of the Environment).]*No 8: In clause 18, page 17, line 37, leave out “13B” and insert “13C”.—  
*[Mr Durkan (The Minister of the Environment).]*No 9: In clause 18, page 19, line 17, leave out “13A” and insert “13B”.—  
*[Mr Durkan (The Minister of the Environment).]*No 10: In clause 18, page 19, line 19, leave out “13B” and insert “13C”.—  
*[Mr Durkan (The Minister of the Environment).]*No 11: In clause 18, page 19, line 27, leave out “13B” and insert “13C”.—  
*[Mr Durkan (The Minister of the Environment).]*No 12: In clause 20, page 21, line 28, at end insert“(ia) the driver is driving at any time between 10 pm and 6 am.”.—  
*[Mrs Overend.]*

No 13: In clause 20, page 22, line 25, after “Order” insert

*“(or section 36 of the Road Traffic Offenders Act 1988).”—*  
*[Mr Durkan (The Minister of the Environment).]*

No 14: In clause 20, page 22, line 27, after “1998” insert

*“(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995).”—*  
*[Mr Durkan (The Minister of the Environment).]*No 15: In clause 20, page 23, leave out lines 3 to 8.—  
*[Mr Durkan (The Minister of the Environment).]*No 16: In clause 21, page 26, line 1, leave out “(1ZD)” and insert “(1ZC).”—  
*[Mr Durkan (The Minister of the Environment).]*No 17: In clause 21, page 26, leave out lines 3 and 4.—  
*[Mr Durkan (The Minister of the Environment).]*No 18: In clause 21, page 26, line 5, leave out “(1ZD)” and insert “(1ZC).”—  
*[Mr Durkan (The Minister of the Environment).]*No 19: In clause 21, page 26, line 14, leave out “a” and insert “the”.—  
*[Mr Durkan (The Minister of the Environment).]*No 20: In clause 21, page 26, line 17, leave out “5A” and insert “5B”.—  
*[Mr Durkan (The Minister of the Environment).]*No 21: In clause 21, page 26, line 23, leave out “that”.—  
*[Mr Durkan (The Minister of the Environment).]*No 22: In clause 21, page 26, line 23, after “Article” insert “5”.—  
*[Mr Durkan (The Minister of the Environment).]*

No 23: In clause 21, page 26, line 23, at end insert

***“Only one offer of an approved course during a person’s probationary period******5A.****The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person’s probationary period.”.—*  
*[Mr Durkan (The Minister of the Environment).]*No 24: In clause 21, page 26, line 25, leave out “5A.” and insert “5B.”.—  
*[Mr Durkan (The Minister of the Environment).]*

No 25: In clause 21, page 27, line 25, at end insert

***“(4) In Schedule 1 (newly qualified drivers holding test certificate)—******(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—******(i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,******(ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise),”******(iii) after sub-paragraph (1ZA) insert—***

*“(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.*

*(1ZC) Where—*

*(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;*

*(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—*

*(i) notice of a court order referred to in Article 4(1)(d); or*

*(ii) the person's test certificate as mentioned in paragraph 4(4),*

*the Department shall by notice served on that person revoke the test certificate.”,*

*(iv) after sub-paragraph (5) add—*

*“(6) In this paragraph—*

*“approved course” means a course approved by the Department for the purposes of this paragraph;*

*“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,*

*(b) after paragraph 5, insert—*

***‘Approved courses under paragraph 5: further provision***

***5A.*** *Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—*

*(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);*

*(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”,*

*(c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—*

*(i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,*

*(ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise)”,*

*(iii) after sub-paragraph (1ZA) insert—*

*“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.*

*(1ZC) Where—*

*(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;*

*(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—*

*(i) notice of a court order referred to in Article 4(1)(d) and the person's licence and test certificate; or*

*(ii) the person's licence and test certificate as mentioned in paragraph 7(4),*

*the Department shall by notice served on that person revoke the licence and test certificate.”,*

*(iv) after sub-paragraph (3) add—*

*“(4) In this paragraph—*

*“approved course” means a course approved by the Department for the purposes of this paragraph;*

*“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,*

*(d) after paragraph 8, insert—*

*“Approved courses under paragraph 8: further provision*

***8A.*** *Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—*

*(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);*

*(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”.— [Mr Durkan (The Minister of the Environment).]*

No 26: Before clause 23 insert

***“Orders and regulations under the Order of 1995***

***22A.*** *Article 110 of the Order of 1995 is amended as follows—*

*(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for “this Order”, where it first occurs, substitute “paragraph (3A)”,*

*(b) after paragraph (3) insert—*

*‘(3A) An order made under—*

(a) Article 13A(4) or (7), or

(b) Article 63(9),

*shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”,*

*(c) in paragraph (4) (procedure for certain regulations), for “shall be subject to affirmative resolution” substitute “shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly”.—*  
[Mr Durkan (The Minister of the Environment).]

No 27: In clause 23, page 28, line 11, leave out “a statutory provision” and insert

*“Northern Ireland legislation or an Act of Parliament”.—* [Mr Durkan (The Minister of the Environment).]

No 31: In schedule 1, page 31, line 30, leave out paragraph 12.— [Mr Durkan (The Minister of the Environment).]

No 32: In schedule 1, page 31, line 35, leave out “12” and insert “6”.— [Mr Durkan (The Minister of the Environment).]

No 33: In schedule 1, page 31, line 40, leave out “12” and insert “6”.— [Mr Durkan (The Minister of the Environment).]

No 33: In schedule 1, page 31, line 40, leave out “12” and insert “6”.— [Mr Durkan (The Minister of the Environment).]

No 34: In schedule 1, page 32, line 28, leave out “12” and insert “6”.— [Mr Durkan (The Minister of the Environment).]

No 35: In schedule 1, page 33, line 3, leave out “12” and insert “6”.— [Mr Durkan (The Minister of the Environment).]

No 36: In schedule 1, page 33, line 12, leave out “(1ZD)” and insert “(1ZC)”.— [Mr Durkan (The Minister of the Environment).]

No 37: In schedule 1, page 33, line 12, after “of” insert  
“, and paragraph 8(1ZC)(b) of Schedule 1 to”.—  
[Mr Durkan (The Minister of the Environment).]

No 38: In schedule 1, page 33, line 13, leave out “) has” and insert “and (4)(c)(iii) have”.— [Mr Durkan (The Minister of the Environment).]

**Mr Durkan:** At the outset, I will address amendment No 12, which is proposed by Mrs Overend, and explain why I am opposing it. The effect of the amendment would be to make the passenger restriction described in clause 20 applicable only between the hours of 10.00 pm and 6.00 am. Supporting such an amendment would weaken the graduated driver licensing (GDL) regime, lessen the effectiveness of the passenger restriction and, ultimately, lessen the road safety benefit and casualty savings that were likely to be derived based on the Bill as introduced.

I am sure that many of you will be aware of the international and local evidence on the risks of new young drivers carrying other young passengers. All new drivers carry the risk of inexperience, but adding other young passengers to that can create distraction and peer pressure to drive faster and so on. To put into context the type of risk I am discussing and the reality of the impact that such driving can have, between 2009 and 2013, 17- to 24-year-old drivers were deemed to be responsible for the deaths of 83% of all passengers aged 14 to 20 who were killed here. I was shocked at the starkness of that figure, and I am sure and can see that many of you here today are as well.

**Mr Wilson:** Will the Minister give way?

**Mr Durkan:** Certainly.

**Mr Wilson:** He quoted the percentage; perhaps he could give us the number of individuals covered by the figure that he just gave.

**Mr Durkan:** I thank the Member for that intervention. Later in the debate, when I come to wind on the group, I will furnish the Member with the detail that he seeks.

If casualty savings were my only concern, the passenger restriction in the Bill as introduced would have been much more stringent. A complete ban on new drivers carrying passengers would no doubt be more effective, but I appreciate the need to strike a balance between improving road safety outcomes and retaining mobility for young people and new drivers. That is why the passenger restriction in the Bill is for the limited period of six months. The measure allows for one passenger to be carried before any other restrictions are applied, so young farmers who might be concerned about picking up their girlfriend can rest easy; they will not need a chaperone with them to do so.

An exemption applies for close family members and those entitled to a carer's allowance. It also includes the flexibility whereby no passenger restrictions apply if a “relevant accompanying person” is in the front passenger seat. So, I assure you that, if the amendment brought forward by Mrs Overend is to tackle the inconvenience that a restriction will cause, perhaps thinking particularly about the rural community, this has already been given a great deal of consideration during the development and drafting of the Bill.

The suggested amendment will weaken the effectiveness of the Bill, and is perhaps based mistakenly on the belief that the large majority of fatal and serious collisions involving young drivers carrying young passengers occur during the, or late at, night. Certainly, night-time driving poses increased risks to newly qualified drivers. Lower traffic volumes can result in greater opportunities to drive at higher speeds. Night time brings increased social activity, hence an increased number of young people on our roads. Combine that with newly qualified drivers who are lacking in experience, and I agree that it is a recipe for disaster. However, I have studied the effects of applying the passenger restriction to only a specified time during the night, from 10.00 pm to 6.00 am, as Mrs Overend suggests, and it is not something I can support, given the evidence that I have viewed and will share.

Looking back over that same period, 2009 to 2013, of all the 14- to 20-year-old passengers killed or seriously injured by the 17- to 24-year-old driver who was deemed responsible for the collision, 37% happened during the curfew period suggested by Mrs Overend. So, just over one third were killed during that period. The effect of the amendment would be to forget about the other two thirds killed during the rest of the day. It is also worth —

**Mr Wilson:** Will the Minister give way on that point?

**Mr Durkan:** Certainly.

**Mr Wilson:** I understand the point that the Minister is making, but since he has already ruled out carrying family members as part of these restrictions, is he saying that Mrs Overend's amendment is faulty because she ignores two thirds of the day, whereas his Bill ignores fatalities that might occur among family members?

**Mr Durkan:** I thank the Member for the intervention. As I have explained, or thought I had explained, if this were based solely and purely on road casualty savings, the restrictions would be much more stringent and we would not be allowing any passengers at all. However, we have arrived at what is in the Bill, and at what Mrs Overend hopes to amend, in an attempt — working with the Committee and various groups who gave evidence to it — to strike a balance between mobility and safety on the roads.

**Mrs Overend:** Apologies, and I thank the Minister for giving way. I refer him to the statistics that the Department previously made available that indicated that half of all crashes involving teenagers took place at night. That is the basis of my amendment.

**Mr Durkan:** I can share only the evidence that I have received. It is also worth pointing out that, if you were to take another eight-hour period, such as 2.00 pm to 10.00 pm, you would find that a higher number of passengers were killed during this time. Dig a bit further and you will find that the single hour when most passengers were killed or seriously injured by 17- to 24-year-old drivers was between 9.00 pm and 10.00 pm. We certainly do not want —

**Mrs Overend:** Will the Minister give way?

**Mr Durkan:** Yes.

**Mrs Overend:** Can the Minister outline the ages of the people he is referring to in that statistic?

**Mr Durkan:** The age profile of the passengers referred to in my latest paragraph is similar to or the same as the one that I referred to earlier; we are talking about younger passengers as well as younger drivers. We certainly do not want to be in a position in which the amendment is supported and we inadvertently increase the number of fatalities. Picture the scene in which young people speed to drop off their passengers quickly so as not to break the law by having passengers in the car at 10.00 pm —

**7.30 pm**

**Mrs Overend:** Will the Minister give way?

**Mr Durkan:** All that would be happening at what is already established as the most dangerous period of the day.

**Mrs Overend:** I want to come in on that issue — I may end up coming in on every item.

That is why I want to introduce a common-sense approach. I would not like young people coming home in a car at 10.10 pm to be brought in by the police. A common-sense approach would mean the police will pull a car of young people over at 10.45 pm if they saw them heading out at that time. If they were heading home at a reasonable hour, a common-sense approach would be that 10 minutes outside that expected time would be reasonable.

**Mr Durkan:** I do not doubt the Member's motivation or the rationale behind the amendment. I know that everyone in the House wants us to have —

**Mr Ramsey:** Will the Minister give way?

**Mr Durkan:** — legislation that is workable and that works. Over the summer and following this stage of the debate and prior to Further Consideration Stage, I will certainly give further consideration to the clause, even if that requires further evidence being given to the Committee

and further evidence and soundings being taken from the Committee. It is vital that we get something that best serves our young people and other road users. Mr Ramsey.

**Mr Ramsey:** Following on from your response to Mrs Overend, it is important that the point be made clearly that, over the summer, you would want to reflect on the concerns that Sandra and other Members have, particularly on that issue, and meet those who have those concerns to try to get some reconciliation.

**Mr Durkan:** As I said, I am happy to do that. I do not think that anyone wants to see the House divide on or bicker over this type of legislation. As I said, we all share a common goal and motivation, which is to get legislation through that works and that saves lives. I am confident that, as drafted, the Bill can do that. I recognise that the intent behind the amendment is also to do that and to strike a balance. As I said, I have already sought to achieve that balance, and I remain committed to achieving it through further work with the Committee, other interested Members and other interested groups.

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

**Mr Durkan:** Certainly.

**Mr Beggs:** I attended a Politics Plus 'Deconstructing Legislation' course with Daniel Greenberg, who is a very eminent draftsman. He said:

*"legislation ... impacts on someone's life: and Assembly Members are directly responsible for authorising the interference. They cannot give that authority without being satisfied that the legislation is the best form reasonably possible to achieve the stated purpose, and that the purpose justifies the intrusion into people's lives and constraints on their liberty."*

Having taken an interest in that subject area, the question that comes to my mind is why there is no clear evidence. There is a question as to when the accidents are occurring hour by hour and over a number of years. Will the Minister publish that information so that there is a clear understanding and so that lives can be protected in a manner that minimises the interference on the public? As yet, I am not certain that there is a reasonable balance to what he proposes.

**Mr Durkan:** I thank the Member for his intervention, and I am sure that Chuck Feeney will be glad to know that his money is being spent well.

I concur with the Member. I am certainly happy to share all the evidence available to me with Members as we strive to find a way forward on the issue that will save lives but which will not impact negatively and unnecessarily on how people go about their day-to-day lives. It is imperative that as many people as possible have lives to go about on a day-to-day basis.

**Mr I McCrea:** I want to seek clarity on a point. I know that Mr Ramsey referred to it in his intervention, and there has been some concern about the issue in clause 20 specifically.

I know that the amendment from Mrs Overend has caused a bit of debate through other outside bodies. I will come to some of it in my comments after a while, but I would like to confirm that the Minister would at least be willing to have



discussions with Members who have concerns around certain aspects of clause 20 to ensure that we can come to an agreement and do not have to divide unnecessarily on it.

**Mr Durkan:** I thank the Member for that intervention. I thought that I had given that commitment, but I will certainly reiterate it: I am happy to meet Members, to go to the Committee and to have officials go to the Committee to share that evidence further or to share further evidence in order to get a way forward on this. It is an issue that needs to be tackled. People will be glad to see that we are making efforts to tackle it, but they will be extremely glad to see that we are making efforts to pass legislation that is robust and effective — to use Lord Morrow's words — that it is being interrogated and that we are working collaboratively to ensure that it is as good as it can be when it finally secures passage through the House.

I turn to enforceability and the perceived difficulties in conveying the information around passenger restrictions. There has been a bit of that. I remember that, at a previous stage in the House, I was getting questions on permutations of passengers that almost sounded like 11-plus questions. It has been debated by several of the Members here. With reference to the amendment, I think that to further complicate the restriction by specifying time periods could only add to the enforcement and education challenges. However, again, that is something that we will look at.

I move on now to the other issues in the group. The effect of the removal of clause 16 is that the current provisional licensing age of 17 years will be retained. In addition, amendment No 3 relates to clause 17, which facilitates the introduction of a minimum mandatory learning period. That means that a learner driver must hold a provisional licence for a minimum period prior to taking the practical test. The amendment that I propose will reduce that minimum period from 12 months to 6 months. A number of the other amendments in the group are simply consequential amendments, giving effect to that amendment elsewhere in the Bill.

I have listened carefully to the views of members of the public, key stakeholders and the Environment Committee with regard to the appropriate length of the minimum period. Concerns were raised from various quarters that a 12-month period could pose difficulties for large numbers of learners by restricting their mobility for an excessive period. I have noted the evidence from rural communities provided to the Environment Committee during its scrutiny of the Bill. It was clear that rural communities felt that that measure would have a disproportionate impact on them.

I have also been mindful of the international evidence on the overall effectiveness of GDL systems. That suggests that a lengthier period of nine months to 12 months delivers an additional safety benefit, in that learner drivers gain increased supervised driving experience prior to driving alone. However, the evidence also indicates that a considerable road safety benefit can still be achieved within the 6-month period if implemented as one element of a package of measures such as we have here.

My amendment takes account of those issues and reflects the recommendation of the Committee. It will still deliver significant road safety benefits when combined with other measures such as the programme of training in clause 18. It also limits the need for an extensive exemptions regime, whilst ensuring that mobility is not unduly impacted. I

recall that the need for multiple exemptions to cope with the lengthier 12-month minimum period was noted as a concern by Members at Second Stage and during the scrutiny of the Bill. The Bill provides that any exemptions should be stipulated in subordinate legislation. My officials are currently considering what exemptions will be required, and such regulations will be subject to formal consultation following the enactment of the Bill.

I now want to deal with my proposal to remove clause 16 from the Bill. This means that the provisional licensing age will remain at 17, as it is currently. As I said earlier, it is important to consider clauses 16 and 17 and their associated amendments as a package. Clause 16, as originally introduced, reduced the provisional licensing age to 16 and a half but, combined with clause 17, which required the provisional licence to be held for a minimum of 12 months before the practical test could be taken, effectively raised the full licensing age to 17 and a half.

The combination of measures as introduced meant that learners could start availing themselves of practice at an earlier age, thus building up their on-road experience whilst taking full opportunity of the 12-month minimum period. However, given that I have tabled an amendment to reduce the minimum period under clause 17 from 12 months to 6 months, the arguments for reducing the provisional licensing age no longer carry the same weight. I therefore propose to retain the provisional driving age at 17. I am happy to say that the Committee for the Environment was in full agreement with that approach.

International research evidence suggests that any rise in the full licensing age will have a positive impact on reducing road collisions, and, by making the combination of amendments to clauses 16 and 17, I can still deliver that increase in the full licensing age to 17 and a half. That is consistent with the original objective of the Bill.

I acknowledge that there has been some debate on whether the age increase is necessary. I can assure you however that the relationship between age and collision risk is well established. Full licensing age varies widely across countries. It averages around 16 years old in America but is 18 for all but five European countries. There is an international trend towards increasing the full licensing age due to the safety benefit that can be achieved. I also consider the impact on mobility to be small: only around 4% of those aged between 17 and 17 and a half currently hold a full driving licence.

I therefore ask you to support the amendments together with the consequential amendments. I believe that the legislation is striking the right balance between keeping people safe on our roads and not prohibiting or delaying mobility unduly.

The purpose of amendment No 15 is to ensure compliance with the requirements of the third EU driving licence directive. The Bill as drafted places a range of restrictions on newly qualified drivers, such as the passenger restrictions that we have discussed and displaying a plate. These are covered in clause 20. Clause 20 also defines what is meant by "newly qualified drivers". The definition as drafted in the Bill includes new drivers from other European states. However, the third EU driving licence directive requires that driving licences should be mutually recognised across member states. We have now been advised that that means that we cannot impose our

restrictions on licences that have been issued by other member states. The amendment therefore amends clause 20 to provide that the restrictions apply only to those who have passed a NI or GB test of competence.

I will now deal briefly with amendment Nos 4 and 5, which simply amend clause 17 to also refer to an equivalent GB provision. The Bill as drafted removes the minimum learning period if a driver is required to take their driving test following disqualification. The amendments ensure equal treatment for Northern Ireland drivers who have been disqualified under GB legislation when driving on GB roads and are retaking their test here in the North.

Amendment Nos 13 and 14 are very similar to those that I have just discussed. They deal with the disapplication of restrictions as laid out in clause 20 for drivers who are requalifying following disqualification. Given that disqualifications in Great Britain and Northern Ireland are mutually recognised, we need to amend the clause so that it includes the equivalent GB legislation and ensures that drivers issued with licences from either authority are treated equally.

#### 7.45 pm

Amendment Nos 16 to 25 collectively amend clause 21, which enables the Department to offer new drivers approved courses as an alternative to revocation of their licence. However, some new drivers are driving on the basis of their pass certificate because they have not yet been issued with or even applied for their full licence. As things stand, those drivers could not be offered a course as an alternative to revocation. That is not the policy intent. Therefore, I propose to amend the Bill to provide for their inclusion in the provision.

Finally, I will deal with the key technical amendments in the group. Amendment Nos 8 to 11 are essentially renumbering provisions. The Bill, as introduced to the Assembly, inserts a new article 13A into the 1981 Order. Since it was drafted, however, the Immigration Act 2014 has been passed by Westminster. That Act has already inserted a new article with the same number into the 1981 Order. Therefore, we need to renumber our new clause as 13B and make consequential numbering changes.

Amendment No 26 inserts new clause 22A. The new clause amends article 110 of the Road Traffic (Northern Ireland) Order 1995, which makes general provisions relating to any subordinate legislation made under the 1995 Order. The new clause provides that subordinate legislation made under the order should be subject to draft affirmative procedure in the Assembly rather than affirmative procedure. That reflects a recommendation by the Examiner of Statutory Rules. It is consistent with provisions in other Bills that are being brought through the Assembly.

Amendment No 27, which amends clause 23, is a further technical amendment. It is a wording change that clarifies that any amendment of primary legislation should be subject to Assembly debate.

Those are the amendments in group 2.

**Ms Lo:** I welcome the opportunity to represent the views of the Committee for the Environment on the second group of amendments, which relates to young drivers.

Clause 16 reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half years. The

Committee agreed to ask the Department to propose an amendment to remove that clause so that the minimum age remained at the current statutory age of 17 years. There was much discussion on the subject in Committee. The majority of members expressed reservations about reducing the minimum age to 16 and a half years, although there was a view expressed that it should be about a person's ability to drive. The Minister agreed to maintain the minimum age of 17 years, and the Committee agreed to the opposition to clause 16.

Clause 17 makes it a requirement for a person to hold a provisional licence for at least one year before being able to take the practical driving test. The Committee expressed concern that that was an unnecessarily long period and said that six months, provided it was properly structured and recorded in the student logbook, would be more effective. The Committee asked the Department to propose an amendment to reduce the minimum required period of learning to six months. Amendment No 3 and consequential amendment Nos 31 to 35 specify that the minimum period should be six months. Therefore, the Committee agreed the amendments.

The Committee agreed to amendment Nos 6 to 11, which are technical amendments to clause 18 relating to renumbering as a result of the insertion of a new article 13A by the Immigration Act 2014. The Committee also agreed amendment Nos 26 and 27, which provide for subordinate legislation to be subject to the draft affirmative procedure and not affirmative, as previously proposed. That has been amended following a recommendation from the Examiner of Statutory Rules.

On 28 April, the Minister wrote to the Committee to advise that he intended to table additional amendments at Consideration Stage. The Committee agreed to receive an oral briefing on those additional amendments, and this was held on 21 May. The Committee was advised that, during the Department's discussions with the Department for Transport to ensure compliance with the requirements of the European Commission on the transposition of the third driving licence directive, it became apparent that there were issues with certain provisions relating to the Road Traffic (Amendment) Bill. This resulted in the need for additional amendments to clauses 17, 20 and 21. The additional amendments relate to extending the facility of approved courses for new drivers who have passed their test but not yet obtained their licence; the disapplication of restrictions for those requalifying in certain circumstances; the disapplication of the minimum period for holding a provisional licence in certain cases; and limiting the restrictions on newly qualified drivers. As these amendments came after the formal Committee Stage had concluded, the Committee agreed to note the amendments. However, no issues were raised in Committee on the proposed amendments. That concludes the Committee's views on the group 2 amendments.

Mr Principal Deputy Speaker, I will make a few comments as an Alliance MLA. Whilst the Alliance Party is content in general with the Bill and the many amendments, we are concerned about clause 20, which deals with new drivers in the first six months aged under 24, who will not be allowed to carry more than one passenger aged 14 to 20 unless there is a supervising driver in the front passenger seat. This will not apply to family members. The Alliance Party appreciates the sentiment of the clause. We agree

that young people who have recently passed their test are more likely to have accidents when they have a number of passengers in their car. We understand that the principle of targeting this age group is to reduce accidents, and the measures of the Bill aim to prevent casualties. However, in our view, clause 20 is overly bureaucratic, convoluted, indiscriminate and would be extremely difficult to enforce.

During the Committee Stage, we discussed this part of the Bill at length with departmental officials, but it was argued that such restrictions are necessary. Whilst it may seem sound in theory, we need to question the practicality of these measures on the ground. Research was conducted with young people by the Assembly's Research and Information Service on behalf of the Environment Committee in support of our scrutiny of the Bill. When asked about the passenger restrictions in clause 20, the consensus of the respondents was clear: 6·7% did not know what they thought about the restriction; 25·6% thought that it was a good idea; and the majority — 67·7% — thought that the restrictions were a bad idea.

In fact, article 5 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998 already provides for the revocation of licences for six or more penalty points during a person's probationary period. We believe that clause 20, whilst aiming to deter bad driving further, is too complicated to operate effectively. The Alliance Party wants a simpler and clearer system that targets young drivers who offend through tougher penalties. We can think, for example, about making them retake their test if they commit an offence in the first six months. In this way, we target irresponsible drivers as opposed to all young drivers. We would like to work with the Minister and departmental officials to table an amendment at Further Consideration Stage to reflect this position. I am glad to hear that the Minister sounds quite willing to work with other Members to strike a balance between, on the one hand, promoting safety, particularly for younger drivers, and, on the other hand, not restricting young people to that extent. We will listen to other Members when deciding how to vote.

**Mrs Cameron:** I will speak as Deputy Chair of the Environment Committee and a DUP Member. I welcome the opportunity to discuss the recommendations of the Committee on the Road Traffic (Amendment) Bill and, in particular, the group 2 amendments.

There was a sharp rise in fatalities on our roads in 2014, with 79 people losing their life. That followed several years of decline in the figures and represents a worrying trend that must be halted. Of the 79, 18 were pedestrians, 13 motorcyclists and three cyclists, clearly demonstrating that road safety is not just the responsibility of those travelling in cars. Each and every person on our roads has an obligation to take their time, pay attention and consider other road users before and during their journey, whether by motor vehicle, bicycle or on foot. Every death on our roads is one too many, and I hope that we can reverse the current trend, reduce the number of fatalities and lessen the pain felt by the families left behind to deal with the aftermath and devastation.

The Committee has fully scrutinised all aspects of the Bill to ensure that it protects road users and provides clear boundaries for motorists. I am particularly pleased that the proposed clause 16, which would have reduced the minimum age for obtaining a provisional licence from 17 to 16 and a half, has been removed, and that the minimum

age remains at 17. Coupled with the amendment to clause 17, which will require a young person to hold a provisional licence for a minimum of six months, rather than the previously proposed 12 months, it is, I feel, a sensible and workable compromise. I fully appreciate that people learn at different rates, but maintaining the current age for obtaining a provisional licence and introducing a minimum learning period will hopefully mean that our young people are better equipped to deal with unfamiliar situations when driving. Inexperience is without doubt the biggest challenge to young drivers, and it is hoped that removing the race to pass their test as soon as possible after they turn 17 will allow for a period of extended learning behind the wheel with a practice driver. This should lead to greater understanding of vehicle handling, road conditions and speed awareness, in turn reducing the number of accidents caused by lack of experience.

I turn to the amendment proposed by Sandra Overend. Many of us who are parents of young drivers will understand that the restrictions on newly qualified drivers for the new driver period may be challenging, confusing and, indeed, frustrating, although it is worth noting that the new driver period would be for six months only. Nevertheless, young people, such as those involved in church or youth groups, may be disadvantaged by the restriction imposed by the proposed amendment when returning home from their various activities, even though the amendment actually relaxes the Department's restrictions at clause 20. We can, of course, appreciate the logic of Mrs Overend's amendment and see the benefit of amending the restrictions to allow under-24-year-olds who are new drivers to move freely between 6.00 am and 10.00 pm, whilst retaining the night-time restriction. Given the issues raised in the debate and the convoluted nature of the restrictions in clause 20, the DUP may consider looking again at the restrictions in the Bill for new drivers, and we will be happy to work with the Minister should he choose to amend clause 20 to address the Assembly's concerns. I urge Mrs Overend not to move her amendment until after further discussions.

The Bill will ensure that Northern Ireland's roads are safer for all users and that our drivers are better equipped. We must all support the Road to Zero campaign, and I welcome any steps that we can take to ensure that this happens.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. I agree with the view expressed across the way on the Minister's willingness to allow time to consider further the amendment proposed by Mrs Overend. It is important to get everything right if it is not already right and to have unity in the Chamber on all these matters, because we have the best interests of young people across the board at heart.

#### 8.00 pm

Like the Members who have spoken before me, I convey my appreciation to the Committee staff, the departmental officials and all those who responded to the consultation and surveys and provided opinions and rationale that have assisted and informed the Committee to date. In scrutinising the legislation, I feel that the Committee was robust in ensuring that a common-sense approach prevailed and that any proposed changes are practical, workable and not unreasonable.

*(Mr Speaker in the Chair)*

The number of accidents and deaths on the roads means that it has been necessary to look very closely at learners and new drivers as a target group, because it is important to give new drivers the opportunity to gain maturity and experience on all roads, in all weathers and at all times of day and night. To that end, I am able, at this stage, to support all the amendments in group 2, with the exception of amendment No 12, which seeks to provide an exemption to the passenger restriction element of the Bill. Although I recognise the spirit of amendment No 12 and its attempt to alleviate the difficulty or inconvenience that may be caused to young people driving to and from sporting activities, places of education or church, we have to keep at the forefront of our mind that the purpose of the passenger restriction proposal is to improve road safety and hopefully save lives. Statistics show that, between 2009 and 2013, 17- to 24-year-olds were deemed responsible for 83% of passengers aged between 14 and 20 killed on our roads. Of the 83%, 63% of the accidents happened during the time frame that the amendment proposes making exempt from the peak hour, which is 9.00 pm to 10.00 pm. Those are very stark figures and cannot be ignored.

Additionally, the amendment effectively creates a curfew, and I am concerned that it would unwittingly add to the potential for accidents during the peak hour. For example, unforeseen circumstances such as delays in the starting time of an event or unexpected road closures could lead to young, inexperienced drivers trying to beat the clock to get home or even having to abandon their passengers altogether to prevent them breaking the law. The passenger restriction will apply only for the first six months, and only when a driver over 21 and who has been in possession of a full licence for at least three years is not present. I do not believe that that time-limited restriction will prevent young people accessing their place of education or social or sporting events. Only time will tell whether the provision will be effective, but I am in favour of giving it the best possible chance, and I look forward to the further discussions at the next stage of the Bill.

**Mr A Maginness:** I have listened very carefully to Members' comments, particularly on the restrictions on young drivers. Many people are clearly exercised about that provision. It is important to establish very firmly a principled approach to this and to decide whether there should or should not be restrictions, and, if there are restrictions, the types of restrictions. It seemed to me that the Committee was accepting that there should be restrictions. That is a fact, and the Minister, quite rightly in my opinion, has introduced restrictions on drivers under 24. The question is this: what types of restrictions?

Amendment No 12 from Mrs Overend would bring a time limit into effect for that provision.

I am not certain whether, in fact, it is appropriate in these circumstances. We spent a lot of time in the Committee's work examining the issue. I am not sure whether it is appropriate for us to determine this particular issue now, insofar as there have been various contributions and different views on it. I am not certain —

**Mr I McCrea:** I thank the Member for giving way. The Member will, and has, stated that there was consensus on the issue in the Committee. He will, however, understand that there are circumstances where Members may be

lobbied outside the Committee Stage and where other concerns may be brought up. Whilst it may not be the perfect or, as he said, the appropriate thing to do, it is not beyond the limitation of Members to bring forward amendments. Whilst I am sure that Mrs Overend will mention the reasons behind her amendment, surely it is not inappropriate outside the Committee Stage, given that there are other circumstances that can lead Members to bring forward amendments.

**Mr A Maginness:** I understand Mrs Overend bringing the amendment. I do not agree with it, but I understand nonetheless. I am sure that in the House and, indeed, outside it there are concerns about putting restrictions on young drivers, particularly in rural areas. There are fewer problems, I think, with young drivers in urban areas, but certainly in rural areas those concerns have been expressed to me personally, by other MLAs and by people outside the Assembly.

The only point I am making is about whether we move forward on the basis of a, that there should be restrictions and b, what type of restrictions they should be. If we accept the principle that there ought to be restrictions, we can move on from there. What I am saying about Mrs Overend's amendment is that it comes fairly late in the day. I am not criticising her for that. I am simply saying factually that it comes very late in the day. We really have not had the space and opportunity to think through the amendment.

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

**Mr A Maginness:** Yes.

**Mr Wilson:** I hear the point the Member is making, but what is the point of Consideration Stage and Further Consideration Stage if not to bring forward amendments? To make a criticism about when the amendment has come is, in my view anyhow, a very weak point, otherwise we would not have this stage of the Bill. This stage is specifically to pick up on amendments that were not made at Committee Stage.

**Mr A Maginness:** The point that Mr Wilson made has merit; I do not dispute that. All I am saying is that this is a particularly different amendment insofar as the Member is introducing a time limit in relation to restrictions. That is not something we considered during the Committee Stage, and it brings a new element into the debate. I think that Mr Milne raised a very interesting point, if I understood it correctly, which was that, in effect, you are almost introducing a curfew to the way in which young drivers will be permitted to drive.

The point I am making is that Mrs Overend has every right to bring her amendment. She has given thought to it, but I think that the House requires time to consider it. We should not rush into a decision on it. I prefer the Minister's approach. I think that it is a proportionate one and has been well worked out. It may well be complex, as the Chairman of the Committee indicated, but it strikes a balance nonetheless.

Of course, the aim of all of us in the House is to reduce the number of occasions on which young people are in cars, when there are a number of young people in cars and accidents occur.

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

**Mr A Maginness:** Yes.



**Mr Beggs:** Does the Member acknowledge that, if there is a total ban on young people driving, we may well end up with more young people walking on rural roads of an evening, which itself is a risk? There are risks living in a rural community whether one is walking or driving, and everything must be considered in the round. You may reduce accidents on one side but contribute to accidents on the other side.

**Mr A Maginness:** I think the Member's point is straining things. The danger for people walking, albeit on rural roads, is much smaller than the danger for a carload of young people who, perhaps, are in a jolly mood and are distracting the driver in some way. That is the type of danger that I think we can all conceive of and imagine, and that is the mischief that the Minister is trying to address. There is no doubt that there are different ways of addressing it, and I am sure that there are alternatives, but the Minister brought these proposals to the Committee, I believe, in a very balanced and measured way. During the course of the Committee's meetings, there was a general acceptance that this was probably the right structure in which to consider restrictions on young drivers.

I make that point but I am not being overly critical, nor am I saying that Mrs Overend should not have tabled her amendment. I am just saying that this is a very important aspect of the Bill and we have got to get it right. The Minister has asked us to think about it and not be too hasty in introducing changes and new amendments to the Bill. That is wise counsel and I am saying that Members should take their time about this. We have Further Consideration Stage to come and we must try to get this right. If we get it wrong, there could be consequences.

We should also bear in mind that this restriction is not for a year, two years or an excessively lengthy period of time; it is for six months. In that context, it is quite a modest proposal, and there are exceptions in relation to family or to a qualifying driver — somebody who is over 24 and has had a licence for more than three years. These are important qualifications on this restriction on a young driver and I think that they are proportionate, reasonable and fair in the circumstances.

I want to make a further point, which is that we are retaining mobility for young people. I am one for giving young people as much freedom as possible. That is right and proper, but there is a good balance here between giving young people the freedom to drive and restricting the number of passengers that they can carry. It is a fact that, between 2009 and 2013, 17- to 24-year-old drivers were deemed responsible for 83% of all passengers aged 14 to 20 who were killed in Northern Ireland. That highlights the issue that the Minister has, quite properly, recognised and addressed, given the advice from officials and experts.

**8.15 pm**

**Mr Wilson:** I thank the Member for giving way. He quotes a figure of 83%. Whilst every death on the road is a tragedy for the families who lose a loved one, will he accept that the actual numbers are very low? It averages out, I think, at about seven per year. I could be wrong on that, but I think that it is about seven per year. If that is the case, the question is this: is the kind of restriction that we are talking about — and we can talk about how ludicrous and contradictory the restrictions are — really proportionate?

**Mr A Maginness:** I still think that seven a year is very high for the families who suffer a loss of life. In those terms, you are talking about five. It is high, and it is those casualties — those fatalities — that we, collectively, and the Minister in particular, are trying to address. The Minister has a responsibility to get this right, and it is right and proper that he should approach it, given the extent of the figures. The figures are, I think, unchallengeable.

It is also striking that the hour that most passengers were killed or seriously injured by a 17- to 24-year-old driver was between 9.00 pm and 10.00 pm, and those facts should be considered and taken into consideration when we are determining the issue.

I have to make the point that restrictions are necessary. I belong to an all-party Assembly group on motor insurance. I see Mr Lunn, who happens to be the chair of that group — and a very fine chair he is. One of the issues that came up in exploring the high cost of insurance in Northern Ireland was young drivers. I can be corrected by the chair if I get this wrong, but there was a very positive response from insurers to restricting young drivers. Indeed, on foot of those restrictions and of other provisions — not just young drivers — insurers indicated that there could be a reduction in motor insurance premiums in Northern Ireland. That is an additional consideration. I see Mr Wilson expressing some scepticism. I share that scepticism, Mr Speaker, because I have heard insurers say, in relation to other issues, "If you abolish jury trials for personal injuries in Northern Ireland, that will certainly see the reduction in premiums for motor insurers". Of course, jury trials were abolished, and I did not notice any reduction in premiums by the motor insurers.

**Mr Lunn:** I thank the Member for giving way. I wanted to thank him for the compliment. He will probably agree that the message from the insurance companies was quite simple: if the claims costs came down in Northern Ireland for a particular group, including age groups, the premiums would also come down. I will give you one statistic to remind you, Mr Maginness. Young drivers here have 11% of the licences, and they are responsible for 44% of the fatal accidents. Those are the last statistics available from the Association of British Insurers (ABI).

**Mr A Maginness:** I thank Mr Lunn for his intervention. I know that this is a separate issue, but it is germane to what we are discussing. The first important thing is road safety and protecting lives and preserving people from serious injury or, indeed, any injury.

It is also important to take into account the cost of driving here in Northern Ireland, and insurance premiums add to that. If we extract from what Mr Lunn said, and it reflects accurately what the insurance companies say, then, if we reduce the level of accidents and reduce the level of injuries, costs will come down, and that is a good thing for all of us. I make that point, and it is an additional point, but I think that it is relevant to the issue in hand.

I think that the Committee worked well with the Minister, and I said that during the debate on the previous group of amendments. The age of 17 was the right approach, and the Minister has responded to that. I also think that the period of learning for a probationer or a provisional licence holder of at least six months is also an important contribution, because it gives a wider experience over a more prolonged period to the young driver, and that is

important. It helps young people. The Minister's original suggestion of one year was too long, but I think that six months is the right balance, and I support that.

**Mrs Overend:** I rise as environment spokesperson for the Ulster Unionist Party to discuss the second group of amendments. As Members have said, these amendments are primarily in respect of young drivers.

It seems like no time at all since I passed my driving test. Indeed, the anniversary of that date was only three days ago. I will not say how many years, but it seems like only yesterday. Like many rural dwellers, we learned to drive up the back lane, and many have experience of other farm equipment and the dangers that come with that. Many rural dwellers depend significantly on their car as a means of transport, and to have another driver in the family is often very welcome. I agree with the sentiments of ensuring the safety of our young drivers. It is important that they are trained up to be responsible in their driving and yet given the much-desired freedom that being able to drive brings them.

It is with a common-sense approach that I speak in today's debate. We have had some very interesting discussions in Committee about the proposal to allow new drivers to start driving at sixteen and a half, yet not allow them to pass their test until 12 months later. The inability of the passage of time to be a sole tester of a driver's knowledge and experience of driving in all weathers and in all conditions remains to be convincing. As anyone living in Northern Ireland knows, it is possible to have all four seasons in the space of one day, never mind one year, so the imposition of a 12-month learning period would not be very practical and useful. I welcome the Minister's amendments on that issue — changing the minimum age back to 17, with the minimum learning period being six months. It is important that our new drivers gain experience in differing conditions and, with the addition of the proposed log book system, that can all be assessed appropriately and accordingly.

It is with a common-sense approach that I turn to the restrictions being placed on newly qualified drivers for a new driver period. The present proposals are for a six-month restriction for newly qualified drivers to carry only one passenger aged 14 to 21, except for family members and in cases of emergency. If they are carrying more than one young person, the driver must be accompanied by a relevant person, as has already been discussed. Creating restrictions was, in fact, an area that the Department consulted on in 2012, and I believe that 67% of respondents were against it.

Peer pressure is admittedly a serious problem, and the Minister referred to it earlier. I feel that these restrictions are the Department's attempt to ease the peer pressure from a car full of the driver's friends. However, I do not believe that it is so easily eliminated. Peer pressure can also come from siblings, one person beside you in the car or, indeed, a driver in another car who might be heading to the same destination. I therefore feel that the proposed restrictions for 24 hours a day will not necessarily have the desired effect.

We know that most teenagers' driving, 80% of it, takes place during the day, yet research from the Department has previously indicated that half of all crashes involving teenagers take place at night. That is primarily why the Ulster Unionist Party proposed lifting the restrictions between 6.00 am and 10.00 pm, rather than imposing

them for the proposed 24-hour period. Our amendment would, therefore, still allow young people to get to school and attend after-school activities, football, GAA or other sporting practices and other such events.

The debate then came as to what time to start the restrictions, and I looked to the Insurance Institute for Highway Safety, which considers young people driving after 10.00 pm to be most at risk. I think that 10.00 pm seems like a reasonable time. This is about changing the mindset of our young people. Until 10.00 pm, driving is about continuing their day-to-day activities — whatever activities they have started during the day, whether they continue after school — and to get them home for the evening. However, if young people are thinking about going out for the night, they can change the mindset for a more restrictive period and be curtailed by those restrictions. Therefore, I think that 10.00 pm is a balanced time.

Last weekend, my 14-year-old was heading out to a church social, but it did not start until 10.00 pm, so the timings for going out at night have changed since I was 17. It is just about getting into that mindset and taking into consideration the rules that are laid in place and adapting life to them.

I believe that the current proposal would disproportionately impact on rural drivers, and that is why organisations such as the Young Farmers' Clubs of Ulster and the farmers' union have been so opposed. Indeed, all MLAs received correspondence this morning from the Young Farmers' Clubs and I would like to quote what the chief executive said in his email:

*"At a time where rural isolation and suicide for young people are huge issues we believed the restrictions to be unfair."*

That is a very valid point. They also recognise that travelling to sports training and youth and church groups would be impossible if the Bill is passed in its original form.

Looking back to my Young Farmers' Club days, when young people as a group drove to various events, taking a couple of friends together meant fewer cars on the road and less petrol or diesel to buy, which is also a big factor, especially at that age. Would the Minister prefer there to be more cars on the road with two people in each? I think that, with the restrictions in place, you would normally take two or three friends in a car. However, if you are only allowed one other person in the car, you will end up with more cars on the road, and that will lead to a greater statistical risk of young people being involved in a collision.

We have also to remember that not all young people have their own car. I certainly did not, and we all took it in turns to give our friends a lift. The idea of lifting restrictions for night-time is not a new thing. I believe that the precedent has been set in the New South Wales state of Australia, where it was decided to go for the timing of 11.00 pm to 5.00 am.

Enforcement should not be an issue with my amendment, which restricts the hours for which enforcement is needed to the hours between 6.00 am and 10.00 pm, freeing up more of the much-reduced resources of the PSNI.

In conclusion, we are concerned about the safety of our young drivers, and we must look at how the restrictions disproportionately affect young rural dwellers. The

question remains: would the proposed new restrictions reduce the number of fatalities? Mr Maginness spoke continually in support of clause 20 unamended. Despite the Minister's assurances that he is willing to consider further amendments over the summer, I wonder whether there is a desire to amend it, considering the comments of Mr Maginness.

**8.30 pm**

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

**Mrs Overend:** Yes, certainly.

**Mr A Maginness:** I am saying that, in my opinion, the restrictions that the Minister has brought forward are balanced, proportionate, reasonable and fair. I am not saying that they are absolutely set in stone. The Minister has indicated that there is space for consideration of other ideas, and so forth. Indeed, in relation to your amendment, what I was saying was that it was coming late in the day. I am not criticising you for that, but it needs further time for consideration. I think that it is right and proper that we aim for that. If there can be flexibility in this, let us show that flexibility now.

**Mrs Overend:** I thank the Member for that explanation. I will conclude and say that I am still minded to move the amendment and am willing to take into consideration further comments around the Chamber this evening. I think that there is a need to have further statistics from the Department and that we give this proper analysis on an hour-by-hour basis for a number of years and not just one year. I will conclude there and make the decision as the debate continues.

**Mr I McCrea:** Whilst I understand the comments and take the point that Mr Maginness referred to in respect of bringing forward amendments, it flies in the face of the fact that the Minister brought forward amendments that did not come to the Committee. Whilst they were technical and were bringing us in line with parts of the rest of GB, he brought amendments that the Committee did not have sight of, bar a letter that the Committee received. As a good working Committee, we agreed that it would be a good thing for those to be accepted. Mind you, no doubt, we will find out before today is out whether we agree with them or not, but I expect that we will.

I want to put on record the work that the Committee has done in respect of the scrutiny of the Bill. I want to thank the Minister and his officials for working with the Committee, notwithstanding commenting on the officials of the Committee who helped and advised us as we went through the process.

As other Members have said, the Committee gave the Minister good advice in respect of moving from the age of 16 and a half to 17 and having a six-month testing period and not a year. I saw the Minister's face as his colleague behind him was making his closing remarks, and I am not sure that he agreed with them, but, nonetheless, he accepted that the Committee had wiser counsel in that matter, and that is one of many aspects that the Committee worked on with the officials in coming to a resolution.

I tested the six-month learning period with my daughter who is 16 and a half, and, whilst she is easy-going, I am not sure that she was jumping up and down about the prospect of all this going through by the time she gets to

the learning age that she will have to wait for an additional six months before she can do her test.

There are family members who cannot wait until she gets her test so that she can drive them around. There will be some joy on my part and my wife's part at not having to do all the runs, but we will have to deal with that when the time comes. In some ways, I could nearly accept that she should be 25 before she is able to do her test, but that would just be to save me from having to take her out for lessons. In all seriousness, the six-month period and the logbook process are important.

There was concern about the additional financial burden that getting the adequate standard of training brought on a household in ensuring that, when our young people go out on the roads, they are adequately trained. It is important that the Minister put it on record, if he can, that that measure is not about putting a financial burden on families but about trying to ensure the safety of our young people.

At this point, I should probably take my jacket off.

**Mr Wilson:** Feel free.

**Mr I McCrea:** I do not think that I could be bothered.

The importance of driving on motorways and dual carriageways is another issue. Those who move from 45 mph to 70 mph after being restricted for a year and, to some extent, not having been trained to drive at that higher speed can cause more accidents than those who have been properly trained. All aspects of the learning experience should be welcomed.

I have some sympathy with the amendment tabled by Mrs Overend to clause 20. Until the amendment was tabled, there was not really a lot of talk from groups about the restrictions the clause would bring. The restrictions were mentioned quite a bit to me over the weekend, particularly for young people involved in church groups and after-church youth rallies. In a number of churches, there are after-church youth rallies that do not start until 9.30 pm or 10.00 pm. It might be 12.00 midnight before those young people get home, so there are some difficulties with the restrictions. That is why I welcome the Minister's willingness to have a debate on whether that is the direction that the House is moving in. There is consensus that there are good reasons to give the issue further consideration and table amendments at Further Consideration Stage if they can be agreed. I certainly sympathise with concerns about the restrictions, and, as I said, it was mentioned to me on a few occasions over the weekend.

Peer pressure is certainly an issue. Mrs Overend referred to the different types of peer pressure. It does not just come from the people who are in the car with you; it can come from other cars that are trying to get to the same destination. Another car with two people in it could be as bad as four passengers in your car. We have to be mindful of that.

I welcome the Minister's confirmation that a boyfriend can take his girlfriend in a car. I was concerned that there would have to be a gooseberry clause, but I am thankful that the Minister has confirmed that that will not be the case.

I am somewhat concerned when I look at the "relevant" people who can travel in young people's cars. Mr Maginness referred to some of those who can be in the car and the number and percentage of road deaths at specific

times. Colleagues can take the matter further, but, for me — maybe it is just me because of my family — there is an issue. Under this aspect of the Bill, it is OK for a 17- to 24-year-old to take family members in their car. I do not see how an accident that resulted in the fatality of a family member would be any different from or less important than an accident that killed a member of someone else's family. We have to be careful about these things.

I understand the reason for and support many aspects of the Bill. In fact, I support most of it, but we have to be mindful of an element of our young people. I do not know whether the age limit of 24 is too high. If the Minister were willing to have those conversations, we could certainly look at that. As I said, I encourage Mrs Overend not to move her amendment. It is not about which party gets over the line first. It is important that we get something that everyone can agree to, and, hopefully, as we move to the next stage, we can do just that.

**Mr Wilson:** It is probably just as well that we are debating this part of the Bill at this time of night. We have buried one of its worst aspects at a time when, probably, very few reporters and very few others are watching the debate. Yet the amendments that we are looking at are important, and this is an important part of the Bill. In fact, it is perhaps one of the most important, because we are contemplating putting restrictions on young people who have just gained a licence, which is, for many of them, one of the best things that ever happen in life. When young people get a licence, they gain their independence. Suddenly, we are going to introduce restrictions. I would not mind if there were some logic or even a compelling case for the restrictions, but the Minister has not produced the evidence, and the Bill certainly does not deal with the issue. Indeed, it is confusing and sends out contradictory messages. I want to look at those in a moment or two. I raised this at Second Reading, and I am glad that we at least have an amendment now, albeit, I think, a flawed one. At least it starts moving towards dealing with an issue that is not properly treated in the Bill.

I welcome a couple of things in the Bill. I welcome the fact that the Minister has reduced the period after which people can apply for their test from 12 months to six months. I raised that issue at Second Reading too. Many people, especially those who are brought up in rural areas and are used to driving tractors about the place and maybe even driving cars on country lanes etc, are competent after six months. However, I have to say, Minister, that, for someone whose party continually harps on about wanting to deal fairly with people from poorer backgrounds, you have placed a lot of restrictions on the new test. They include the whole logbook system, the cost of that and even how it will be implemented. Can a family member fill it in? Does it have to be a qualified driving instructor? If that is the case, what is the additional cost? That will make the test more expensive for many low-income families and people who do not have a great deal of money.

#### 8.45 pm

Let me come to the restrictions. The argument has been that 17- to 24-year-olds are responsible for 83% of the deaths of young people in that age group. The Minister gave the percentage. He has not given the number of people involved. I do not want to sound callous, but the numbers are important. Every death is a tragedy for a

family. Nevertheless, if we are going to introduce these restrictions, we have to ask ourselves, first, whether they address a real problem and, secondly, whether they will resolve that problem, given the number of people involved.

The Minister has not indicated to us — I suspect that he could not even tell us — whether, in that 17- to 24-year-old group, the problem rests with those who have had their licence for some time, who feel that they are Jack the Lad now that they have been driving for a year and who are more confident, and, because they are more confident, they speed. If that is the case, the restriction is meaningless, because it will apply only for the first six months. We do not even have the evidential base on which to judge whether the restriction is an essential restriction.

If we are to have the restriction and we are concerned about young people who get their licence, are subject to peer pressure and put other people in the car in jeopardy, we should at least be sure that we are not putting the age group that the Minister is talking about in jeopardy. However, let us look at what the legislation allows. Even though young people who have just got their licence are in the vulnerable group and are subject to the six-month restriction, they can take somebody under the age of 14 in the car. If they do not have the experience and are likely to be subject to peer pressure, is it OK that they can carry passengers of 12 or 13? They can carry a brother or a sister who is between the ages of 14 and 24 or someone who is a child of the family, even if the child has never lived in the same household as the driver, just as long as they are treated by the driver as a child of the family. They are also allowed to carry a half-brother or a half-sister and so on. The Minister may say that you are less subject to peer pressure from those groups. I doubt very much that that is the case. If the young driver is vulnerable to being egged on or whatever, he or she is as likely to be egged on by a member of the family, a half-brother, a half-sister, somebody whom he or she treats as a child or somebody under the age of 14. If the restriction is designed to protect the young driver from peer pressure, the legislation does not do that.

I noticed that Mr Maginness — I think that it was a slip of the tongue, but it illustrates the logic of the case — said that, according to the legislation, it would be OK, provided that the driver was accompanied by somebody over the age of 24. There is a certain logic in that, but that is not what the legislation states. The driver can be accompanied by someone who is 21, a person who is in the very age group that the Minister says is likely to include the young raker — the one who will disregard safety. Provided that you have somebody of the same vulnerable age group sitting in the seat beside you, you can have three people between the ages of 14 and 24 in the back seat. Furthermore —

**Ms Lo:** Will the Member give way?

**Mr Wilson:** Yes.

**Ms Lo:** There is also the condition that the 21-year-old must have had their driving licence for three years.

**Mr Wilson:** I am glad that the Member raised that, because it brings me to my next point. It is not just that they have to have had a driving licence for three years; they can have had a:



*“full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years”.*

The person sitting beside them could have had their licence for a year and could have been banned from driving for poor driving behaviour and got their licence back again. According to the legislation, it is quite all right to have that person who has proven to be an irresponsible driver sitting beside the young driver who has just got their licence and to then stick three people in the back of the car. All I am trying to do, Minister, is show that, if the objective is the protection of life — your assessment is that young drivers who have just got their licence are likely to be subject to peer pressure — you have not removed that peer pressure. If they need to have somebody responsible with them, you have not met that qualification; they can have the most irresponsible person beside them, yet they will be exempt from the restrictions.

I will go further than that. In amendment No 15, which the Minister proposed, you could have a situation where — this is particularly relevant in Northern Ireland — someone could get their licence in Letterkenny or Monaghan, have it who for one day and come to a social event or to meet their friends on the other side of the border and could have as many young people in the car as it will hold but they would not be subject to any restrictions. Indeed, it is worse than that. They could come from France, where they drive on the wrong side of the road. They could have had their licence for only a couple of days. They could get on to the roads in Northern Ireland, and, as a result of amendment No 15, they could drive the roads with a group of those vulnerable people in the car.

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

**Mr Wilson:** Yes.

**Mr Allister:** I agree with the Member — I had better say that tonight; it is unlikely to be able to be said tomorrow night. We have many eastern European drivers whose licences, if I am correct, are eligible and valid for three years in Northern Ireland before they have to apply for a Northern Ireland licence. They would be exempt for the entirety of those three years, yet the indigenous person who gets his test, etc, is going to be subject to that restraint. Is that not pretty absurd?

**Mr Wilson:** It is absurd. I hope that I have illustrated, by some of the points that I have made, that clause 20 is badly thought-out. I accept the amendment that Mrs Overend proposed. At least she is trying to exempt some people some of the time from the restrictions. However — this is where I agree with my colleague Mr McCrea — I do not think that it goes far enough. For most young people now, 10.00 pm is not a realistic time to have for coming home. Even if they start off at 7.00 pm, they are not likely to be home by 10.00 pm. For that reason, I believe that the clause is so flawed it needs to be fundamentally changed. It has been useful to debate the amendment, and if Mrs Overend pushes it to a vote I will probably vote with her.

However, I hope that the Minister is minded — after some of the things that I have said, I hope he will be more minded — to rethink this over the summer. We have had the debate. Let us not push it to a vote tonight, because we can come back with this amendment if the Minister does not move, or, I hope, with an even more radical

amendment at Further Consideration Stage so that we do not have this kind of confusion. All that I can conclude is that either we are engaging in tokenism or we have an example of total confusion, but neither makes for good legislation. I believe that this will only bring the ire of the people affected by this legislation down on the Assembly.

I will give way to Mr Allister.

**Mr Allister:** My point is on the logic of not pressing the amendment. If the amendment is not pressed, the clause will stand part, whereas if the amendment is pressed and made, any change that the Minister wants to make will be within the confines of the principle of exemption. If the clause stands part, it is going to be a tougher battle to change that. Is that not right?

**Mr Wilson:** I will bow to Mr Allister's advice. Since he is agreeing with me tonight, but probably will not tomorrow night, I will agree with him and take his advice on this issue, if that is indeed a better way. I have said that, if the amendment is pushed to a vote tonight, I will be voting for it, albeit with the qualification that it does not go far enough, does not address the real issue that needs to be addressed in clause 20 and that I think that the Assembly will need to come back and look at further and perhaps more radical amendments to it. In the meantime, maybe over the summer the Minister will think more about this issue and come back with an amendment that the whole Assembly can agree with and which deals with what I believe is an inadequacy.

The one thing that I have got to say is this: I believe that the Assembly needs to think very closely about the way in which, sometimes willy-nilly, it passes legislation, often for the best of reasons, that restricts the freedom of individuals in a way that hurts them. Such legislation does not actually achieve the objectives that we want, or is sometimes contradictory to those objectives. Lots of references have been made tonight to people who live in rural areas, and the fact that, because of public transport cuts etc, there is not the mobility that we would like for them. Well, let us not pass legislation that further restricts mobility, especially for a group of people who need mobility for education, work and their social lives. In an environment where there is a greater expectation of that, we should not be legislating just because a road safety lobby has made this kind of push.

**Ms Lo:** I thank the Member for giving way. We were minded to oppose clause 20, but reserved judgement to hear what Members said in the debate. However, if the Minister is minded to make further amendments, we would certainly not want to divide the House. I think that DUP Members are thinking the same way, are you not?

**Mr Wilson:** The alternative to the amendment may be for the House to oppose totally that clause 20 stand part of the Bill. That, to me, would be the much better solution, though I am not so sure that it would command widespread support. If I thought that it would command support, that would be a much better avenue to go down than the amendment we are debating at the moment.

**Mr Attwood:** I want, first, to acknowledge not just the officials — the departmental officials and the Committee officials — but the Committee members themselves. A long time ago, it was my anticipation that a further unpicking of the original Bill, beyond that which has been discussed this evening and that which was amended

further at Committee Stage, would have occurred at Committee. The legislation was drafted to try to push limits and best practice when it comes to the safety of people on our roads in the North, both those who are in cars and those who are outside cars. There are a number of areas in which I would have anticipated some further unpicking of the Bill as originally proposed at the Committee, and I welcome the fact that that did not happen. I welcome that because if it had happened, the world of Sammy Wilson would have prevailed. Sammy — Mr Wilson — knows what I will say next.

### 9.00 pm

When the policy outline in the Bill went to the Executive, Mr Wilson was the only Minister at the Executive who opposed the policy intentions that became part and parcel of the Bill that we are discussing this evening. He will remember, as I do, the critical moments during that Executive discussion when not I but Arlene Foster, Martin McGuinness and Peter Robinson gave their imprimatur to the policy objectives of the Bill. Why did they give their imprimatur to the policy objectives that are now part and parcel of the Bill? It was because they related to their own human experience and the horror and tragedy of road traffic accidents and the effect that they have on people's lives.

Mrs Foster referred to an incident in Enniskillen and the traumatic injuries to a citizen of that town, somebody whom I subsequently got to know because that person was part of one of the advertisements that were referred to earlier that had some part in trying to improve our road safety. Mr McGuinness referred to the terrible incident in Donegal, where a number of young people were killed in a car accident, and he said that he and many others had visited the homes of all those who had been bereaved. The imprimatur of the Executive went into the policy ambitions of the Bill, despite the considerable and lengthy protestations of Mr Wilson. He has narrowed his focus tonight, and I will come back to that, but let us be very clear: at Executive level, he wanted to derail quite a lot of the arguments that are now part and parcel of the Bill, and on which I understand there is no division. I welcome the fact that the Committee saw that level of common sense and ambition, unlike that which informed Mr Wilson's previous views.

When it comes to the issue of young people in a car at any time during the day, my view was informed by a visit that I made to a house not very far from the city of Belfast, when a young woman had been killed in the early hours of Friday night/Saturday morning. She had been in a car with five of her peers. She had been the one person who had been killed and two others had received traumatic injuries. On the way back from Omagh one day, I called to that wake house in a loyalist estate and saw the trauma that is visited on people's houses and families by a serious road traffic accident when there are many people in a car. That should be our touchstone in the ambition and practice of the legislation, whatever the arguments of Mr Wilson and others.

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

**Mr Attwood:** I will. What can we do in those circumstances in which there were a number of people in a car, where there was a serious road traffic accident, and where there were traumatic injuries and one death? What can we do, throughout the hours of the day, to mitigate a replication of that incident?

**Mr Wilson:** Given the statistics that the Minister has given, that 83% of deaths of people between the ages of 14 and 24 are caused by drivers between the ages of 17 and 24, is the logic of his argument not to ban driving until people get to 24?

**Mr Attwood:** That is certainly the logic of Mr Wilson's argument, and I will come back to that. Mr Wilson essentially makes the argument that, if you cannot make sure that the law applies to everybody at every time, let us not have the law at all, or, on the other hand, if you are going to have law, make sure that it applies to every person at all times. That is the logic of his position. I will come back to that in an instant, reminding him that, in 2012, of the 57 deaths on the roads in Northern Ireland — they have been rising ever since, as they have on the island of Ireland — 43% of the people who were killed were killed by the 10% of the drivers on the road who are classified as young.

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

**Mr Attwood:** I will in a second. The consequence, as I understand the figures, is that it is not a matter of seven deaths — seven is too many — it is a matter of a multiple of seven deaths in the year 2012, when there were 57 deaths, which was the lowest that had ever been recorded in Northern Ireland history and, in fact, in the history going back to pre-partition days, as far as I recall it. The number of deaths as a consequence of young drivers was disproportionate to the number of young drivers. I will give way to the Member.

**Mr Beggs:** The Member is using statistics, and I am just seeking clarification about his statistics. He said that they were caused by the 10% of people who would be classified as being young. Will all of them be prevented from driving after 10.00 pm by what is being proposed? Will all of them be banned from driving during the day by what is being proposed? I am just seeking clarification. Is he using statistics at the appropriate time?

**Mr Attwood:** The way to answer that is simply with a point that has been made before. Two thirds of those who are killed as a result of the driving of young people are killed on our roads between the hours of 6.00 am and 10.00 pm, and one third are killed between the hours of 10.00 pm and 6.00 am, so the answer to the question is not how many are killed during the particular hours of night-time or daytime. The answer to the question surely has to be that two thirds of those who die as a consequence of young drivers die between the hours of 6.00 am and 10.00 pm, and one third of those who die as a consequence die between the hours of 10.00 pm and 6.00 am. The answer to that, surely, it seems to me, is to deal with the problem in every single hour of every single day, not least the hours of nine to 10, when the evidence is that the scale of death arising from an accident involving young people is at its highest. That hour, more than any other hour — an hour not referred to in the amendment by Mrs Overend — is the most acute, critical hour in terms of risk to people and deaths arising from road traffic accidents involving young people. I will come back to that later.

Can I ask the Minister two questions? You have to see this in the round and the broadest context. One of them touches on Mr Lunn's point. Where are we in terms of all-Ireland enforcement of penalty points for those five categories of criminal conviction that carry the greatest

risk to the citizens of Ireland? This is not a one-stop shop or one quick answer by the Minister to the issue of road safety, road injury and death on the island of Ireland. It is also a much broader strategy, so it would be useful, in the context of the life of this mandate, which is coming to an end, hopefully not sooner rather than later. Where are we in respect of the recognition of all-Ireland penalty points? It goes back to Mr Wilson's point and Mr Allister's point about citizens from other places, in Northern Ireland, who are not potentially subject to these restrictions. That is already the case. People could be in Northern Ireland who were previously in the South and had been subject to penalty at the hands of the court, and, if we had all-Ireland recognition of penalty points, they would be captured by enforcement. However, because we do not have all-Ireland recognition of penalty points, those people are now driving North with those penalty points and are not restricted. The point that I am making is that the fact that we do not have all-Ireland penalty points does not mean that you take action against all the other categories of drivers in Northern Ireland who may be subject to offence.

**Mr Allister:** I thank the Member for giving way. I understand what the Member is saying, but that is a very different point. The point here is that, as this Bill is drafted, all those non-UK drivers are exempted from the restrictions that the Minister wants to impose in a blanket way on all UK drivers. That is the reality of this Bill.

**Mr Attwood:** The Minister — and I think that he is right on this — has said that he will go back over the summer, when there is adequate time, to produce voluminous levels of evidence on what informs the policy ambition of the Bill but, at the same time, informs these hard cases, of which there are quite substantial numbers as our immigrant population grows, which some people in this part of the world would not want to see happen. Nonetheless, there can be, I believe, a scoping of clause 20 in order to mitigate the concerns of any Members in the Chamber, produce the evidence that can mitigate those concerns and adjust clauses so that you capture more people who should be rightly captured by the intention of the clause.

**Mr Allister:** The Minister cannot address this issue, because he told us that this gap exists on foot of an EU directive, which says that you cannot impose the indigenous restraints on those from other jurisdictions. Therefore, your Polish or Lithuanian driver is entitled to come here, use his licence for three years and exempt himself from what the Minister wants to impose on local people. The Minister cannot do anything about that given the EU directive.

**Mr Attwood:** My answer to that is this: the bad should not be the enemy of the good. If it is not within the mandate of the European institutions at this stage to have joined-up thinking and practice when it comes to road traffic penalties, and that is the case, even though that is a deficit in the overall regime, both in law and practice, that deficit should not get in the way of creating some strength and authority around drivers in Northern Ireland, who are subject to our law and who can be subject to mechanisms that improve practice when it comes to road use.

I will give you one example. The Minister is currently taking forward this initiative in relation to all-Ireland recognition of penalty points. When the Department asked the British Government whether they thought it was useful and timely to do the same with regard to both these islands

— all-islands recognition of penalty points — the London Government said that they did not think that they wanted to go down that road at this stage. Even though we have on these islands all-Ireland recognition of disqualification, and that is good, the London Government said that they did not want to go down the road of all-islands recognition of penalty points. Despite that, the Department and the Minister are still taking forward that initiative, because even though people will come from Britain who have penalty points, those penalty points will not be recognised in Northern Ireland. That is a weakness and a deficit.

If the Minister and his colleague in the South get their way, you will have all-Ireland recognition of penalty points in respect of five categories of criminal offence, making the point that the bad should not be the enemy of the good. If there is some good that we can do in this legislation, even if it does not capture all the people who we might like to capture and because that is outwith our control, we should take that opportunity going forward.

Could I also ask the Minister a second question? This was touched upon by Mr Lunn. It is my recollection that the Association of British Insurers said at a conference in London that, in the event that the regime that was being proposed by the Minister was put into place, the consequence would be that they would see potentially a 19% reduction in insurance premiums. This is a point —

**9.15 pm**

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

**Mr Attwood:** Well, you did refer to the insurance industry indicating —

**Mr Lunn:** I thank Mr Attwood for giving way. It gives me the opportunity to correct the statistic I gave earlier. The 11% of young drivers who cause 44% of the accidents is a DOE statistic — and Mr Greenway can stop glaring at me now because I have corrected it. The one about the 19% and the Association of British Insurers I do not recognise at all.

**Mr Attwood:** I stand corrected, but it was stated by the Association of British Insurers at a public conference in London that, in the event of this overall regime being put into law, it could see a reduction in insurance premiums for young drivers by 19%. We should treat that with a bit of caution, because insurance companies might tell people what they want to hear. Nonetheless, does the Association of British Insurers have anything further to say about what insurance premiums in Northern Ireland might be in the event of this legislation being passed?

I want to make a couple of quick points in respect of clause 20. It is always the case when it comes to legislation that you have to balance risk with constraints on liberty. That is a point that Mr Beggs made when he quoted from the documents; from Daniel Greenberg who talked about the constraints of liberty.

It is always the nature of law, or very often the nature of law, that you have to balance the risk to citizens with the need to put only proper and reasonable constraints on liberty. That has always been the case. Look at our legislation in respect of drink-driving. Some people would argue that that gets in the way of their liberty, yet we have decided that in those circumstances, including in this Bill, the risk is going to become more and more important.

Look at the freedom to smoke, that some would claim, where people have to balance the risk of smoking with constraints on their liberty when it comes to where they choose to smoke. That is the essence of this Bill. We are moving more and more to recognising that there are some appropriate constraints on liberty, as some might see it, because the risk is so great when it comes to road traffic in the North.

Given that there were, I believe, 79 deaths in Northern Ireland last year, up from 57 two or three years ago, and that after seven years of decline there is now an increasing volume of deaths and serious injuries on the roads North and South, we have to have a precautionary approach when it comes to the content of the Bill, whereby the risk is recognised as being significant and growing, and which should result in moderate restriction on people's liberty.

Mr Wilson, as I said, targeted his commentary at one clause and not at the scope of the Bill generally. That seems to acknowledge, after all this debate, that there has been an acceptance that the threshold required in respect of road traffic law is now higher than might once have been the case.

**Mr Wilson:** The Member will well know that had I gone wider than clause 20, to which the relevant amendments referred, the Speaker would have ruled me out of order, because, of course, at this stage we can refer to only the amendments we are debating. There are other aspects of the Bill that I am still unhappy with but that are not subject to amendments tonight, therefore could not be addressed.

**Mr Attwood:** Then I stand corrected, but I also stand corroborated that Mr Wilson's ambitions in respect of the Bill are way beyond clause 20 and that there are other areas, in his view, in terms of the draft Bill going way back a number of years, where he saw that the Bill was stretching itself and the threshold in the content of the law and enforcement was going to be too high. I welcome the fact that Mr Wilson has corroborated the very point that I made at the beginning of my speech.

The point that I would like to make is this: it seems to me that, even though all that we might wish to capture through categories of driver will not be captured by the Bill, subject to what the Minister might find out over the next number of weeks and months, at the end of this process, it has to be the case that you cannot differentiate between daytime and night-time hours when it comes to the overall scale and scope of clause 20. If we are to have a consistent approach, which recognises that risk arises at every hour of the day, even if it varies between hours, clause 20 has to recognise that every hour of every day is a risk to every driver.

**Mr Lunn:** I will just echo a few points made so far. Mr Wilson referred to the fact that passing the driving test is a landmark in a young person's life, and I could not agree more. There are various highlights in life around that time, but I can well remember doing my test in my father's car down in Belfast. He drove me back to Dunmurry after I passed the test at the first attempt and then threw me the keys, saying, "Go off on your own", and I had the pleasure of overtaking someone on Dunmurry Lane. These were highlights.

**Mr McCarthy:** In a Morris Minor.

**Mr Lunn:** It was a Morris Minor.

Mr Wilson advised against imposing too many restrictions, particularly restrictions that will not have any effect. The

big restriction during my time was the imposition of R plates. I am not quite sure when that was, but it was a big thing at the time. Did it stop the carnage on our roads? I have a feeling that it did not. The things that actually made a difference were the advent of things like 0% finance and no-deposit deals on an Opel Corsa, or perhaps free insurance, which some of my colleagues in the insurance industry must surely regret now. All made it easier for young people, in particular, to get a car without a deposit and without much commitment. A small car in those days would do 100 mph quite easily.

The worst accident involving young people that I ever came across happened out at Templepatrick. Four were killed, two of them from my church. I remember it very well. They were at the tech and were out at lunchtime, at 1.30 pm — not in the middle of the night. They were just speeding. It was dreadful.

I think that I tidied up the statistic for Ian — 11% of young drivers cause 44% of fatalities, which tallies with what Mr Attwood said. There is another statistic worth mentioning. In England, per 100,000 of population, there are 304 collisions that cause injury a year. That is the last available statistic. In Northern Ireland, the figure is 502. If you extrapolate 44% and set it against that figure, you see that there are an awful lot of accidents involving young people. In fact, there was always an assumption in the insurance industry that just about every young driver would have a touch at least, whether it was a very serious or relatively minor accident. It is really in the lap of the gods, because the same conditions could produce a smashed-in front end or leave a couple of people dead. A certain amount of luck is involved.

I understand from what I have been hearing that the Minister is prepared to have another good look at clause 20 over the summer. If that is the case, we will not do what we were inclined to, which was to oppose it. Mr Wilson said that that might be the simplest thing to do, and, in a way, it would: it would be clean, and we could start over. I do not think that we need to, provided the Minister, when he sums up, gives us a reasonable assurance about that.

I want to talk about some of the detail. Mr Wilson has stolen most of my thunder on the "relevant accompanying" driver. Presumably, the three years' full licence has to be a clean licence, but it does not say so in the Bill. As you rightly say, it could involve convictions without the loss of a licence. It occurs to me is that it could be two years on an R-plate and one year of full driving. It could also be three years after you have passed your test, without ever having driven a car. Not everybody has a car. Who has the experience? Is it the 22-year-old who is into his six months' restriction having passed his test, or is it his accompanying driver, who may, as you rightly say, be 21 and not have driven a car since he passed his test? He has to sit in the front seat and give this driver advice or keep him in check.

The whole concept of the age restriction really bothers me. I cannot help wondering who will police this, and the answer is easy: the PSNI. How will the PSNI police it? The only time that our overstretched police will pull in a young driver is when they think that he has caused an offence or perhaps had an accident. The police do not have the resources or the time — I am sure that they will not have the inclination — to see a car with three people in it and say, "We had better pull that car over. He is not going too fast and is driving perfectly normally, but the person sitting



beside him does not look like they have had their licence for three years". It is actually ridiculous.

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

**Mr Lunn:** Yes, indeed.

**Mr Wilson:** Even if the police stop him and ask who he has in the back seat, he will say that he has treated that person as a member of his family for the last 10 years. The legislation allows him to do that.

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

**Mr Lunn:** Aye, go on.

**Mr Beggs:** In fatal accidents involving young people, the fact is that many of them involve joyriders, who will ignore all the legislation. We can tighten things up and have very restrictive practices for more responsible drivers, but it may not have the impact that is being indicated here. The issue needs to be thrashed out, with much more transparency.

**Mr Lunn:** I am quite sure that all the statistics that were quoted, either by me or Mr Attwood — he is not listening — probably include joyriders. They are bound to.

I will go back to the way that the police handle this. I am looking at the wording: the police have powers to ask the driver or passengers for their "names, addresses, ages and relationship". You have to produce that within seven days. Failure to produce this information will be an offence, and the person will be liable to a fine of up to £1,000 and three penalty points. Let me take another angle. If the police pull somebody in because they are speeding, and it turns out to be a young person, on the back of that, they will normally have a look around the car. If this legislation were to go through in its present format, they might decide to check the ages, identities and relationships of the three or four people in the car. They might find that one of them transgresses the regulations by a couple of months. Possibly, the driver has quite innocently accepted information and thought that this person had had a licence for three years or that they were 21 rather than 20, and so it goes on.

**Ms Lo:** Will the Member give way?

**Mr Lunn:** Just a wee minute. Oh, go on then.

**Ms Lo:** I thank my party colleague. As for the additional passengers, how many 14-year-olds carry any identification with their date of birth? They will have to go to the police station within seven days; it could be another person who goes to the police station within seven days.

**Mr Lunn:** That is correct, obviously, but I am not too worried about it. The fact is that they have to produce all this stuff within seven days.

If the driver has transgressed by not carefully checking all the information, he will get, hopefully at the discretion of a judge, and thank goodness that we still have judges, a fine of up to £1,000. OK, it is more likely to be £50, but he will get three penalty points. He — I keep saying "he", but he or she — will get another three penalty points for the speeding offence, which means that, straight off, he will have six penalty points on his licence for something pretty minor. I keep going back to this, but, in insurance terms, three penalty points will not normally affect a person's premium. Six penalty points most definitely will.

## 9.30 pm

I notice the defence. The explanatory and financial memorandum states:

*"It will be a defence for the driver if he can show that he exercised all due care and diligence to avoid committing an offence."*

Therefore, a 21-year-old has to exercise due diligence. He probably does not even know what it is.

**Mr I McCrea:** Will the Member give way?

**Mr Lunn:** Yes. Go on.

**Mr I McCrea:** Therefore, the Member is saying that the driver has to vet all the people who get into his car. He has to check, before they get in, their full name, address, date of birth and all their credentials before he is deemed to have been responsible. Is that an appropriate thing for a driver to have to do? Does he think that that will actually happen?

**Mr Lunn:** What is liable to happen is the real point that I am trying to make. If you make silly law, people will ignore it. If you make bad law, it cannot be enforced, or, if it is widely ignored, there is a not a lot of point to it. If that is the case and this is what we were going to do here, Minister, I am glad to hear that you will have a rethink on it, because there are too many idiosyncrasies in this that are just asking for trouble.

The question about insurance has just been touched on. Let us say that a 22-year-old driver has passed his test and managed to get insurance that has cost him about £1,000 — he has comprehensive cover — but then drives around with a bald tyre and crashes the car. His insurance company will probably not pay for the damage to his car. It will have to pay for the third-party claims if he does damage to somebody else, something else or his passengers, but it will not have to pay for his damage. What happens if that person has transgressed by not having a responsible additional passenger in his vehicle when he should have? He will be in breach of the law, if we pass it. Would that mean that the insurance company can say, "You were not properly supervised"? To me, it is much the same as, under the present rules, a provisional driver driving without somebody beside him and crashing the car. His insurance company will almost certainly say, "No, sorry". I could go on all night about this. There are so many bits that need tidying up. I will not go on too long. *[Interruption.]* I am enjoying myself.

The other bits that worry me — well, they do not worry me — are in clause 16. That is the one in which you will reduce the age to 16 and a half from 17.

**Mr Durkan:** That is the next one.

**Mr Lunn:** Is it not? Sorry. Which one is clause 16?

**Mr Durkan:** I do not know what it is called.

**Mr Lunn:** I know that you are not going to do it now. I must say that I am glad to hear that. The very notion of 16 and a half. What is a half? Is it 182 and a half days? What is it?

**Mr Durkan:** A leap year.

**Mr Lunn:** A leap year, yes. Precisely. I do not imagine that it would cause too much trouble, but 16 and a half is ridiculous. Seventeen is fair enough.

I really welcome the fact that you have drawn the requirement of 12 months before you can take a test back to six months, because a lot of people are not learning to drive in a family car. They are taking driving lessons, and there is a limit to how many driving lessons you need, perhaps in some cases, and certainly a limit to the number that you can afford. There is no need to spread it out over 12 months. Some of us passed our test after two months.

That is about it. We were inclined to oppose clause 20 and vote that it should not stand part, subject to what the Minister says. Mrs Overend's amendment is to clause 20 so is linked to what the Minister says.

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

**Mr Lunn:** Do you want up again?

**Mr Wilson:** The Member has made the most compelling case that I have heard tonight for rejecting clause 20 in its entirety. I would like to think that he would follow the logic of the arguments that he made, which have been really compelling, and push this through so that we can actually get rid of this clause.

**Mr Lunn:** I am going to follow the logic of what my party told me to do — for once. *[Laughter.]* I hope it is a pattern that I can develop in the years ahead.

We are inclined to listen to the Minister, and I think we can accept what he is going to say. I ask Mrs Overend this: please do not move the amendment. There is no need for it, and we can come back to it after the recess as part of a better-developed clause 20.

**Mrs Overend:** Will the Member give way?

**Mr Lunn:** Yes.

**Mrs Overend:** On that point, if the amendment is moved, we will not restrict further amendments to clause 20. If we move it, at least it will be in place, so to speak. Further amendments could be made to clause 20, or it could be totally withdrawn. Is that not the case? So, why not push on with the amendment?

**Mr Lunn:** I suppose that is the case. I would still prefer if you just did not move it.

**Mr Beggs:** Will the Member give way? I am seeking clarification. I do not know whether the Member knows what the Minister is about to say. Is he saying that he wants the Minister not to move clause 20? I am uncertain what you are saying.

**Mr Lunn:** In order that we will not to oppose the notion that clause 20 stands part of the Bill, we would like the Minister to say that he will come back after the recess, after consultation with all the interested parties, with a revised clause 20 that takes into account some of things that have been suggested tonight.

I will just ask him one more thing. Please clear up the situation on a European licence and its validity here for accompanying drivers. I am not on the Committee, and I have not studied this until today, but it seems to be that the Bill says that a licence issued by another European state will be valid. I understood that amendment No 15 would take out that concession, yet I am hearing from other people that maybe under European law you could not do it. I will leave that to the Minister as well. I will conclude with that point.

**Ms Lo:** Will the Member give way?

**Mr Lunn:** No. I am finished. Thank you.

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank Members for the questions and the issues that they raised in the debate on this group of amendments. I wish to comment on a number of points mentioned by Members. There have been quite a number of points raised; I am not sure whether I will manage to address them all as I try to sum up tonight. For those that I do not manage to get to tonight, I will certainly get back to the Member in question in writing after checking Hansard.

The first contribution was from Anna Lo, the Chair of the Environment Committee. For her, like many who followed her, the focus was on clause 20 and the proposed passenger restrictions, which she described as overly bureaucratic, convoluted and difficult to enforce. There are questions on practicality and enforcement in every piece of road safety legislation, I will dare to say. I do not know whether the Member herself or anyone here has ever crept over the speed limit and asked themselves how it is enforced. How practical or enforceable was the mandatory wearing of seat belts, for example? What impact has it had? How many lives has it saved?

What is clear, given the evident lack of clarity or understanding on any passenger restriction proposals, is that, regardless of whether clause 20 goes through unamended, the amendment is carried, or it is subject to further amendment, whatever goes through and whatever we end up with, there will need to be a prelude through a serious information and education campaign in advance of any legislative change being introduced. This type of legislation is about changing attitudes and mindsets more than it is about criminalising drivers or catching people doing something wrong.

I welcome Mrs Cameron's contribution, in particular her plea to Mrs Overend to hold fire on her amendment pending further examination of evidence and a collaborative effort to resolve this issue to the satisfaction of parties and for people's safety. I welcome Mr Milne's support for my amendments and his recognition of potential problems should Mrs Overend's amendment be carried in isolation.

Mr Maginness stated that the Committee agreed that there should be some restrictions — that is evidence that the Bill has passed through Committee Stage — but it appears now that the debate is around how much we restrict the restrictions. Mr Beggs made a further intervention in Mr Maginness's speech — he had intervened with me earlier — to say that this could result in more people walking around in rural areas. If Chuck Feeney had heard that intervention, he might be looking for his money back.

There is no total ban on young drivers carrying passengers; that is something else that I have to get out there. In one of Mr Wilson's many interventions, he asked about the small number of fatalities and whether that warranted the introduction of these restrictions. I could not help but recall Lord Morrow's words as we debated the first group of amendments. He said that we needed to bring forward the strongest and most robust legislation that we can so that we are not found wanting at a later date. I ask the Members on the opposite Benches to think those words over.

Then, we had Mrs Overend's contribution. Of course, Mrs Overend has —

**Mr Wilson:** Will the Minister give way?

**Mr Durkan:** Yes.

**Mr Wilson:** I do not think that there is any contradiction between Lord Morrow's point and what I was saying. Mr Lunn illustrated it much better than I did. This is confusing legislation at worst and tokenism at best.

**Mr Durkan:** I thank Mr Wilson for that intervention. It is evident that there is confusion, and I certainly agree with Lord Morrow that we need to bring forward legislation that is as robust and effective as possible.

**Lord Morrow:** Will the Minister give way?

**Mr Durkan:** In a second, Lord Morrow. While there has been agreement and consensus from the Committee that there is a requirement for restrictions, it seems that Mr Wilson was chipping away at the idea of any restrictions whatsoever. I give way.

**Lord Morrow:** I just want to offer clarification. There is no difference between what Mr Wilson and I have been saying. Mr Wilson and others are not advocating that we should have less fit-for-purpose legislation than has been advocated. Why would we not have the most robust and capable legislation? No one, irrespective of the angle they are coming from in this debate, is advocating that we should, in some way, weaken things.

**Mr Durkan:** I thank the Member for the intervention. I had not stated that there was any difference between what Mr Wilson and Lord Morrow said; I just said that I could not help but recall Lord Morrow's words after Mr Wilson's contribution and then echoed those words.

I have no doubt in my mind that, like all of us, Mrs Overend, whose amendment has been the source of most of today's debate, wants to protect young drivers and, indeed, all drivers and road users. She mentioned opposition to the public consultation in 2012 on restrictions but it is to be expected that, any time there is consultation on restrictions of any nature, there is often huge opposition. That does not necessarily mean that they are a bad thing.

I have to ask this: how do young people in rural areas go to school, extracurricular activities, church or GAA clubs before they pass their driving test? Do they just get a new lease of life when they pass their test at 17 and a half? After listening to Members' contributions today, one would have to wonder.

**Mr I McCrea:** Will the Minister give way?

**Mr Durkan:** Yes.

**Mr I McCrea:** The Minister will have to accept that he was 17 at one time. If he did what many others did, he will know that they saved their hard-earned money, bought themselves a car and, if their parents helped them with the insurance, they got out and drove their cars. I think it is being disingenuous to those young people. Yes, they depend on their parents to do it, but he, like many young 17-year-olds wanted to get out in their cars and be independent. So, I see the point he is trying to make, but I think he is being a bit disingenuous to young people.

**9.45 pm**

**Mr Durkan:** I thank the Member for his intervention. Indeed, I commend the young people to whom he refers who pass their test, work hard and try to save all they can for a car. I was 17, probably not as long ago as the Member was, but I have to confess that I was 18 by the time I passed my test.

**Mr I McCrea:** Do not let the hair —

**Mr Allister:** What hair?

**Mr I McCrea:** — or lack of hair — fool you.

**Mr Durkan:** Which one? *[Laughter.]* I was 18 by the time I passed my test, and I have to confess that it probably took me about six months of driving unaccompanied to build up the confidence to let my mates into the car with me for fear that they would slag my driving. We are talking about a six-month restriction that could and, I have no doubt, would save lives.

**Mr Lunn:** Will the Minister give way?

**Mr Durkan:** Go on.

**Mr Lunn:** It is on the six-month restriction and the emphasis on the ages and so on in the proposed legislation. What does the Minister think? There is nothing in the Bill, as far as I can tell, although there is in existing legislation, about the need to sit a retest if you transgress. That is about the fifth time I have said "transgress", but you know what I mean. If somebody obtains a conviction for an offence during their R-plate period, or if they have a motor accident that results in a conviction, in the two years — you could, perhaps, tailor it slightly to the first year and the second year — could they be asked to resit their test and, perhaps, forget about some of these other restrictions?

**Mr Durkan:** I thank the Member for his intervention. I displayed in my earlier contribution, and I will reiterate as my winding-up speech progresses, my commitment to work with Mrs Overend, who has brought this amendment; other members of the Committee; non-members of the Committee, whose input we could have done with at a much earlier stage, it transpires; and non-members — the groups that Members have been talking and listening to; and who may have inspired this amendment and some of the other contributions.

**Mr Allister:** Will the Minister give way?

**Mr Durkan:** One wee minute, Mr Allister. I am thinking primarily of the young farmers' lobby. I remind the House that the farmers' lobby was also outright in their opposition to the thought of having to wear helmets while they were on quads. I know that that is a crusade that Mr Wilson fought and lost at the last stage.

**Mr Swann:** Will the Minister give way?

**Mr Durkan:** Mr Allister first.

**Mr Allister:** I am grateful. I want to explore what the Minister is offering, because he has said, a few times, that if Mrs Overend would not push this amendment, we could talk. What is he going to offer, because, at the moment, he has clause 20, with the restrictions? The amendment from Mrs Overend suggests some exemptions from those restrictions. Is the Minister conceding the principle of exemption from those restrictions? Is it down to fine tuning that? Or, is the Minister, who has not, to date, listened

to the young farmers, for example, just trying to get through this without making any commitment? What is the Minister's commitment?

**Mr Durkan:** Anyone in the House who has heard me give any commitment on anything in the House will know that I generally fulfil them or, at least, always try to fulfil them, until I am voted down when I try to do so. There was another red herring about increasing —

**Mr Swann:** Will the Minister give way?

**Mr Durkan:** Sorry, Mr Swann.

**Mr Swann:** The Minister referred to lobbying by the young farmers' organisation. I declare my hand as a past president of that organisation. I think his misunderstanding comes from lumping all those young people simply as farmers. They are there as rural young people who see this restriction as curtailing their ability to move around the countryside and actually get out of the house. Earlier in the debate, he posed a series of questions about how they get to church or school and all the rest of that. I think that that shows a misunderstanding by the Minister that he does not know the answers to those questions at this stage of the Bill.

I think that that is where Mrs Overend's amendment addresses some of those concerns.

**Mr Durkan:** I thank the Member for that intervention. I was not aware that he was a distant past president of the young farmers' union. *[Interruption.]* If this displays a lack of understanding on my part, I accept that, and that is why I am prepared to meet. I cited the young farmers' group just as an organisation, because I know that they have one. I am happy to meet other organisations.

I am sorry; I had not quite answered all of the question put to me by Mr Allister as to what exactly I am offering. I am offering to look again at the legislation. I think that any compromise, as he said, or any accepted improvement by the House will also have to be evidence-based. Legislation has to be based on evidence and, therefore, amendments to it should be evidence-based also.

**Mr Allister:** Is the Minister conceding the principle of some exemption to these restrictions? Is he conceding that principle?

**Mr Durkan:** I think that my colleague Mr Maginness summed it up pretty well when he spoke about the merits of the detail and the motivation behind the legislation being proposed and the amendments that I brought forward, but then he said that it was all those things but was not perfect. I accept that it is not, and if there is a way that we can work together and work with others to ensure that it gets as close to perfect as possible, then I am prepared to go there. I look forward to the Member's support and assistance in getting there.

In an intervention, Mr McCrea alluded to the potential financial burden on learner drivers, although I think that he was more worried about the financial burden on their parents. Concerns had been expressed earlier in the legislative process that an overly prolonged mandatory minimum learning period and a minimum required number of lessons, which had been floated again at an earlier stage during the debate, might have a prohibitive cost attached.

Mr Wilson said how passing the test was the best thing that happened to many young people. You have to recognise that we are trying to protect young people from

what would undoubtedly be the worst thing that could ever happen to them. If saving lives is not a compelling case, I do not know what is. He also told us that he is concerned about the impact of the legislation on low-income families. Coming from the champion of Tory austerity policies that will reduce further the income that those families get, I found that quite rich. However, to allay the Member's concerns, I will tell him that the log book must be verified by an approved driving instructor or a supervising driver, which is someone aged 21 or over with a full licence for three years, and it is envisaged that that will be a parent or friend. He spoke about peer pressure and the fact that family members might be inclined to put on as much, if not more, pressure as friends or contemporaries. From my experience, I would have thought that family members might be more inclined to tell tales if I were driving too fast.

Mr Wilson also spoke about amendment No 15. Our view is that, without amendment No 15, the Bill would not get Royal Assent. He said that if the Assembly did not get this right or if we should pass it as proposed by me today, we would be facing the ire of the people this legislation will affect. I would much rather face that ire than have to answer to a family somewhere at some stage in the future for not having done all that I could or all that we could to make our roads safer.

Mr Attwood made a telling contribution. At this stage, I would like to pay tribute to my predecessor and my colleague for recognising the need for, and initiating, this radical legislation to save lives. He recounted today the type of tragedies that motivated him to pursue it. Mr Attwood had a couple of questions, one was on the mutual recognition of penalty points. I continue to work hard on that issue. A number of complex issues are being considered and legal advice is being sought on a range of issues, such as the timing of adding and removing points from licences and further examination of core process issues. I am extremely frustrated, as I am sure that the Member, and all right-thinking Members, will be that it is taking this long. I know that my counterpart in the South is equally frustrated, but I am conscious that we need to get this right, given the level of legal challenge to prosecutions in this area.

Another question was about insurance costs. There had indeed been a statement from ABI that insurance premiums could decline by as much as 19%, if a full package of GDL was brought forward but, given that what we are talking about now is an already hugely compromised programme of GDL, it is unlikely that any reduction would be of that scale. However, there has been a commitment from insurers that, as claims reduce, so will premiums, and it is envisaged that this will lead to a reduction in claims.

Mr Lunn questioned whether these restrictions work at all. Earlier, I pointed to other jurisdictions that have taken the bold step of introducing passenger restrictions and the success that they have had in improving road safety as a result of doing so. I have to say that I found some of the other points raised by Mr Lunn very interesting, and we will certainly give them full consideration. However, he said that this was silly law, and he may have been clutching at creating ridiculous scenarios to make the law seem silly.

**Mr Lunn:** Will the Minister give way?



**Mr Durkan:** Certainly, in a second. I think the fact that Mr Wilson complemented him on his contribution should certainly give him something to think about. *[Laughter.]*

**Mr Lunn:** I thank the Minister. I hope that he does not think that I said this was a silly law. What I said was that silly law does not make good law and a bad law would just be ignored, which was also not desirable. I do not mean to say that this is a silly law: there is quite a lot of good stuff in here.

**Mr Durkan:** I thank the Member for his intervention and contribution. I thank all Members for the contributions, and I ask the House to oppose clause 16 and support amendment Nos 3 to 27 and Nos 31 to 38.

**Mr Speaker:** Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 16, but, as usual, the question will be put in the positive. Members should pay attention to that.

*Question, That the clause stand part of the Bill, put and negatived.*

*Clause 16 disagreed to.*

**Clause 17 (Provisional licence to be held for minimum period in certain cases)**

*Amendment No 3 made:*

In page 15, line 17, leave out "12" and insert "6".—  
*[Mr Durkan (The Minister of the Environment).]*

*Amendment No 4 made:*

In page 15, line 26, after "Order" insert

*"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 5 made:*

In page 15, line 28, after "1998" insert

*"(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)".— [Mr Durkan (The Minister of the Environment).]*

*Clause 17, as amended, ordered to stand part of the Bill.*

**Clause 18 (Approved programmes of training: category B motor vehicles and motor bicycles)**

*Amendment No 6 made:*

In page 17, line 17, leave out "13 (grant of licences)" and insert

*"13A (residence requirement for grant of licences)".— [Mr Durkan (The Minister of the Environment).]*

**10.00 pm**

**Mr Speaker:** Amendment Nos 7 to 11 have already been debated and are technical amendments to clause 18. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

*Amendment No 7 made:*

In clause 18, page 17, line 20, leave out "13A" and insert "13B".— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 8 made:*

In clause 18, page 17, line 37, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 9 made:*

In clause 18, page 19, line 17, leave out "13A" and insert "13B".— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 10 made:*

In clause 18, page 19, line 19, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 11 made:*

In clause 18, page 19, line 27, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clause 19 ordered to stand part of the Bill.*

**Clause 20 (Changes to restrictions on learner and new drivers)**

*Amendment No 12 proposed:* In clause 20, page 21, line 28, at end insert - "(ia) the driver is driving at any time between 10 pm and 6 am,"— *[Mrs Overend.]*

*Question put.*

*Ayes 47; Noes 36.*

**AYES**

*Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Adrian Cochrane-Watson, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr Neil Somerville, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr Beggs and Mrs Overend.*

**NOES**

*Mr Agnew, Mr Attwood, Ms Boyle, Mr D Bradley, Mr Dallat, Mr Durkan, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuillín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr A Maginness and Mr Milne.*

*Question accordingly agreed to.*

*Amendment No 13 made:*

In page 22, line 25, after "Order" insert

*"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 14 made:*

In page 22, line 27, after "1998" insert

*“(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995).— [Mr Durkan (The Minister of the Environment).]”*

*Amendment No 15 made:*

*In page 23, leave out lines 3 to 8.— [Mr Durkan (The Minister of the Environment).]*

*Clause 20, as amended, ordered to stand part of the Bill.*

**Clause 21 (Approved courses for new drivers as alternative to revocation)**

*Amendment No 16 made:*

*In page 26, line 1, leave out “(1ZD)” and insert “(1ZC).— [Mr Durkan (The Minister of the Environment).]”*

*Amendment No 17 made:*

*In page 26, leave out lines 3 and 4.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 18 made:*

*In page 26, line 5, leave out “(1ZD)” and insert “(1ZC).— [Mr Durkan (The Minister of the Environment).]”*

*Amendment No 19 made:*

*In page 26, line 14, leave out “a” and insert “the”.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 20 made:*

*In page 26, line 17, leave out “5A” and insert “5B”.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 21 made:*

*In page 26, line 23, leave out “that”.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 22 made:*

*In page 26, line 23, after “Article” insert “5”.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 23 made:*

*In page 26, line 23, at end insert*

***“Only one offer of an approved course during a person’s probationary period***

***5A.****The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person’s probationary period.”— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 24 made:*

*In page 26, line 25, leave out “5A.” and insert “5B.”.— [Mr Durkan (The Minister of the Environment).]*

*Amendment No 25 made:*

*In page 27, line 25, at end insert*

***“(4) In Schedule 1 (newly qualified drivers holding test certificate)—***

***(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—***

***(i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”***

***(ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise),”***

***(iii) after sub-paragraph (1ZA) insert—***

***“(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.***

***(1ZC) Where—***

***(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;***

***(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—***

***(i) notice of a court order referred to in Article 4(1)(d); or***

***(ii) the person’s test certificate as mentioned in paragraph 4(4),***

***the Department shall by notice served on that person revoke the test certificate.”***

***(iv) after sub-paragraph (5) add—***

***“(6) In this paragraph—***

***“approved course” means a course approved by the Department for the purposes of this paragraph;***

***“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”***

***(b) after paragraph 5, insert—***

***‘Approved courses under paragraph 5: further provision***

***5A.****Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—*

***(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);***

***(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”***

***(c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—***

(i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,

(ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise)”,

(iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d) and the person’s licence and test certificate; or

(ii) the person’s licence and test certificate as mentioned in paragraph 7(4),

the Department shall by notice served on that person revoke the licence and test certificate.”,

(iv) after sub-paragraph (3) add—

“(4) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(d) after paragraph 8, insert—

“Approved courses under paragraph 8: further provision

8A. Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”.— [Mr Durkan (The Minister of the Environment).]

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22 ordered to stand part of the Bill.

## New Clause

Amendment No 26 made:

Before clause 23 insert

### “Orders and regulations under the Order of 1995

**22A.**Article 110 of the Order of 1995 is amended as follows—

(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for “this Order”, where it first occurs, substitute “paragraph (3A)”,

(b) after paragraph (3) insert—

‘(3A) An order made under—

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”,

(c) in paragraph (4) (procedure for certain regulations), for “shall be subject to affirmative resolution” substitute “shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly”.— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

## Clause 23 (Supplementary, incidental and consequential etc. provision)

Amendment No 27 made:

In page 28, line 11, leave out “a statutory provision” and insert

“Northern Ireland legislation or an Act of Parliament”.— [Mr Durkan (The Minister of the Environment).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 27 ordered to stand part of the Bill.

## Schedule 1 (Transitional and Saving Provisions)

**Mr Speaker:** Amendment No 28 has already been debated and is consequential to clause 3 not standing part of the Bill.

Amendment No 28 made:

In page 29, line 7, leave out “sections 2 and 3” and insert “section 2”.— [Mr Durkan (The Minister of the Environment).]

Amendment No 29 made:

In page 29, line 10, leave out paragraph 2.— [Mr Durkan (The Minister of the Environment).]

**Mr Speaker:** Amendment No 30 has already been debated and is consequential to amendment No 2.

Amendment No 30 made:

In page 29, line 17, at end insert

### “Choice of specimens

**2A.**The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the

*amendments.”.— [Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Amendment No 31 has already been debated and is consequential to clause 16 not standing part of the Bill.

*Amendment No 31 made:*

In page 31, line 30, leave out paragraph 12.— *[Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Amendment Nos 32 to 36 have already been debated and are technical amendments to schedule 1. I, therefore, propose, by leave of the Assembly, to group these amendments for the Question.

*Amendment No 32 made:*

In page 31, line 35, leave out “12” and insert “6”.— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 33 made:*

In page 31, line 40, leave out “12” and insert “6”.— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 34 made:*

In page 32, line 28, leave out “12” and insert “6”.— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 35 made:*

In page 33, line 3, leave out “12” and insert “6”.— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 36 made:*

In page 33, line 12, leave out “(1ZD)” and insert “(1ZC)”.— *[Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Amendment No 37 has already been debated and is consequential to amendment No 25.

*Amendment No 37 made:*

In page 33, line 12, after “of” insert

“, and paragraph 8(1ZC)(b) of Schedule 1 to”.— *[Mr Durkan (The Minister of the Environment).]*

**Mr Speaker:** Amendment No 38 has already been debated and is consequential to amendment No 25.

*Amendment No 38 made:*

In schedule 1, page 33, line 13, leave out “) has” and insert “and (4)(c)(iii) have”.— *[Mr Durkan (The Minister of the Environment).]*

*Schedule 1, as amended, agreed to.*

## **Schedule 2 (Repeals)**

*Amendment No 39 made:*

In page 33, line 31, in column 2, leave out “In Article 19, paragraph (2).” and insert

“In Article 19(1), the words ‘Subject to paragraph (2),’.— *[Mr Durkan (The Minister of the Environment).]*

*Amendment No 40 made:*

In page 33, line 31, at end insert, in column 2

“

	Article 19(2), (2A) and (3).
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“.— *[Mr Durkan (The Minister of the Environment).]*

*Schedule 2, as amended, agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes Consideration Stage of the Road Traffic (Amendment) Bill. The Bill stands referred to the Speaker.

*Adjourned at 10.26 pm.*





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# Northern Ireland Assembly

Tuesday 30 June 2015

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

*Members observed two minutes' silence.*

## Assembly Business

### Public Petition: Early Years Fund

**Mr Speaker:** Ms Claire Sugden has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak on the subject.

**Ms Sugden:** Thank you, Mr Speaker, for the opportunity to present a petition of 13,599 signatures that urges the Minister to re-evaluate his decision to cut funding to early years services.

Early years education is a building block — an unsung building block — for the future of any child. The Minister's announcement of cuts of nearly £2 million to the early years fund stunned groups: it shell-shocked them. Many operate within the community and voluntary sector, which has already been an easy and nonsensical target for Executive cuts. The cut was not in the draft Budget. It was under-thought and an attempt to trim fat, yet, with early years, there was only skin and bones to begin with.

For some, this is the only funding that they will receive, and, without it, they will not be able to provide vital services for children, families and communities. I have heard from 16 funded groups in my constituency and other groups across Northern Ireland. This cut will devastate them.

I am concerned that the Minister does not fully grasp the impact of the decision. My biggest concern is that he does not understand the impact on early intervention. This is not about childcare, and if he believes it to be so, then he is more uninformed than the House realises. It is not simply a preschool issue either, because whilst 16,000 preschool places were provided under early years in 2014-15, there were also 900 crèche places for children aged nought to three. One hundred and seventy-seven jobs will be lost — jobs that were mainly for women — in the most disadvantaged areas of our communities. Mums who have been able to go back to work because of the early years provision, particularly in rural areas in my constituency and in constituencies across Northern Ireland, now face the prospect of being unable to stay in employment. That is not equality. Eighteen hundred single-parent families will be directly impacted, and 620 places for children with special needs and 250 places for children whose first language is not English will be lost. Those are the most vulnerable in our society.

There is no indication of funding beyond August 2015. Staff are being put on protective notice right now. They need to be able to plan for the year ahead. You cannot apply a clinical, quantitative solution to budgetary problems. It

is not simply a £2 million saving; it is a decision that will impact on families and communities and that will shift pressures on other areas. The lack of thought for the wider ramifications of cutting the early years fund is severely counterproductive, and I urge the Minister to reconsider, as do the 13,599 people who signed the petition.

*Ms Sugden moved forward and laid the petition on the Table.*

**Mr Speaker:** It is a very heavy petition. I will pass it on to the Minister of Education and to the Committee.

Members, in line with yesterday's ruling, if Members are more comfortable in the warm atmosphere that we are presently enjoying, they can feel free to take off their jackets.

### Committee Membership

**Mr Speaker:** As with similar motions, the motion on Committee membership will be treated as a business motion and there will be no debate.

*Resolved:*

*That the Ulster Unionist Party membership of Assembly Committees for Regional Development, Justice and Enterprise, Trade and Investment be changed in accordance with the proposals laid in the Assembly Business Office by the party on 29 June 2015. — [Mr Swann.]*

## Ministerial Statements

### Intergovernmental Agreement on Cooperation on Criminal Justice Matters

**Mr Ford (The Minister of Justice):** With permission, Mr Speaker, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement (IGA) on cooperation on criminal justice matters held in Armagh on Friday 19 June. I represented the Executive at the meeting with Frances Fitzgerald TD, the Minister for Justice and Equality, who was attending her third meeting under the auspices of the IGA. It was the tenth formal ministerial meeting under the IGA since the devolution of justice in April 2010. As I have previously said in statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as North/South Ministerial Council (NSMC) meetings.

The meeting on 19 June provided us both with an opportunity to review final progress against the 2014-15 joint work programme, as well as to formally agree a joint work programme for 2015-16, which will run through to next summer. Discussions also took place about maximising opportunities to access European funding for justice-related initiatives, and it is hoped to revisit that area when we meet again later in the year. In the interim, officials have been tasked with undertaking further exploratory research into appropriate potential European funding streams.

It was pleasing to note the positive progress that has been made across the 2014-15 work programme. Recent negotiations between forensic science services have resulted in agreement in relation to the sharing of DNA profiles, and appropriate protocols are under development. The value of the relationships established between the police services within the criminal justice and social diversity project advisory group was evidenced when an Garda Síochána (AGS) and the PSNI shared extremely helpful insights into best practice approaches to policing in minority communities.

The annual public protection seminar was successfully held for the fifth time, on 21 November in Dublin. The event also saw the launch of the eleventh edition of the 'Irish Probation Journal'. Plans are advanced for the sixth annual seminar later this year in Belfast. Through the work of the youth justice group, staff exchanges and information sharing between the juvenile detention facilities in the two jurisdictions continue. Those are just some of the examples that demonstrate the excellent ongoing cooperation between criminal justice agencies across the island.

I have attached to the printed version of this statement a copy of the joint work programme for 2015-16. That programme seeks to build on the 2014-15 programme and the progress made last year, but Frances Fitzgerald and I have also sought to sharpen the focus for the project advisory groups by assigning to each of them specific activities with anticipated outcomes. I intend to give a brief progress report in December following our next IGA. In the interim, progress will be monitored by the working group of officials.

In the years following devolution of justice, six project advisory groups have provided the mechanism by which work is taken forward. They have focused on the areas of public protection, registered offenders, youth justice,

forensic science, support for victims of crime, and social diversity.

Following recent discussions emanating originally from the public protection and registered offenders project advisory groups, a proposal to merge those two groups was submitted to Frances Fitzgerald and me to consider and approve at our meeting. Our endorsement to the merger was given, and the 2015-16 work programme will be taken forward by five project advisory groups. This sensible merger creates an enhanced public protection group, optimising the use of resources due to the considerable overlap of operational and policy work areas. The public protection group will continue to be co-chaired by the heads of the two probation services, as well as having members drawn from the respective police and prison services.

Each of the project advisory groups has continued to promote and support cooperation across the broad spectrum of criminal justice agencies on both sides of the border. Examples include: work to develop proposals to improve cross-border information-sharing on persons unlawfully at large from custody; the exploration of opportunities for sharing knowledge and good practice in the area of diversity, specifically hate crime; consideration of relevant developments pertaining to the treatment of victims of domestic and sexual abuse and violence, including the outcomes from the Keir Starmer inquiry; examination of the potential for further PSNI/AGS cooperation on diversion in relation to young offenders; and increasing opportunities for enhanced cross-border awareness relating to policing minority communities.

In relation to the management of sex offenders, there continues to be excellent cooperation between the police services at an operational level. This work area has become embedded into normal policing business.

As the Assembly will know, it is not the purpose of the IGA to provide for discussion of cross-border security issues. However, I used the opportunity on 19 June to briefly discuss with Frances Fitzgerald some cross-border security-related issues. These included the work being done in the areas of tackling fuel fraud and human trafficking. I also relayed my appreciation to AGS in supporting the work to tackle ongoing security challenges, particularly the despicable attempted bomb attack on a PSNI officer in Eglinton the day before our meeting.

Following on from previous meetings, the Irish Justice Minister and I discussed ongoing investigations into sexual abuse carried out by paramilitaries and recent reports on how those were dealt with by the justice system in Northern Ireland.

The intergovernmental agreement provides an extremely helpful framework for supporting North/South cooperation on criminal justice matters. We are tangibly experiencing the true benefits of cooperation as individuals within the criminal justice agencies have developed positive and mature working relationships with their respective counterparts. It is that genuine and sincere type of practical cooperation that Frances Fitzgerald and I are both determined to further develop and encourage in striving to keep all the people of this island safe and secure.

**Mr Ross:** The Minister has highlighted the work of the project advisory groups in promoting and supporting cooperation across the broad spectrum of criminal justice agencies and cited the example of the potential for further

PSNI/an Garda Síochána cooperation on diversion in relation to young offenders, an issue in which he knows I have taken a keen interest. Can he provide further information on the extent of the cooperation to date and outline any areas of future cooperation?

Will the Minister also elaborate on the work that is being done to tackle fuel fraud in a meaningful way, given the scale of the problem and the lack of convictions in the past? Can he assure the Assembly that full cooperation and information-sharing is taking place amongst all the agencies and organisations involved in tackling this crime to ensure that we get better results in the future?

**Mr Ford:** I thank the Chair for his questions. I will turn first to fuel fraud. As Members may have seen, yesterday I opened a pan-European conference on fuel fraud in the Hilton Hotel. It built very much on the work that has been done over the three years since the last conference, which was also held in Belfast, and led by HMRC and the Irish Office of the Revenue Commissioners with regard to, for example, developing a marker and dealing with the issue of proper management of registered dealers in controlled oils and the equivalent scheme in the Republic. Of course, we have also seen that we now have the potential for referral of unduly lenient sentences to the Court of Appeal. That builds on the work that has been done to see cross-border cooperation since the majority, but by no means all, of the fuel laundering plants have been discovered in border areas, and has been part of ongoing cooperation between the PSNI and an Garda Síochána as they deal with their normal cross-border policing issues. I believe that the introduction of the new marker is showing some benefits. Members will also be aware that this issue was actually discussed at the NSMC as well as at the IGA.

#### 10.45 am

Youth diversion is an issue not just for the police but for the two youth justice agencies. The respective youth justice agencies lead on that project advisory group (PAG). Again, it is a matter of sharing experience from the two sides of the border and learning lessons from each other. We have a lot to show from the work that we have done on youth engagement and recent initiatives across the justice system here, which will show benefits across the board.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. He will be aware that hate crime is on the rise, particularly in this part of the island. His statement refers to:

*"insights into best practice approaches to policing in minority communities [and] enhanced cross border awareness relating to policing minority communities."*

Will the Minister expand on that?

**Mr Ford:** Mr Lynch highlights hate crime. I have one slight caveat: we know that the reporting of hate crime is on the rise, but we are not sure whether that is crime on the rise or the result of increased encouragement to ensure that people are more aware of it and report it. However, the issue needs attention from the PSNI as well as an Garda Síochána.

With regard to working with minority communities, Mr Lynch in particular will remember a recent murder in Newtownbutler in his constituency relating to a wedding

in the Traveller community. There is no doubt that, in the response that the PSNI was required to make, it benefited significantly from work done in engagement with the Traveller community by an Garda Síochána. The cross-border sharing of information was of direct practical value in that operation. It shows that these are not always high-level discussions. These can affect day-to-day policing, and the PSNI dealt very well with a potentially difficult situation in the Newtownbutler incident, because of assistance from the gardaí.

**Mr A Maginness:** I thank the Minister for his statement. I also endorse the valuable work being done between Ministers and Departments, North and South.

With regard to the management of sex offenders, the statement says:

*"there continues to be excellent cooperation between the police services at an operational level [which] has become embedded into normal policing business."*

Is there anything more that you can say, Minister, about cooperation between North and South in this matter that could provide further confidence to the public that the free movement of sex offenders from one jurisdiction to another will be firmly restricted or, in the event of movement, properly supervised?

**Mr Ford:** I thank Mr Maginness for his endorsement of the work of the IGA. It is good to know that some Members sometimes appreciate things being done by Ministers. I know that that was a genuine comment on the nature of the good work being done on a cross-border basis.

Members will recall that, whilst there are specific issues with sex offenders being required to notify travel outside the UK, for obvious reasons, it is slightly different in this jurisdiction, where it involves cross-border travel. Nonetheless, there is a requirement that people register if they are travelling for more than, I think, three days. There is an allowance that some people travel daily for work, but things are different there.

There is no doubt that there is good liaison, which is exemplified by the fact that the registered offenders and public protection groups have been amalgamated because of the crossover in their work. The fact that that work involves the two probation, police and prison services shows a very high level of cooperation. It also shows that, while sex offenders are relatively free to move across the island, they are subject to the same notification and supervision arrangements of whichever jurisdiction they are in. That is an extremely good example of a number of agencies on both sides of the border working closely together.

**Mr Swann:** Minister, the work programme appended to your statement, under the heading "Support for Victims", states:

*"Consider relevant developments around the treatment of victims of domestic/sexual abuse and violence."*

Like the previous Member, I note the work being done by Ministers, North and South.

When did the Executive's ministerial group on domestic and sexual violence last meet and what recommendations will it feed into this programme advisory group?



**Mr Ford:** I congratulate Mr Swann on what is, I think, his first direct question on a justice issue. I am not sure whether that means that he will now be on the Committee, given the secret nomination process that has just taken place. I congratulate him on his creativity in seeking to get a matter that is led by DHSSPS in this jurisdiction into a statement dealing with justice cooperation across the two jurisdictions.

To take his first point: the way in which we ensure that we look at how the victims of domestic and sexual violence are treated will be informed by the recent report to the Public Prosecution Service (PPS) by Sir Keir Starmer; by the ongoing work of the Police Ombudsman here into investigating how allegations made by Máiría Cahill and others were treated by the police and by the PPS; and by the fact that related inquiries are being conducted by the Garda Síochána. All of that means that we will look at a process as we consider the best way of responding, whether together, in parallel, or separately, to ongoing work in the two jurisdictions.

**Mr Dickson:** I thank the Minister for the work that is done with Frances Fitzgerald and the cross-border cooperation between a wide range of security and justice agencies.

I have a question about psychoactive substances, which have caused a great deal of concern in many constituencies, not least in my constituency of East Antrim. What active work will be undertaken, particularly by Forensic Science NI, and in the control of psychoactive substances on a cross-border basis?

**Mr Ford:** I thank my colleague for his endorsement of the work of the IGA, although, of course, it is less significant when it comes from a colleague than when it comes from somebody else.

New psychoactive substances (NPS) are a major issue, as has been correctly highlighted, in both jurisdictions and on a wider spread across Europe. As Members will know, the Misuse of Drugs Act 1971 is a reserved matter, but I am pleased that the Home Office has responded to a certain amount of lobbying, including from the Department of Justice in Northern Ireland, to look at new legislation that has been introduced in the House of Lords, which builds on the Irish experience.

There will clearly be further pressure on forensic laboratories as they deal with these substances, but the fact that we are now working on a precautionary basis and not having to test each substance individually before it is banned will, I think, make life slightly easier for forensics. Ensuring that we get the best possible benefits of learning from the Irish experience will be an ongoing piece of work. I have no doubt that the fact that I was able to quote the Irish experience to the Home Office has helped to move matters on in the UK.

**Mr Frew:** How does the fact that the public protection and registered offenders project advisory groups have been merged, which seems to me to be common sense, and the fact that there will be respective police and prison services along with probation services involved in that advisory group, tie in with public protection arrangements in Northern Ireland (PPANI)? How will the introduction of a child protection disclosure scheme — Northern Ireland's equivalent to Sarah's law — affect that group and how it shares information?

**Mr Ford:** Mr Frew raises an interesting point, which is a euphemism for "I am not quite sure of the exact answer.". However, the merged public protection group will, in effect, be a North/South mirror on the way PPANI operates with the agencies that have been brought together in Northern Ireland. PPANI considers individual cases; the project advisory group (PAG) looks at the overall policy matters. It will undoubtedly help that there is a single PAG looking at the range of issues that will rate directly across to PPANI arrangements in the same way as we look at the development of a child protection disclosure scheme, in which the Member has a very legitimate interest. We will then have the opportunity to see how that ties in with similar work being done across the border. Again, it is all part of learning lessons because, as far as I am concerned, I want to ensure that the justice system in Northern Ireland is responsive to trends wherever we can learn lessons. If positive work is being done in any part of the world that can affect our work, we should learn the lessons from it. However, we will learn most from our colleagues across the border and across the Irish Sea.

**Mr Allister:** The important subject of sexual abuse carried out by paramilitaries merits but one sentence in the statement. Can the Minister tell us a bit more about the discussion that he has been having with the Republic's Minister about the relocation of Provo perverts over the years? What advances have been made on getting to grips with that historic issue?

**Mr Ford:** In response to Mr Allister's point about the length of the mention, the simple reality is that, as I said to Mr Swann a few moments ago, inquiries are ongoing. Although the Keir Starmer report is now being considered by the PPS, work by the Police Ombudsman is ongoing. I hope that that work will be completed later this year. An Garda Síochána also has ongoing investigations. All of that means that there was very little that could be considered directly of relevance at this stage by the two Ministers. We therefore noted the ongoing work, but there was little that we could do in the way of decision-making. Mr Allister makes the entirely reasonable point that this is an issue of significant, ongoing public concern in both jurisdictions on the island, and we will need to ensure that we learn lessons from the work on reviewing what happened in Northern Ireland without wishing to create difficulties for the potential for prosecutions in further criminal cases, in whichever jurisdiction they might be.

**Mr Douglas:** I apologise for my phone going off. I set it to silent, but my cyclometer decided to tell me how many miles that I had travelled from my home to here.

I thank the Minister for his very full statement. Did he have any discussions with his counterparts on maximising European funding, and, if so, can he outline to the House some of the European projects that we can potentially access money for?

**Mr Ford:** I thank Mr Douglas for highlighting that point, because it will be a significant issue as funding becomes tighter. It was indeed mentioned, and we have asked for a specific report for the next meeting in the autumn. My official who looks after European matters was present to outline some of the work that is being done at this stage, largely under the Horizon 2020 programme, as part of which I had the opportunity to launch what was effectively an all-Ireland publicity day back in April in Belfast, looking with people from different parts of the justice system on

both parts of the island at what opportunities there will be in the Horizon 2020 security strand to develop funding opportunities for us. We have one significant advantage: if we cooperate with our colleagues 100 miles down the road, we get the benefits of cooperating with people from a different European state who speak our language, share a large part of our culture and understand our problems, as we then seek to build wider pan-European networks. There have been some very significant successes in that area, mostly led by the PSNI. Unfortunately, because of the tightening of funds, we have not been so successful over the past year or two, and we are hoping to ensure that the Department of Justice does its part — *[Interruption.]* — in the general Executive commitment to draw down European funding as far as possible.

It looks as though you are not the only person who was cycling this morning, Sammy.

**Mr Speaker:** I am glad to see so many Members keeping track of their fitness regime. *[Laughter.]* That concludes questions on the statement and interference from telephones. Thank you very much, Minister.

## Youth Training: Review Outcome

**Mr Speaker:** I have received notification that the Minister for Employment and Learning wishes to make a statement.

**Dr Farry (The Minister for Employment and Learning):** Today, I announce the outcome of our review of youth training and our final policy position through the publication of 'Generating our Success: The Northern Ireland Strategy for Youth Training'. At the outset, I emphasise that it was a significant root-and-branch review.

The outcome is not just a series of adjustments to existing provision, but, rather, it constitutes major changes that will culminate in a new system of professional and technical learning for young people in Northern Ireland.

**11.00 am**

The new system, as outlined in the strategy, will promote progression and greater social mobility by preparing our young people for higher-value opportunities and the jobs of the future. It will better match the needs of and provide a range of benefits to young people, parents and guardians, employers and the wider economy. It will constitute a high-quality parallel route to the traditional academic pathway and provide young people with opportunities for professional education at level 2 and training that will facilitate seamless career progression to sustained employment, an apprenticeship or further education (FE). That will be achieved through a broad curriculum and qualifications to support ongoing career development.

Through investing in the skills of our young people and integrating them into real working environments, we will develop their knowledge and understanding of chosen occupational pathways. Consequently, young people will be better skilled to meet employers' current and future needs, to sustain employment and to support economic growth. Employers are integral to the success of the new system of learning. They will be involved in the design of curriculum content and delivery requirements. Employers will assist with the delivery of the system and the development of the new skilled workers that they require through the provision of work inspiration activities to young people who are not yet sure of their career choice by offering work placements and by establishing a workplace buddy support system.

The new system for youth training should be considered in conjunction with the review of apprenticeships and the new strategy for apprenticeships, *Securing our Success*, which was launched in June 2014 and is now being progressively implemented. The apprenticeships strategy covers professional and technical training between level 3 and level 8. The new system of youth training presents a transformed offer at level 2. Fundamental changes to the apprenticeship model informed the focus and remit for the review of youth training. It is essential that young people have the opportunity to progress to the highest level, should they wish to do so.

Research has shown that, over the next decade, more than 70% of vacancies will require qualifications at level 2 or above, while employment opportunities for individuals with skill level 1 or below are predicted to decline. In addition, a level 2 qualification is regarded as the minimum prerequisite for further study. To prepare young people for the demands of the labour market, achievement at level 2

will therefore be critical, but there are challenges on the supply side in ensuring that young people reach that level. Last year, approximately two out of five young people left school without five GCSEs at grades A\* to C including English and mathematics. That measure of achievement at level 2 is, in many cases, the minimum requirement for prospective employers. However, it is encouraging that the majority of young people do leave school with a level 1 qualification and have the potential to progress into the system of youth training.

The youth training review considered the professional and technical training currently provided at level 2, which includes training programmes such as Training for Success — Skills for Work Level 2, apprenticeships at level 2 and mainstream further education at level 2. One of the key challenges identified was the complexity of the current offer, with a variety of different options available to young people. Greater clarity on progression routes was also a key concern highlighted by stakeholders. Employers also expressed concerns about the rigour and relevancy of the qualifications available, as well as the number available at present. Many current options at level 2 only require that literacy and numeracy skills be developed to level 1, which subsequently restricts a young person's access to higher-level training or alternative careers. The review also recognised that the current options face challenges in delivering training that can respond to industry needs and deliver the breadth of skills, knowledge and experience that young people require.

Finally, at an individual and system level, young people require support to guide their choices through independent careers advice and guidance, supported by up-to-date labour market information. Greater monitoring of outcomes and destinations of participants is also required. The review therefore proposed a brand new youth training system to greatly expand the scope of training beyond its present boundaries and, consequently, replace the current options and address gaps to fully provide for the needs of young people who leave school without level 2 qualifications.

The review drew from international best practice in professional and technical education and training systems, a call for submissions and an employer survey. My Department published the interim report on the review for consultation in November 2014. The review benefited from a robust consultation process, engaging with a wide range of stakeholders including young people, employers and providers of training. Overall, the response to the consultation was very positive, with broad support for all of the proposals. The expert panel that I established last year has been particularly helpful in providing advice on the emerging proposals, and I am very grateful for their key contribution. Additionally, I wish to thank the Committee for Employment and Learning for its typically positive contribution to the review process throughout the development and consultation stages.

The review resulted in the strategy that I present to the Assembly today, and which will also be published online. Entitled 'Generating our Success: The Northern Ireland Strategy for Youth Training', it is not just another initiative simply to replace existing programmes. It is an innovative and revised system of professional and technical learning for young people aged between 16 and 24. It provides equality of access, irrespective of entry point, that will take youth training at level 2 into new areas. In essence,

young people who traditionally may have found themselves trapped in low-paid jobs can now access a pathway to progression that will allow them to move forward, should they wish to do so.

The extensive research base of stakeholder feedback enabled the refinement of the 26 proposals in the interim report, and there are now 22 key policy commitments under four themes: the core features of the youth training system; supporting young people; delivery and employer engagement; and ensuring quality.

The first theme ensures that the new system will be underpinned by a set of core features defining the target group, the routes of progression, the curriculum offered and the expected duration for participants.

All young people aged between 16 and 24 who require training at level 2 will be offered the opportunity to participate in the new system. It is a significant departure from the current provision, as it widens the focus of the new system beyond the current emphasis on training 16- and 17-year-old school-leavers not yet in employment. The offer will be extended to those in employment, those starting a new role and those who wish to change occupation, as well as those not yet in employment. The system will also provide distinct routes of progression: an employed route, designed to cater for those in employment or starting a new job role; and a non-employed route, for those who wish to change occupational area, or who have not yet secured employment. There will be a shared curriculum across both routes, providing considerable flexibility.

The new system will provide a broad-based baccalaureate-style professional and technical award at level 2, equating to a minimum of five GCSEs at grades A\* to C, including level 2 English and mathematics qualifications, with additional qualifications deemed relevant to the needs of individual sectors. That will provide a solid foundation and ensure that young people are recognised as having the knowledge and skills required to enable progression in employment, training and education, and that they can meet the current and future needs of employers.

In addition to the breadth of learning, the youth training system will deliver structured work-based learning to all participants, whether through existing employment or a work placement. That will further broaden the young person's knowledge and experience of the real working environment in their chosen sector. It will enable them to develop sector-specific skills in addition to employability skills. Employers will benefit by having the opportunity to train young people following the employed route, in line with their organisational culture and the exact requirements of the role, whilst addressing skills shortages and benefiting from new ideas and fresh thinking.

Work inspiration activities, including short project-based work tasters, will be widely used to help to engage young people not yet in employment. They will make learning about the workplace dynamic and attractive, providing positive experiences to assist informed decision-making on study options and potential future careers.

To ensure that a young person is ready to participate in a full level 2 programme, and to better align provision, there will be one common minimum entry requirement for youth training: namely, a full standard of achievement at level 1, to be defined as four GCSEs at grades D to G, including English and mathematics at grades D to F. Equivalent

qualifications or alternative evidence of a young person's potential to achieve at level 2 will also be recognised. Young people not yet ready to start youth training, or who have not yet reached a full standard of achievement at level 1, will continue to receive support from my Department through a range of targeted initiatives and mainstream further education to assist their progression into youth training.

The new baccalaureate-style award for youth training will normally be designed to take a maximum of two years to complete. There will, however, be some flexibility within that. Temporary breaks to facilitate a withdrawal from the system for a period may also be authorised for those who want an opportunity to return and complete their qualification.

The second theme of the strategy focuses on support measures to help young people to successfully complete their training and progress into employment or higher-level training or education. Each young person will receive impartial careers advice and guidance before starting and upon completion. My Department is also developing a Northern Ireland skills barometer that will enable labour market trends and potential future skills shortages to fully inform young people's choices.

A dual-mentoring approach will be delivered through the provision of a one-to-one buddy system in the workplace with pastoral support mechanisms, including mentoring, being offered by providers of training. Workplace buddies will help the young person to integrate into the workplace by giving practical advice and assistance relevant to their skills development. Pastoral support offered by providers of training will mainly focus on non-workplace or study-related issues that many young people face.

Young people following either the employed or non-employed routes will receive financial support to contribute towards the costs of transportation, equipment and living expenses. My Department is reviewing funding arrangements, and the current level of funding will be the starting point in developing an appropriate level of financial support. Current provision recognises that some individuals have additional requirements, such as a disability, for example, and may require extra support and flexibility. The existing arrangements already provide for extended duration, additional funding and specialist support services, and those arrangements will be bolstered by the additional development opportunities and support provided by workplace buddies and the pastoral support offered by the new system.

The third theme of the new strategy recognises that the new youth training system will be effective only if it meets the needs of all parties, all stakeholders are engaged and employers are actively involved in its design and delivery. Following the approach being implemented through the apprenticeships strategy, a strategic advisory forum based on a partnership comprising employers, government, providers of training and representatives of young people will enable the new system to learn from experience and to adapt to changes and differing demands. A common forum for apprenticeships and youth training will help to ensure that the two systems are aligned. However, the forum's roles for each system will be shaped around that system's individual needs.

In accordance with international best practice, sectoral partnerships comprising industry representatives and curriculum experts will be established. They will help to determine the overarching expectations of work-based learning and define the qualifications to be delivered as part of the curriculum for each sector. They will also advise on mechanisms to increase and maintain participation, particularly for small and microbusinesses. Depending on each sector's needs, sectoral partnerships may be shared between apprenticeship and youth training provision or established to carry out that function specifically for youth training.

A central service will be established to help facilitate the sourcing and managing of opportunities for work-based learning across all sectors. It will provide an online location to advertise training opportunities, provide promotional tools and signpost to careers advice and other support. A central register of participating employers who meet the required quality standards will also be available. That will provide young people, along with their parents and guardians, one central point from which to obtain information and to connect with employers and providers of training.

To further support employer participation, dedicated industry consultants will complement the central service. Industry consultants will possess extensive knowledge of training provision and local employment opportunities and will build and maintain good relationships with key organisations. Most importantly, they will liaise with employers to provide advice, encourage their engagement, source work placements and, critically, provide practical support to minimise bureaucracy for employers wishing to engage. Through their efforts, they will raise the profile of the new system and promote its benefits. Incentives will be provided to promote and maintain critical participation by employers, particularly small and microbusinesses. Financial and non-financial incentives will be considered.

A final key aspect of engagement to support the new youth training system is clear branding and marketing. A clear brand will engage and secure buy-in from employers, young people, parents and guardians and will raise awareness of the new system's baccalaureate-style award.

The final theme recognises that quality will be the foundation of the new youth training system. The new system will be successful only if it is recognised as a high-quality alternative to the traditional academic pathway, providing clear progression into sustained employment, full-time education or training at a higher level. A range of measures will be implemented to ensure that the highest standards of quality for training are embedded and maintained and that the new system will be respected nationally and internationally by employers, further and higher education providers, young people, parents and guardians.

#### 11.15 am

At a system level, to ensure that prescribed quality standards are achieved, only providers who meet the set quality standards and curriculum requirements will be funded to deliver youth training.

To ensure that quality standards are maintained, tutors delivering the non-work-based elements of youth training will be required to have recent experience of their industry and relevant qualifications.



In order to clearly delineate responsibilities, maintain quality standards and ensure requirements are not onerous for any party, a specific and easily understood tripartite contractual agreement will underpin relationships between young people, providers of training and employers. The system will be informed by ongoing robust data collection, analysis and evaluation, and it will feature mechanisms for young people to provide regular qualitative feedback on their experience of training. It will include not only analysis of qualifications achieved but employment outcomes and levels of progression.

It is my ambition that the new youth training system will form a key part of a seamless range of opportunities for professional and technical education that will facilitate progression for all young people. This strategy establishes an ambitious system of professional and technical training at level 2, which, when fully implemented, will have a transformative impact on the economy and opportunities available for young people.

A time-bound implementation plan, also published today within the strategy, will ensure that the new model of youth training is in place by September 2016. That implementation plan will, where appropriate, build upon some of the projects and pilots already in place through the apprenticeships strategy.

Given the scale of the changes and the requirements for new and creative solutions, piloting of elements of the apprenticeship and youth training projects will commence in September 2015. That will enable lessons to be learned and allow development to upscale in time for full delivery of the new youth training system in 2016.

My Department is also developing a suitable financial model to take account of the considerable commitment and investment required from employers, the costs incurred by providers of training and the support required for young people in training.

I commend this statement to the Assembly.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his detailed statement. I think it recognises the trouble we have in Northern Ireland with our large number of unemployed young people. I welcome the Minister's commitment that this will not be just another initiative to replace existing programmes. I think that he has been genuine in some of the work that he has done on this.

My concerns relate to the work-based learning. Recently, we have heard about how important that is to young people and employers. Where exactly will the central management of that process rest to ensure that there is the quality and the quantity to meet the needs of the large numbers of young people who are going to look for work-based learning and to ensure that the incentive for some employers will not become more important than the experience of the young person? What is the timeline for the establishment of the baccalaureate?

**Dr Farry:** I thank the Chair for his comments, and I join him in recognising the significance of what we are announcing today and the potential that it has to transform the landscape of training for young people at level 2. Of course, given what the Chair has said, it will deliver that transformation only if we are effective in its delivery and implementation. That now becomes our central challenge.

Again, he is right to focus on the large numbers of young people who are unemployed. Indeed, youth unemployment is a problem across the European Union. We tend to be somewhere in the mid range. Nonetheless, we have an immense challenge ahead of us. That is why the Chair is right to focus on the importance of work-based learning and how we can place a much stronger focus on that. As we have sought to learn from evidence from across Europe to inform the strategy that we are announcing today, we have looked at societies that have been most successful with vocational training systems. Without stating what is not a coincidence, they have also some of the lowest figures of youth unemployment. So, there is a very clear lesson to be learned.

There is a challenge to ensure that we properly coordinate all of this. That engagement will probably take place in three elements. First, we have the strategic advisory forum, which will build upon the existing forum. It is established on an interim basis and is chaired by Bryan Keating, and it is looking at the apprenticeship strategy.

This is not going to be a bolt-on; this will be a genuine integrated partnership looking at both youth training and apprenticeships. It will advise Government and others on the high-level policy interventions and how to wider engage employers in the process. Beneath that, there will be the sectoral partnerships that will look at the need for individual sectors, combining industry and curriculum experts. We then have the central service, which will be based in my Department, or whatever successor is determined in due course by the Assembly, that will work with and assist the employers.

I want to highlight the role of the industry consultants. They will be a critical element in sourcing the new opportunities. In that regard, we will have a challenge to create the opportunities for young people. It is important to stress that this has to be seen as a win-win situation both for employers and young people.

While there may be some sense that this has a wider social responsibility to Northern Ireland, there is a very hard-edged economic reality for employers. They need to be investing in their skills and planning for the future. This is the means by which they will access the young people of Northern Ireland who will be their future employees and make their businesses and organisations a success well into the future. They have a real self-interest in nurturing that fresh talent and making sure that they are investing and delivering the technical skills that they require, and also the employability skills.

We know that there is a real issue, and we have heard from employers about the quality of employability skills. However, with this switch to a much stronger focus on work-based learning, the young person will know that they are getting the skills that they require to be successful in the workplace and to find and sustain employment, rather than doing something in a classroom situation where the direct links to what is happening in industry may not be as clear-cut.

**Mr Buchanan:** I thank the Minister for his statement. The key in all of this is that it is delivered on the ground in a way that is beneficial to the employers. Will the Minister advise whether there will be a cap on the numbers, should more young people apply for the uptake of this than was anticipated? The Minister mentioned the dedicated industrial consultants complementing the central services.

Will they be employed by your Department and, if so, will they be remunerated for the role that they play in this?

**Dr Farry:** I thank the Deputy Chair of the Committee for his comments. I will look at the first issue around the numbers, and that will, to an extent, gravitate into financing. At present, across the three different elements that the system will be replacing — when I say “replacing”, I stress again that this not a like-for-like replacement. The new system will be covering a lot more in terms of entry routes, age groups and different types of approaches to training. Across Training for Success, Apprenticeships NI at level 2 and mainstream further education, we are talking about 10,000 young people. However, if we look to the number of young people who are leaving school without level 2 qualifications, we see that that is in the multiples of tens of thousands. We also know that, at present, there are between 30,000 and 40,000 young people who are not in education, training or employment, so there is a bigger market out there for this system beyond the immediate headcount that is going through the existing provision. We have no plans to cap provision, because we want to expand this into new territory, although, obviously, the issue will be how far budgets can stretch in that regard.

To give a scale of the commitment that we are talking about, if we take the current budgets around Training for Success Apprenticeships NI at level 2 and what we do around further education, we are talking in excess of £50 million a year that is spent. Notwithstanding the cuts that my Department has had to face this year, we have not cut any of that provision. Where things have been notified to the Committee and others around savings in those areas, that simply reflects changes or fluctuations in demand. All things being equal, I am committed to at least that level of funding going forward. It is worth stressing that that is supported by the European social fund, where 40%, in common with the practice previously, is earmarked for work on apprenticeships and youth training collectively.

We also have access this year to the £7.5 million change fund that was authorised by the Executive and which can be used to take forward pilots, so we are looking to expand and see where that goes. If we have difficulties, we will look to see whether we need to make further interventions.

The precise location of the industry consultants has yet to be determined, but they will be people who are employed for the specific purpose of engaging businesses and working with young people to source opportunities and provide support. The precise location will be determined through the implementation phase. They will be dedicated people who are there to service this particular programme, this new system of learning, for young people at level 2.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his comprehensive statement. How will the needs of young people with disabilities be integrated into a system that starts at level 2?

**Dr Farry:** I thank the Member for her comments. She is right to say that this is a system at level 2, and that will include many people with disabilities. As the Member well knows, there are people with disabilities who are more than capable of engaging with the world of work at a whole range of different levels, and it is incumbent on us to give them full support. In parallel with this strategy, my Department is also finalising a disability employment and skills strategy, which will be issued for public consultation

shortly. That will complement the work that is taking place on youth training. As she also knows, within some of the existing provision there is additional support available for people with disabilities. At a minimum, that will be replicated in the new system.

We also see the additional focus that there will be in the buddy system in the workplace, which is there as a form of mentoring. We are trying not to use the term “mentor” because we do not want to create a sense of bureaucracy for businesses, where they feel that this means that a lot of training has to be put in place. That would almost act as a deterrent. The system is there to provide a friend in the workplace for all young people, whether or not they have a disability. There is also a focus on pastoral care to be delivered through the off-the-job training providers, which will give further support for people with disabilities.

Beyond that, we recognise that there will be a need for assistance for those who have not yet reached the level 1 qualification, which is required to access the level 2 provision. Work will continue through the existing channels, whether through the FE sector or the community and voluntary sector, which deliver a lot of projects at level 1 and also, when we talk about the disability sector, at level 2. We will work with them to ensure that we have strong progression routes. The Member will appreciate that we will be talking in more detail about the European social fund (ESF) at the Committee meeting tomorrow.

**Mr Ramsey:** I warmly welcome the statement from the Minister and commend the Department’s staff as well for taking on board a lot of Members’ comments. I warmly welcome the robust data collection and information gathering, which is necessary to prepare for the future. However, I am concerned that this statement is mainly about those who are achievers and who are going into level 2.

I am more deeply worried — the Committee has always been more challenged on this — about those who are furthest away from the market and who are on the same ESF programme that you talked about. Large numbers of young people are not able to achieve level 1 and will not be able to progress to this new youth training programme. Like Bronwyn, I want to see how we are going to help those furthest away who have not achieved in post-primary, either because they have been unable to achieve it or because they have a learning difficulty or disability.

**Dr Farry:** I thank the Member for his comments and I reflect on the contribution that a very strong team has made on the delivery of this strategy over the past number of months. The Member is right to focus first on the importance of data collection, monitoring and evaluation. It is fair to say that there can be legitimate criticisms of some of the outgoing programmes in that regard; we have not had sufficiently strong results in progression into work or proper monitoring of where people are going as leavers on the far side of programmes.

I appreciate that the bulk of the Member’s comments have been about the entry point to the new system and how we can facilitate people in that regard. It is important to recognise that we have a large pool of people who are leaving school without a level 2 qualification.

That is a major challenge for us as a society. The programme is open to those individuals. We should recognise, however, that, through our school system, we are seeing some improvement in the figures for level 2

qualifications. The Department of Education is getting things right on an incremental basis in that regard, but, nonetheless, we have a large pool of young people for whom the school system is not delivering for a host of reasons. Within that, there will be a large cohort of people who have, at the very least, achieved level 1, and they can move into the new level 2 offer straight away. The Member and Ms McGahan's focus has been on the young people who do not yet have a level 1, and that is where what can be delivered through the European social fund is so important. We will have a detailed discussion on that tomorrow in Committee. We face some challenges, but I will bring solutions to the attention of the Committee tomorrow. As a society, we have a challenge to ensure that we are sufficiently resourcing all the skills profile that we need to invest in every young person.

We will also continue with the provision of mainstream FE to work with young people, particularly those who are on the margins of getting into the system. We can do dedicated work to give them a real incentive to get into the new system, which should offer a range of new opportunities for young people to progress into work.

**11.30 am**

**Ms Lo:** I thank the Minister for a very detailed statement. It is very much his style. He is always thorough and puts thought into his statements. I also welcome the new system following the thorough review of youth training in Northern Ireland. The Minister also published the apprenticeship strategy recently: how will the new system complement the apprenticeship strategy?

**Dr Farry:** I thank the Member for her comments. She is right to identify the fact that the new system of youth training should be reviewed almost as the sister strategy of our apprenticeship strategy. They share a new approach to vocational training in Northern Ireland and a commitment to investing in professional and technical skills from level 2 right through to level 8. In the outgoing system across apprenticeships and youth training, we have an offer that covers level 2 and level 3. It tends to stop at level 3. We know that, as a society, we have much more pressure on higher-level skills as a whole if we are to grow our economy and take full advantage of the opportunities that lie ahead.

We want the system of youth training to be part of a progression route that may lead into apprenticeships. There may be other pathways. Young people will exit youth training into full-time employment or go back into mainstream education or other forms of training, but we see this as a means for young people to gain a foothold from which they can move into a formal apprenticeship.

Given the commonality across the two strategies, it is intended that a lot of the structures will be common to both strategies. There will be a single strategic advisory forum. There will be a common set of sectoral partnerships, where appropriate, and there may be some sectoral partnerships that are only for apprenticeships and only for youth training, depending on whether there is a critical mass of skill pressures at higher levels or at level 2. The central service will also be common across both strategies. In that way, there will be economies of scale, and we will fully maximise the potential for synergy between the two strategies and systems.

**Mr F McCann:** Go raibh míle maith agat, a Cheann Comhairle. I also thank the Minister for his speech this morning. I have said that anything that enhances youth training has to be welcomed. I was reading some statistics from Include Youth, and I sometimes think that Pat looks over my shoulder and picks up on what I am about to say and then uses it. The statistics raised a couple of interesting points. Include Youth deals with people at the coalface, where most of the difficulties are, and it sometimes does that one on one. How does that fit into the new regime? How can we ensure that it will not be left behind as it has been in the past?

**Dr Farry:** I thank the Member for his comments. I know that he and Pat are often a double team, in that they come at issues from the same angle. He is right to stress that this is about ensuring that no young person is left behind. If we are to maximise our potential as an economy and a society, we need to make sure that we utilise everyone's talents. Everyone has the ability to make a contribution, and the challenge for us, as a Government, is to ensure that we have the systems in place that will draw out everyone's talents to the full.

I will focus a lot on the workplace buddy system and the pastoral care to be provided by the off-the-job training providers. This is about ensuring that we train people as individuals and do not simply see them as yet another number going through a system. We need to treat people as individuals who have particular challenges and barriers and different aspirations. We are also putting a much stronger focus on careers advice, both at entry level and when they are about to leave the system, to make sure that we properly signpost individuals to the most lucrative opportunities for them, whether it is employment or further training opportunities.

**Ms Sugden:** I wish that the Minister had not said that this was not just another initiative, because the cynic in me says that that usually means that it is. On a serious note, I welcome the policy, because it offers a lot of opportunities for young people and for the local economy.

A significant barrier for those not in education, employment or training has been the cutting of the pathways education maintenance allowance (EMA). The Minister mentioned financial assistance in the statement, so, further to the review, is he minded to continue pathways EMA?

**Dr Farry:** First, let me address the point about this not being just another initiative. This is a new system of learning. It is not about a like-for-like replacement of programmes; it is about a systematic approach to training at level 2. We are not simply replacing Training for Success apprenticeships at level 2 with this provision; it covers a much wider range of areas. For example, it will cover a much wider age group, including, for the first time, young people who are in work but are trapped in low-paid jobs and do not have the tools and skills to find new employment opportunities for themselves. We are talking about a fresh baccalaureate-style qualification, a very broad-based qualification that includes technical and employability skills alongside core qualifications, particularly in maths and English. That will be shaped by employers and other experts. That is all radical change in the system. Of course, it will make a difference only if we can deliver it.

We have recognised that we will be continuing financial assistance directly to young people. As the Member will appreciate, that exists in the Training for Success system. Obviously, those enrolled in apprenticeships receive a wage in connection with that, which is a different concept. Young people going through the employed route, which is almost like a traineeship in the forthcoming system, will receive a wage, and those going through the non-employed route will receive an allowance that is at least the same amount that they currently receive.

The pathways EMA is a different issue. I will give a foretaste of what I will say to the Committee tomorrow. We have considerable pressures on what we are doing to support young people not in education, employment and training. As the Assembly will know, we had a dedicated funding stream that expired in March 2015. It has not been renewed by the Executive, so we are scratching around — I use that term deliberately — to find what money we can to make the biggest impact for young people not in education, employment and training, particularly in addition to the European social fund (ESF).

We have a choice to make between what we do on the delivery of match funding, on which there is huge pressure across all Departments, and the payment of the pathways allowance. If my Department pays the pathways allowance directly, that comes at the opportunity cost of match funding. If we invest money in match funding, we get the leverage of drawing down a 40% contribution from the European Union. So we are almost getting a double hit if we spend money on match funding rather than the pathways allowance. However, organisations have the option to pay an allowance out of the funding that they receive under the European social fund. We are happy to work with any organisations, including Include Youth, with whom we had a meeting last week in this regard, on finding a means for them to pay that resource from their existing allocation. We will work with them to revise their targets in line with that. Across the piece, that is the best way in which we can maximise a scarce budget to have the greatest impact on as many young people as possible.

## Executive Committee Business

### Justice (No. 2) Bill: First Stage

**Mr Speaker:** The next item of business is the First Stage of the Justice (No. 2) Bill. I call the Minister of Justice. I hope that I did not waken you. *[Laughter.]*

**Mr Ford (The Minister of Justice):** I beg to introduce the Justice (No. 2) Bill [NIA 57/11-16], which is a Bill to make provision about enforcement of the payment of fines and other penalties; to provide for the appointment and functions of a Prison Ombudsman for Northern Ireland; to amend the law relating to lay visitors for police stations, the possession of extreme pornographic images and the early removal from prison of prisoners liable to removal from the United Kingdom.

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

### Housing (Amendment) Bill: First Stage

**Mr Speaker:** The next item of business is the First Stage of the Housing (Amendment) Bill. I call the Minister for Social Development.

**Mr Storey (The Minister for Social Development):** The Pension Schemes Bill makes provision for Northern Ireland corresponding to provisions —

**Mr Speaker:** Minister, we are dealing with the Housing (Amendment) Bill. The Houses in Multiple Occupation Bill has not been cleared yet under the clearance mechanism, but it will be tabled later today. We are moving straight on to the next item. I thought that you would have been informed.

**Mr Storey:** I beg to introduce the Housing (Amendment) Bill [NIA 58/11-16], which is a Bill to make provision for the better sharing of information relating to empty homes or to anti-social behaviour; and to provide for the registration of certain loans as statutory charges.

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



## Pension Schemes Bill: Accelerated Passage

**Mr Storey (The Minister for Social Development):** I beg to move

*That the Pension Schemes Bill proceed under the accelerated passage procedure.*

Maybe I was sleeping, not the Justice Minister, Mr Speaker.

The Pension Schemes Bill makes provision for Northern Ireland corresponding to provisions in the Westminster Pension Schemes Act 2015. The Bill aims to facilitate different models of private pension schemes that will provide better outcomes for members than the current defined contribution schemes and allow for greater risk sharing between members and scheme providers. The Bill therefore contains proposals to establish a new legislative framework for private pensions. I will outline the proposals in greater detail at Second Stage, and I look forward to the contributions on that occasion. However, it may be helpful if I briefly describe the main provisions.

The Bill establishes three mutually exclusive categories of scheme type based on the type of promise offered to members during the accumulation phase. It also provides for collective benefits where the scheme assets may be used in a way that pools risk across the membership. It also contains changes to existing pension legislation, mostly as a consequence of the new categories and collective benefits.

As required by Standing Order 42(4)(a) and (b), I will outline the reasons why I seek accelerated passage and the potential consequences of accelerated passage not being granted. Although pensions are a devolved matter, in effect there is a single pension system and regulatory regime across the United Kingdom. Many private pension schemes operating in Northern Ireland are UK-wide schemes. Additionally, the Pensions Regulator, the Pensions Ombudsman and the Pension Protection Fund operate on a UK-wide basis. Therefore, it is highly desirable that the same regulatory framework be in place here to facilitate compliance and enforcement.

The Westminster Government intend that the new pension scheme definitions and the provision to allow schemes to offer collective benefits outlined in the 2015 Act will come fully into effect from April 2016. The intention is that the equivalent Northern Ireland provisions will come into operation at the same time. If accelerated passage is not granted, the best-case scenario is that the Bill could complete its legislative passage through the Assembly and receive Royal Assent towards the end of February 2016.

This timescale would result in significant uncertainty for the pensions industry, employers and scheme members as the legal position in Northern Ireland would not be settled until shortly before the proposed operational date. The industry needs a significant lead-in time to develop new pension products, and this requires certainty that any new products will be compatible with Northern Ireland law. For example, to operate most effectively, collective benefit schemes need to be able to create economies of scale. To help achieve this, it is imperative that collective benefit schemes are able to operate on a UK-wide basis.

11.45 am

Employers will also look for an early indication of how the changes could affect them. The ongoing roll-out of automatic enrolment means that every employer must automatically enrol workers into a workplace pension scheme. Employers who are seeking to establish an occupational pension scheme, perhaps for the first time, may decide that they cannot select certain schemes as there is a chance that they may not be compatible with Northern Ireland law. This could undermine the objectives of the Bill and potentially result in more Northern Ireland workers being enrolled into defined contribution schemes that offer no certainty over pension outcomes.

The overall aim of the Bill is simple: it is to help to provide safer and better incomes in retirement. It is vital that we do all that we can to support and encourage employers to embrace quality pension provision for employees here in Northern Ireland. It is vital that the changes here and in Great Britain dovetail from the same date to ensure that we do not make employers and schemes decide that it is too much trouble to run schemes for employees in Northern Ireland.

Additionally, the new regime will require numerous regulations to be in place well before April 2016 to ensure that adequate safeguards and protections are in place. Without accelerated passage, the short time frame from Royal Assent to operation will make this very challenging and add to the uncertainty facing schemes and employers. I appeared before the Committee for Social Development on 4 June to explain to the members, as required under Standing Order 42(3), why I am seeking accelerated passage for the Bill. I had a productive session with the Committee at that stage, and I thank the Committee Chair and members for recognising the need to expedite the process for the Bill and for their support in seeking Assembly approval for accelerated passage.

Turning to my obligation under Standing Order 42(4)(c), I stress that the use of the accelerated passage procedure is not something that I take lightly. I know that Committee members rightly take their scrutiny role seriously, and I recognise the importance of that role. The Committee has received several briefings from my officials and explored a number of issues. My officials have also provided the Committee with written clarification on a number of points. So, although under accelerated passage there will be no formal Committee Stage, the Committee has already actively engaged with my officials on the proposals.

When I attended the Social Development Committee, I assured members that supporting accelerated passage for this Bill would not be seen as setting a precedent for all future Bills in this field. I will give the same commitment to the Assembly today: my Department will always seek to bring forward legislation in a timely manner to ensure that due process is followed and that the Committee is afforded its proper place and given adequate time to scrutinise a Bill clause by clause. I fully accept and agree that the use of the accelerated passage procedure should be the exception rather than the norm. Despite there not being a formal Committee Stage, there will, of course, be an opportunity for all Members of the House to make their views known and for the issues to be fully discussed during the Bill's passage through the Assembly. I invite the House to support the motion for accelerated passage.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Cheann Comhairle. As the Minister has said, he attended a meeting of the Committee for Social Development on 4 June to discuss the potential accelerated passage of the Pension Schemes Bill. The Committee noted then that, although pensions are a devolved matter, in effect there is a single pension system and regulatory regime across the UK, and many private pension schemes operating here are UK-wide schemes.

The Committee is aware that the Westminster Government intend that the new pension scheme definitions and provision to allow schemes to offer collective benefits will come fully into effect from April 2016. The Committee therefore appreciates the importance of the Bill being enacted here as soon as possible so that the industry has time to develop new pension products with the certainty that they will be compatible with law here.

The Committee notes that the new regime will require regulation to be in place before April 2016 to ensure that adequate safeguards and protections are in place. To that end, the Committee further notes that retaining the same pension regulatory framework here as operates in GB — the Pensions Regulator, the Pensions Ombudsman Service and the Pension Protection Fund — will continue to facilitate compliance and enforcement.

The Department provided the Committee with several thorough and detailed briefings, as the Minister outlined, on pension schemes legislation. The Committee is, therefore, content that it has considered the proposals in the context of the Westminster Bill and the proposed Assembly Bill. Following an oral briefing on 8 January 2015, the Committee agreed to support a legislative consent motion to extend to this jurisdiction the new pensions flexibilities outlined in the Westminster Pension Schemes Bill. The Committee notes that the remainder of the Bill is, essentially, of a technical nature.

The Committee for Social Development supports the Minister's request for the Pension Schemes Bill to be brought forward by way of accelerated passage.

**Ms P Bradley:** At this stage, I will be very brief. I do not believe that I need to go into any great detail as the Minister and the Chair have already set out in detail why the Minister is asking for accelerated passage. I welcome the fact that the Minister said that he does not intend this to set a precedent for future Bills and that the accelerated passage procedure should be the exception rather than the norm. I believe that he will be absolutely true to his word on that.

I will say a little more in our next debate. For the time being, I support accelerated passage.

**Mr Beggs:** On behalf of the Ulster Unionist Party, I speak in support of accelerated passage.

As others said, whilst pensions are, in theory, a devolved matter, they are, in practice, operated by a UK-wide pension industry. It is vital that we retain legislative parity. I understand that there may be one, if there are any, local institution that offers pensions, so we deviate at our peril. I will say more about that later.

The scheme that introduces the UK-wide pension changes is due to be fully in effect by April 2016. The pensions industry is not one that you can change very quickly; it

takes time. Time is required to develop the products and to train those who are to sell them so that selling is done ethically and there are no repercussions. Therefore, we support accelerated passage.

**Mr Storey:** I thank Members for the views that they expressed during the debate. I also thank, in particular, the Chair and members of the Committee for their help in getting to this stage. I assure Members that I will do all that I can to be of help as we make our way through the Bill, and I thank them for being understanding of the need for accelerated passage.

As alluded to by my colleague, I do not seek accelerated passage lightly. There may be a temptation on my part to try to get accelerated passage for another Bill that has had a bit of a difficulty, but I will leave it there. I am happy that we proceed.

**Mr Speaker:** Before we proceed to the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That the Pension Schemes Bill proceed under the accelerated passage procedure.*

## Pension Schemes Bill: Second Stage

**Mr Storey (The Minister for Social Development):** I beg to move

*That the Second Stage of the Pension Schemes Bill [NIA 55/11-16] be agreed.*

The Bill follows on from the Pension Schemes Act 2015 recently enacted by Westminster. The Bill will introduce a new legislative framework for private pensions and seeks to rejuvenate the pensions industry by allowing for greater innovation in pension scheme design.

Increasing life expectancy has been one of the success stories of the last 60 years. The fact that, in general, people are living significantly longer and healthier lives is to be celebrated. However, increasing life expectancy brings with it a number of challenges across government; for example, for health and social care and how we ensure adequate incomes in retirement. The provision of pensions involves financial, economic and longevity risks, all of which come with very significant costs. Existing private pension legislation is based largely on a binary system of money purchase schemes, commonly referred to as defined contribution schemes, which offer no certainty over retirement benefits, and non-money purchase schemes, commonly referred to as defined benefit schemes, which traditionally offer salary-related benefits that provide certainty about what will be paid in retirement.

The key difference between those models is who bears the risk of pension saving, such as longevity, investment and inflation. In traditional defined benefit schemes, the risks are borne by the employer. In defined contribution schemes, they are borne by the employee. Whereas for an employer, defined contribution schemes provide certainty regarding costs, for scheme members, the level of income that they can expect in retirement is uncertain.

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

The last few decades have seen a decline in defined benefit pension provision in the private sector. Many employers have found the increasing cost of longevity and investment risk too heavy to bear. Crucially, the employer remains liable for any deficit in the scheme funding. In 2014, the Pensions Regulator reported that only 13% of defined benefit schemes remained open to new members. As membership of defined benefit schemes has declined, there has been a growth in the membership of other types of private pension schemes, particularly defined contribution schemes. That means that, increasingly the risks associated with pensions are being borne by individuals, rather than employers.

Some reform has already taken place, and the continued roll-out of automatic enrolment is expected to reverse the trend of falling private pension participation over time. However, if defined contribution schemes remain the main alternative to defined benefits, outcomes for savers will be less certain and more volatile, making it much harder for future generations of savers to plan for later life. The need for further reform is clear.

Part 1 of the Bill will introduce three mutually exclusive categories of pension scheme, including a new shared-risk category. Each category will be defined by the type of promise provided to savers during the accumulation phase about the benefits that will be available to people

on retirement. The categories will be a defined benefits scheme, in which the member has a full pensions promise about the rate of the retirement income they will receive for life from a fixed normal pension age; a shared-risk scheme, also known as defined ambition, will promise some retirement benefits, whether income or lump sum; and the defined contributions scheme, where there will be no promise about the benefit outcome.

New definitions are necessary, because whilst the terms “defined benefits scheme” and “defined contributions scheme” are well recognised and are often used to distinguish between the two types of schemes that currently make up private pension saving, they are not generally used in private pensions legislation. The new shared-risk definition describes a middle ground between the more polarised defined contribution and defined benefit definitions. It will create a distinctive space to encourage innovation in pension scheme design. Shared-risk schemes should provide employees with greater certainty about the final value of their pension than they would have under a defined contribution scheme but with less cost volatility for employers than a defined benefit scheme.

The new scheme categories will apply to existing pension schemes. However, they do not make any additional requirements about benefit design and do not change current legislative requirements, such as occupational scheme funding or member protections. The new definitions do not apply in any public service pensions legislation. That issue was raised by colleagues across the House during previous discussions on the issue.

In the case of a scheme not fitting exclusively into one of the new definitions, regulations will provide for a scheme to be treated as two or more separate schemes, each of which will fall within a category.

### 12.00 noon

In addition to establishing a new legal framework for private pensions, the Bill will also enable the provision of collective benefits. Collective benefits are provided on the basis of allowing the scheme's assets to be used in a way that pools risk across the membership, both in the accumulation phase and in payment. As such, members do not have their own individual pension pots from which their pension income will be provided. Instead, any gains or losses that arise from the performance of the scheme's investments will be shared amongst all members. Consequently, collective benefits cannot provide members with a promise or guarantee about the level of benefit that they are likely to receive, and the benefit received will depend entirely on the scheme's funding position and the factors used to determine what proportion of that is available for the provision of particular benefits.

Trustees or managers of pension schemes that offer collective benefits will be required to set targets in relation to the rate or amount of those benefits. The intention is that members of a scheme that offers collective benefits should be provided with a reasonable estimate of the benefits that they can expect to receive from the scheme. In the absence of a well-defined pot over which the individual has clear ownership, the target is a way of illustrating what a member might expect to receive. Regulations may also require trustees or managers to set initial targets at such a level that the probability of meeting the target will fall within

a specified range, and for that to be certified by an actuary. The setting of targets is key in ensuring that schemes that provide collective benefits operate in as transparent a manner as possible.

There is no employer liability to stand behind or guarantee a target that is offered in relation to a collective benefit beyond the contribution level. However, the Bill contains a series of regulation-making powers that relate to the governance of schemes to ensure that appropriate safeguards are in place. For example, requirements may be set out in secondary legislation in relation to scheme reporting, the payment of benefits, benefit targets and valuation.

As a consequence of the new scheme definitions and the provisions about collective benefits, a number of changes are required to existing pensions legislation. Part 3 of the Bill aims to ensure that current legislative requirements that relate to governance and administration apply in the appropriate way to the new scheme categories. It contains new powers to make regulations, for example, in relation to indexation and revaluation of benefits and setting out conditions to be met for a pensions promise to be obtained from a third party, and it imposes a duty on managers to act in the best interests of members when making specified decisions in relation to collective benefits or shared-risk schemes. It also enables the Department to issue statutory guidance on the disclosure of information about schemes and includes provision that deals with pension sharing and normal benefit age.

In conclusion, the underlying objective of the Bill is to create space for market innovation rather than for government to design commercial products. However, it will, as ever, involve achieving a balance between ensuring that there is a level of regulation that does not discourage new models and, at the same time, adequately safeguarding members' interests. The Bill will provide for a new, permissive regulatory framework with proportionate regulation for different types of schemes. I think that that is an important element to underline and underscore, because there is always a concern that, when we have the imposition of regulation, it is in some way very draconian and inhibitive. I want to ensure that the Bill will provide for new permissive regulatory frameworks. I think we want to underscore the element with proportionate regulation for different types of schemes. It has to be balanced, and we have to get the balance right.

For the first time, the Bill will set out clear statutory definitions of various scheme types, including defined benefit, shared risk, defined contribution and an additional benefit level classification to recognise collective benefits.

I think that we can all agree that we want to ensure that good-quality pension provision continues for future generations. As I said during the debate on accelerated passage, the overall aim of the Bill is simple. It is to help provide safer and better incomes in retirement. I suppose that some of us would do well to declare an interest at this point as we head towards that. I never thought that I would be standing in the House saying that. However, the other day, I got a piece of correspondence through in relation to my own pension, which gave me the date for my retirement. I looked at it and thought, "Well, that seems to be away in the future". I think it was 2029. Then I suddenly realised that that is only 14 years, and that is almost as long as I have been in the House, so it does not seem that long. I declare an interest in dealing with this particular

issue. I have no doubt that other Members who speak following me will have to do the same thing.

In conclusion, legislation is being brought to the House that will allow for greater flexibility in scheme design and greater risk sharing between employers, employees and third parties, and that should improve private pension outcomes in the long-term; something that, I believe, we all want to support in the House. I commend the Bill to the Assembly.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister referred to his length of service here. Some of us might say that he has perhaps put years on the rest of us, but I will not go that far. It has been a pleasure to work with you.

Pension reform is ongoing in both the public and private sectors, and I have no doubt at all that we will continue to see significant changes in pension provision over the coming years. The Pension Schemes Bill is yet another step in that reform process.

On behalf of the Social Development Committee, I would like to draw the Minister's attention to specific issues related to the Bill that I hope he will be able to further elaborate on in his concluding remarks. Obviously, he has already covered quite a number of them, but I want to put on the record that the Committee has considered those matters in some detail. The Bill defines private pensions on the basis of the promise they offer for members about their retirement benefits during the accumulation phase. It enables the provision of collective benefits in a way that pools risks across membership, thereby providing a greater amount of stability in pensions outcomes, and it also gives force to measures so that people aged 55 and over will have more flexibility about how they access their defined contribution pension savings. Generally speaking, those are all positive measures that the Committee welcomes.

The Committee received an oral briefing on 8 January and agreed to support a legislative consent motion, which related to the extension of pension flexibilities outlined in the Westminster Pension Schemes Bill to this jurisdiction. The Committee was also content with the equality impact assessment (EQIA) on which it was briefed on 30 April. At that briefing, the Committee noted that officials believe that the Bill:

*"is expected to have a mainly positive impact on each of the section 75 groups."*

However, there was some concern that the introduction of collective benefits could potentially shift greater risk on to younger scheme members — so-called intergenerational risk.

One of the central planks of the Bill is to ensure greater stability of outcomes by making pension incomes less dependent on market conditions. To ensure that that is the case and that younger members of pension schemes are not put at risk, there must be strong governance of those schemes. The Minister's views on that aspect would be welcome.

Furthermore, it is absolutely essential that, in relation to drawing down funds from a pension prior to reaching state pension age, there must be sound financial guidance and advice. Given the complex nature of this area of work, that issue gave the Committee considerable cause for



discussion. I point out on behalf of the Committee that it takes the view that guidance and advice are, of course, two different things.

We have excellent generalist advice services here, and Pension Wise has been established to provide guidance on pensions. However, I understand that the Pension Wise service does not recommend any pension products per se, and there have been some concerns that the advice on pensions is given, by and large, by generalists, not pension experts as such. Can the Minister, therefore, give some information on the type of advice this service provides, assurance on the quality of guidance provided and information on how this service actually operates?

Secondly, there have been recent reports of pension schemes not allowing people to draw down funds until they receive financial advice because, it would appear, they do not want to be accused of not properly advising their members of the implications of drawing down funds. This is, in many ways, understandable, given the fear that some disreputable organisations or individuals may wish to prey on people and give them fancy deals that may not, in reality, be to their benefit. Reports also suggest that some people have had to pay for such advice; even figures of £1,000 have been quoted in some instances. On a related matter, there have also been reports that people are being charged for drawing down their pension early. Does the Minister know whether that is standard practice in the industry and, if so, should it not be made clear in advice that the legislation does not ensure that early drawdown of a pension is actually free? I ask the Minister to share some of his views on these matters and provide some insight into the role of the Financial Conduct Authority in regulating the new provisions.

The Committee has taken several briefings on the Bill, as the Minister has confirmed. We are content that it is a positive step forward towards greater stability in relation to sustainable pension outcomes and should ultimately benefit the consumer. We are also realistic and recognise that there will undoubtedly be hiccups in its practical application across the industry. As I have said, the Minister's response regarding the steps taken to protect the consumer will go some way to provide assurances on these matters.

**Ms P Bradley:** I do not intend to repeat anything that either the Minister or the Committee Chair has said. I intend to keep my comments brief. I do not claim to be an expert on pensions, although having read through the Bill and other information that has been made available to us, from my reading, it seeks to bring greater shared responsibility between employers and employees, which, in turn, will lead to better outcomes for future pension provision.

Earlier, the Minister mentioned that his own pension date is looming not too far away in the future. When I was preparing for this debate, I remembered very acutely being approached at 18 years of age by the company that I worked for then to sign my occupational pension forms. I remember reading that and thinking that it was the most hilarious thing that I had ever come across; that, at 18 years old, I needed to start preparing for my retirement. Now, almost — not quite, but almost — 30 years down the line, I find that it is not such a hilarity any more. I am glad that I worked for a responsible employer then that did offer a very good occupational pension scheme. That has now almost become a thing of the past. Actually, opening up

that conversation at 18 years old and discussing pensions with my colleagues and peer group around me certainly did bring the reality home that I needed to start planning for my future. As I said, with occupational pensions becoming a thing of the past, we need to do everything within our power to improve pension schemes that operate for employees at present.

I would just make one point to the Minister. I believe that, even with this Bill and other legislation that we have in place, we are certainly not doing enough to address pension provision for those who are on low incomes or in part-time work. As most of us in this Chamber will know, the majority of people who are in part-time work and, therefore, on low incomes, are women. Albeit we can certainly take out our own private pensions, women are most definitely disproportionately affected when it comes to employer contributions. We need to be mindful of that and address it.

#### 12.15 pm

Pensioner poverty is certainly to the fore and is being debated day and daily not only in the Chamber but throughout the media. We need to encourage everyone, when possible, to plan financially for their future.

I support the Second Stage of the Pension Schemes Bill.

**Mrs D Kelly:** I apologise for having to leave at about 12.30 pm. I have a previous meeting arranged, so apologies if I am not here for all the Members' contributions and the Minister's winding-up speech, but hopefully we will be brief.

I will pick up where Ms Bradley left off about the disproportionate impact on women and her comments on young people. Our party also has a concern about zero-hours contracts. I know that it is not the responsibility of the Social Development Minister, but I hope that he will bring influence to bear in discussions around the Executive table as to whether zero-hours contracts should be allowed in Northern Ireland.

Minister, I know that you declared an interest, as did many, but some Members may already be on a pension. I am not mentioning names or looking at anybody in particular. I will keep my head down.

I was most concerned about adequately safeguarding members' interests. The Minister was at pains to point out the importance of balanced and appropriate financial regulation versus the need to safeguard people's interests. Given what we have experienced from 2007 with a lack of adequate and appropriate financial regulation, I hope that the Minister will consider the review's guidelines and the advice given to members.

Some Members talked about the impact of taking money out early, so it is important to have good sound independent financial advice. It is also important for the Minister's Department to provide sound financial advice. Has advice been readily available for people who contacted the Department, and has it been the best advice possible?

I hope that the Minister will review all applications for such advice to see how that might be better incorporated into the Bill and what might be learned for the outworking of pensions. I hope that there will be a commitment from the Minister to work closely with the trade unions to explain these technical issues to people.

I do not know about you, Mr Principal Deputy Speaker, but my children's plans are to live off the bank of mum and dad for as long as possible and, when we kick our heels up, to sell our house and live off the benefit of that. Those are the only plans that I see my children having at the moment, so it is important that we get it right and set up the proper regulatory framework whilst safeguarding members' interests.

**Mr Beggs:** Like everyone else, I am getting older, so I will declare an interest if that is required at this stage. I got a letter a short time ago, and I suddenly realised that I was getting older and a certain date was approaching, but I hope that I will have an active working life in the meantime.

On behalf of the Ulster Unionist Party, I support the Pension Schemes Bill. As others said, whilst, in theory, pensions are a devolved matter, in practice, the pensions industry operates on a UK-wide basis. We would be only kidding ourselves if we thought that we could alter legislation in this area because doing so could significantly affect our citizens adversely. As public representatives, we ought to be doing what is best for the entire community and understanding all the implications of any change. Why do I say that? There is an effective UK-wide regulatory pensions regime. Anyone who examines the Bill will see that it is technical and specialist in nature. We alter anything in it at our peril. We really could not fully understand the outworkings of any such changes.

Many private pension schemes are currently available, offered and taken up in Northern Ireland. That is principally because they operate on a UK-wide basis, and there are economies of scale that come from that. To run a pension scheme, you need a critical mass, because, first, there is the administrative burden of running the scheme; and secondly, in order to share the risk of any scheme, you want to gather up a sizeable investment and be able to spread that risk in order to minimise risks to the individuals who have invested in it and also to, hopefully, maximise any benefits that can be accrued.

Northern Ireland consumers also need competition. It is vital that there is a variety of products on the market. At one stage during some of the advanced discussions with the Minister and officials on the Bill at the Committee, I asked how many pensions that might be on offer elsewhere could not be afforded here because there would be different rules. I was concerned that, if we were to change the regulations, we might be limiting the market and the ability for customers or constituents to choose how they invest in their pensions for the future.

The official's answer was very illuminating. He agreed that it would be a very big risk:

*"if we were to get it out of kilter with GB."*

He went on to say:

*"At the moment, the vast majority of pension products here are all based in Britain. One local institution offered products, but I am not sure whether it still does. So they all come from GB."*

We must take cognisance of that. If we were to alter parity in this area, we may stop the current products on the market from being afforded here, because pension companies would have to follow any legislative changes that we make. Their existing pensions may not fit into that. We would risk the offering that is available to Northern

Ireland citizens were we to make any changes to parity on this issue.

As others have said, there is a UK-wide Pensions Regulator, Pensions Ombudsman and Pension Protection Fund. Again, I asked what would happen if we were to deviate from parity. All of these schemes operate on a UK-wide basis. If we were to deviate, I believe that we could put that at risk and that, again, would have significant financial implications in the administrative costs of managing each of these legislative requirements in order to protect our citizens. Not only that, there would be further risk to our citizens. How, for instance, could we gather up a pension protection fund? Again, economy of scale is required in order to spread that burden or load. It would be much better if we were to retain parity in this vital area.

Making any changes to the legislation would have very significant financial implications, both in administration and in the outworkings of the scheme. Where have we heard that before? I am pleased that, on this occasion, Sinn Féin and the SDLP have recognised the benefits of parity and have indicated their support for the Bill. However, it is unfortunate that the same understanding is not being afforded to other legislation before the Assembly, particularly welfare reform proposals, where Sinn Féin has made uncostered proposals. It would be fiscally irresponsible to make uncostered proposals regarding pensions. I am pleased that that has not happened. Equally, it is fiscally irresponsible to make uncostered proposals about welfare reform.

I am pleased that, at least in this area of Government responsibility, everyone within the Assembly appears to recognise their financial responsibilities to the entire Northern Ireland community and that there are administrative benefits in retaining parity. I only wish that they would recognise it in other areas.

**Mr Storey:** I thank Members for their contributions. I concur with the comments made by my colleague about the technical nature of all of this. Paula Bradley said that she did not claim to be an expert. Well, neither do I. Indeed, for many people listening to the debate or those who have to deal with them, pensions are complicated and bring their particular challenges. I am just glad that I have very well informed officials who have become embedded in the issue.

I will come to advice as I work my way through the conclusion to this particular legislative stage. First, I thank the Chair and the Committee for their work on the Bill. I also say a word of appreciation to my officials, who have on a number of occasions made themselves available to the Committee, and who will still be available to it should any more queries arise during the process. We are also quite happy to continue to engage with Members. If, during my contribution, I fail to deal with any particular issue because of an oversight, I assure Members that I will get back to them after checking Hansard so that no issues raised by Members are not addressed.

The Chair of the Committee raised the issue of guidance. Guidance and advice requirements, as they are known, fall within the remit of the Westminster Pension Schemes Act 2015 rather than this Bill. Guidance falls within the ambit of financial services, which is a reserved matter. The provision seeks to ensure that people proposing to take advantage of the new pension flexibilities from April 2015 have access to

free guidance through Pension Wise, and the Chair referred to that. That is provided online, through a telephone helpline run by the Pensions Advisory Service, as well as face-to-face by Citizens Advice in Northern Ireland.

Those in a defined benefit scheme who wish to take advantage of the flexibilities must take independent financial advice. That is because defined benefit pensions tend to be of good quality, so it will be to most people's financial advantage to stay in the scheme. Her Majesty's Treasury and the Department for Work and Pensions (DWP) are closely monitoring the operation of the schemes and the new flexibilities and will consider action in any way necessary should particular trends begin to emerge.

Others commented that the flexibilities will open the door to scams. Unfortunately, those who want to do something that is unlawful and that can be very detrimental are not averse to trying to scam this particular regime. It is an unfortunate fact of modern life that there will always be those who seek to scam others. As part of the pension flexibilities announced in the 2014 Budget, the Government proposed that all consumers with defined contribution pensions should be entitled to free, impartial guidance at retirement about their options when accessing pension savings. Pension Wise was thus launched, and the Financial Conduct Authority (FCA) published the standards for guidance when delivering Pension Wise.

### 12.30 pm

The Pension Wise website includes guidance on how to avoid scams. Northern Ireland Direct signposts people to the Pension Wise website and to further advice on pension scams. The Financial Conduct Authority has recently launched its ScamSmart campaign to raise public awareness of potential scams. So an effort is being made, but, in all these things, we need to ensure that there is due diligence in a way that is relevant to our circumstances. The question was asked: what advice is available to warn people? As I said, the Government have launched Pension Wise, and I think that we should endeavour to use that information to the best of our ability.

The Chair also raised the issue of consumer protection and the intergenerational risk. The Bill contains powers to restrict the ability of schemes offering collective benefits to undertake significant amounts of intergenerational risk transfer. For example, there is a duty to ensure that the scheme remains well funded, plus a duty to take the specified actions of taking a deficit or specifying a pension within which stocks must be absorbed. I assure the Member that members' protection is paramount for us, and it is also an issue of importance for the Department as we move forward, particularly in relation to the regulations. The regulations will be brought to the Committee so that the Committee will have the opportunity to see those regulations. Much detail will flow from those regulations, and I trust that, as that is made available, it will give Members assurance on consumer protection, intergenerational risk and the issues that were raised by my colleague Mrs Bradley and make it clearer that we are doing everything that we possibly can to protect and to ensure that this is a fair and balanced scheme.

The Member for Upper Bann Mrs Kelly referred to the zero-hours contract guidance and to low earners. We are all aware of issues with zero-hours contracts. My ministerial colleague Dr Farry is equally aware and is, I

believe, seeking to address the issue in some way. I will be supporting his efforts on that. Guidance is outlined in the position that I stated earlier in reference to Pension Wise and what is available through the work of that website. Automatic enrolment is under way, and that will bring many people, particularly lower earners, into private pensions for the first time. That, together with the new state pension being set above the rate of pension credit, will particularly help low earners. I trust that that gives Members some assurance that consideration is being given to that issue and that benefit will flow from the Pension Schemes Bill in that regard.

I will conclude on the comments that were made by the Member for East Antrim Mr Beggs, particularly his concerns about parity. We are bringing the Bill and having accelerated passage to ensure that we maintain parity. I fully support his comments on the need to maintain it, and that is precisely why I am doing what I am doing in the House today. For those reasons and for others that we have outlined in terms of the timescale, it is important that we continue to focus on bringing the Bill through the Assembly so that we can meet the deadlines. That will ensure that the position in Northern Ireland is not out of kilter with that in the rest of the United Kingdom.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Pension Schemes Bill [NIA 55/11-16] be agreed.*

## Environmental Better Regulation Bill: Second Stage

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

*That the Second Stage of the Environmental Better Regulation Bill [NIA 55/11-16] be agreed.*

First, I would like to thank my Executive colleagues for their support in bringing the Bill to the Assembly. I look forward to working with Members in taking it forward.

On my appointment as Minister, almost two years ago, I made it clear that I was adopting the following theme for my time in office: a better environment and a stronger economy. It is vital that we grasp the many opportunities that arise from thinking about our environment and the economy together. I see them not as mutually exclusive but as complementary and interdependent. The economy and the environment are inextricably linked. Future economic prosperity and, indeed, our path to recovery out of the current recession, will be aided by having a clean and productive environment, and cleaner, better resource management by businesses.

What is environmental better regulation? For some, it means less regulation; for others, it means more. To me, it means striking the appropriate balance. Over-regulation delivers as many bad outcomes as under-regulation, and just as often. Regulation needs to be focused on real risks and designed so that it protects the environment. With that in mind, we need an environmental regulatory system that goes beyond being fit for purpose: it must actively support and recognise responsible businesses and their need for swift, well-informed decisions.

A good modern regulatory system in the 21st century should ensure that, if you regularly comply with environmental legislation, you have less burdensome regulation and that, if you regularly fail to comply with environmental legislation, you get more attention from the regulator. This is what the Environmental Better Regulation (EBR) Bill is designed to achieve: to support the good guys and go after the bad.

Environmental permitting is essential to protect our environment from pollution. Currently, there are separate regimes with different sets of regulatory controls governing waste, pollution prevention and control, water, and radioactive substances. That leads to confusion, duplication and inefficiencies. It can act as a barrier to businesses. I intend to bring forward integrated, single, clearer environmental permitting and a consistent system that is easier to understand and does not compromise or concede on environmental standards but leads to better environmental outcomes.

I will take a few minutes to talk through the elements of the Bill, beginning with the powers of entry, which are a valuable tool for environmental regulators, enabling them to enter premises and carry out inspections, searches, the collection and retention of evidence etc. In the current system, businesses and organisations are subject to a multitude of powers of entry under 50 pieces of environmental legislation. The multitude and variety make it difficult for individuals and businesses to understand and implement the law. The Bill creates a streamlined system of regulation and guidance that makes it easier for

individuals and businesses to understand this important area of environmental law.

The Bill provides for the rationalisation of powers of entry and associated powers, making them easier for all parties to understand and follow.

Alongside the environmental permitting provisions, that will allow for the simplification and optimisation of compliance-assessment and enforcement arrangements. In so doing, it is important to respect human rights and the rights of individuals in their own homes and businesses against unnecessary intrusion. It is essential that powers of entry, as with any enforcement power, achieve the right balance between the need to enforce the law and ensure public protection and provide sufficient safeguards and rights for the individual.

It has become more difficult for the regulated community to understand and meet its obligations. The complexity of the current system inhibits regulators from taking a holistic approach to environmental regulation, performance and management. My Department needs a regulatory system that will deliver desired environmental outcomes and help responsible businesses to operate effectively within environmental limits. By reducing regulatory burdens on compliant, responsible businesses, the Bill will have the added benefit of freeing up resources to target irresponsible businesses and bring them into compliance. It will result in a system that is more effective in avoiding major and costly non-compliance or that can detect it at an early stage, thus reducing the risk of very expensive environmental restoration. That is why the Bill is important and timely.

I will now address each of the Bill's provisions in turn. Part 1, along with schedule 1, specifically provides enabling powers for my Department to introduce regulations, supporting measures and guidance to enable the Northern Ireland Environment Agency and councils to change the way they work with business. The regulations will contain a lot of detailed technical provision that would be inappropriate in a Bill. Such measures would also need to be regularly updated to take account, for example, of technical developments and new EU and international obligations of the UK. The flexibility that is needed in this area would not be available if the relevant measures were specified directly in primary legislation.

In that respect, I think that it would be helpful to briefly outline at this stage how I intend to exercise the enabling powers through regulations and what I envisage the regulations will contain and, indeed, to reassure the Assembly of its scrutiny role and approval. The regulations under the Bill will provide a common set of environmental permitting procedures to replace several regimes under existing arrangements and will allow for a single permit to cover multiple activities on a site where appropriate. That will simplify compliance-assessment arrangements and will, in some cases, reduce the number of inspections that are required. It will reduce red tape for compliant operators and will allow my Department to focus on higher-risk activities.

Regulated activities may require a bespoke permit, a standard permit, a registration or to be subject to general environmental rules, depending on the complexity of the activity and the environmental risks that it poses. The public will, of course, have the opportunity to comment



on the draft regulations during consultation, just to reassure Members, and the regulations will be subject to the affirmative resolution procedure, which is the more stringent form of Assembly control.

Schedule 1 contains the finer detail of all matters for which regulations may be made under clause 2. Amongst other things, it enables the regulations to specify the procedures relating to the authorisation of regulated activities by permits and registration. It allows for detailed procedural provisions to be included in the regulations governing how an application for a permit or registration may be made, how that application will be assessed and how a permit or a registration may be granted. It also provides a framework for the extent to which the regulations may allow requirements to be imposed in permits and registrations, as well as allowing regulations to provide mechanisms for transfer, variation and consolidation, and for the suspension and revocation of permits or registration together with a requirement to take associated preventative or remedial action.

#### 12.45 pm

Schedule 1 to the Bill also enables the regulations to provide for emissions trading schemes; charging schemes; local enquiries; public registers; compliance and enforcement; rights of appeal; and payment of compensation in respect of any loss or damage.

The proposed regulations will transpose all or parts of a number of EU directives which have previously been delivered through various subordinate legislation. That will include, but is not limited to, the waste framework directive, the landfill directive, the industrial emissions directive, and the waste electrical and electronic equipment directive.

The drafting of the regulations is at an early stage, due to their length and the complexities involved in rationalising a number of different permitting and licensing regimes. As I have already said, the draft regulations will be subject to full public consultation.

Part 2 of the Bill provides enabling powers for the rationalising of the powers of entry and associated powers for environmental inspection and investigation. It ensures that powers of entry and associated powers should not simply be reviewed on an individual basis. Rather, groups of similar powers should be combined to improve transparency and synergy, provide more consistent safeguards and, ultimately, reduce numbers of powers of entry in statute, making powers of entry easier to identify and understand. Part 2 also contains provision for a code of practice in relation to the exercise of powers of entry. Regulators must have regard to the code. The code will contain guidance on such matters as notices given to owners or occupiers of premises, witnesses who may be permitted during inspections, conduct of officials during searches and the retention of records about the exercise of powers. The draft code will also be subject to consultation. The final version of the code should help greatly to provide clarity for the regulator and the regulated.

Part 2 also makes provision for a statutory review of powers of entry. The Bill, therefore, ensures that a review is carried out to clarify what powers of entry and associated powers exist across the body of environmental law, how they are exercised and what safeguards are in place. The review will also help to determine how the

Department intends to bring forward a simpler and more streamlined set of powers of entry and associated powers. It is important to have in place a robust mechanism to ensure that powers of entry are considered carefully and to question whether they are fully justified and proportionate. As with the code, any changes proposed in the statutory review will be subject to affirmative resolution procedure in the Assembly.

Parts 3, 4 and 5 of the Bill contain miscellaneous provisions that also help to deliver environmental better regulation, albeit in a small number of discrete areas.

Part 3 amends the Clean Air (NI) Order 1981 to provide for the streamlining of the method for listing authorised fuels and exempted fireplaces in a smoke control area. That will provide a speedier process for manufacturers to have their fuels approved or fireplaces exempted and published in accordance with the provisions of the Clean Air Order. The current process requires the Department to issue regulations every six months, adding new approved fuels and exempted fireplaces. The amendment will remove the requirement to produce regulations and replace that with an approved list, which will be updated monthly. The list will be approved by a senior official and published on a UK website. That revised process will allow manufacturers a much quicker route to market and reduce the administrative burden on the Department, while still providing an open and accountable process.

Part 4 amends the Environment (Northern Ireland) Order 2002 to remove unnecessary burdens on district councils in respect of the preparation and implementation of local air quality action plans. As part of the ongoing review of local air quality management across England, Scotland and Wales, the Department has consulted with district councils about the need to undertake further assessments of air quality to supplement information that it already has.

District councils were supportive of the policy to remove the requirement, as they see further assessments as an unnecessary burden that is an impediment to the speedy implementation of local action plans and prolongs non-compliance with prescribed air quality objectives.

Part 5 amends the Water and Sewerage Services (Northern Ireland) Order 2006 to transfer sole responsibility for public drinking water regulation from DRD to DOE, thereby allowing my Department to have full responsibility for the functions of the Drinking Water Inspectorate and simplifying regulatory structures. Currently, responsibility for the regulation of drinking water quality for public supplies rests with DRD, while regulation of private supplies is the responsibility of DOE. In practice, my Department's Drinking Water Inspectorate carries out regulation of drinking water in the North on behalf of both Departments to cover both areas since the previous responsibility was split from DOE following the 2007 water reform process that created NI Water. The intention is to simplify arrangements for the inspectorate, giving back my Department sole responsibility for its duties. The transfer has also been approved by Minister Kennedy.

The Bill has been assessed to determine any regulatory impact, and it is considered that it does not contain any provisions that will result in an increased or adverse impact on businesses. That is not surprising, given the better regulation aims of the Bill.

I have spoken about the regulations to be made under the Bill after it has been passed. Those regulations will, of course, require full and detailed regulatory impact assessments at a future date when the respective regulations giving effect to the powers in the Bill are developed. Those assessments will also be subject to consultation along with the draft regulations.

As Environment Minister, I am passionate about delivering better environmental outcomes. This rationalisation of environmental law will, I believe, deliver better and smarter environmental regulation by providing a more streamlined and effective regulatory system for businesses and regulators. It has resulted from extensive stakeholder engagement between businesses, regulators and environmental groups, and it aligns with the Executive's Programme for Government priority of growing a sustainable economy and investing in the future by having a simpler, harmonised and easier-to-understand regulatory framework.

The Bill also supports the Executive's initiative, Building a Prosperous and United Community, which refers to the need to reduce regulatory burdens and red tape for businesses. Let me be clear: the Bill will not change the substantive requirements of permits in environmental protection, but it will reduce the administrative burden necessary to deliver those requirements. The benefits for business will, therefore, generally be expressed in terms of savings in administrative costs. That approach has the additional benefit of reducing the risk of long-term serious non-compliance going undetected and has strong similarities with good practice in other countries such as England, Wales, the Netherlands and Australia.

The measures that the Bill introduces will provide a modern, fit-for-purpose regulatory regime and a more attractive regulatory environment that will help businesses to invest and grow whilst maintaining environmental standards. Creating a more streamlined and effective regulatory regime will support compliant businesses and target those who flout environmental law. It will reduce the risk of environmental harm and the very significant costs involved in cleaning up and restoring the environment, of which the Assembly knows only too well.

**Ms Lo (The Chairperson of the Committee for the Environment):** I welcome the opportunity to speak in today's debate on the Second Stage of the Environmental Better Regulation Bill. I thank the Minister for explaining in detail the background and purpose of the Bill. In my personal capacity, I endorse the Minister's opening remarks that good environment and business development are interrelated and it is not one against the other. I am sure that my colleagues on the Environment Committee would support me in that.

During a briefing on 5 March, officials advised the Committee of the need for an environmental regulatory system that actively supported and recognised responsible business and a need for swift, well-informed decisions. Environmental regulation has developed over time and has become complex, with different inspection regimes and different rules, making it confusing for businesses. The Committee is aware that the Bill is one aspect of a wide regulatory transformation programme aimed at reducing the burden of regulation on business. The Bill is, in essence, a skeleton Bill, meaning that the real operation of the Act would be made entirely by the regulations

under it. Therefore, the Committee will wish to examine the justification for the decision to adopt this structure of powers and what powers the Assembly will have in considering any future subordinate legislation.

Part 1 of the Bill relates to the introduction of environmental permitting powers. Officials advised the Committee that the current regulatory regime contained elements of duplication, making it confusing for industry and regulators, and that the purpose of Part 1 is to rationalise the permitting regime to simplify and reduce administrative costs while continuing to achieve intended outcomes. During its detailed consideration of the Bill, the Committee will wish to ensure that a balance is struck between streamlining the regulatory regime without compromising the Northern Ireland Environment Agency's compliance and enforcement role.

Members have questioned officials on aspects of Part 2 of the Bill. It requires a review of powers of entry and associated powers to be completed by the Department. Officials advised the Committee that the purpose of the review is to provide an opportunity for a thorough and full analysis of all environmental powers of entry and associated powers. Powers of entry are significant powers and a valuable tool for environmental regulators in enforcement. There are also human rights implications associated with powers of entry. The Committee asked officials why the Bill asked for a review of the powers of entry and whether the Department should not first conduct the review and then legislate on the outcome of that review. Officials advised the Committee that there was precedent for this approach in the Protection of Freedoms Act 2012 in Great Britain. That Bill included a published review that could be consulted on before the regulations were brought forward. The Committee will wish to look at the rationale for this approach during Committee Stage.

Parts 3, 4 and 5 contain miscellaneous amendments to the Clean Air (Northern Ireland) Order 1981, the Environment (Northern Ireland) Order 2002 and the Water and Sewerage Services (Northern Ireland) Order 2006. The Committee questioned officials on the impact that the amendments, particularly those in Part 3 relating to authorised fuel and exempt fireplaces, will have on businesses. Officials advised the Committee that it is simplifying the law on exempt fireplaces and fuels because, currently, when an operator develops a new smokeless fuel or fireplace, the legislation can take six months to catch up.

The Bill, therefore, will make it easier and better for businesses.

#### 1.00 pm

The Committee sought assurances that the Bill will not give out a message to businesses that standards will be lowered as a result of simplifying and streamlining environmental regulation. The Committee may wish to consider that during the scrutiny stage.

The Committee has already initiated its call for evidence as it wished to notify as many stakeholders as possible of the Bill in advance of the summer holidays. The Committee looks forward to examining submissions and to exploring specific issues in detail. I look forward to developing a good working relationship with the stakeholders and departmental officials to ensure that the Committee is

able to scrutinise the legislation properly. On behalf of the Committee, I support the principles of the Bill and look forward to formal scrutiny during Committee Stage. That concludes my comments as Chair of the Committee.

With your indulgence, Mr Principal Deputy Speaker, I want to make some brief comments as an Alliance MLA. The Alliance Party welcomes the overall aim of the proposals to simplify and streamline the regulation system. The current procedures have been accused of hindering good environmental outcomes, because they are inflexible, bureaucratic, expensive, and there is often a low level of enforcement. The new regulations aim to create an environmental permitting system to replace the existing model, which, in theory, will allow the Department to act swiftly to enforce when needed.

That streamlined approach will increase the chance of improving environmental performance whilst delivering improved business objectives. A document produced by the Northern Ireland Environment Link in 2013 emphasised that the ultimate result of good environmental regulation is good environmental outcomes. Regulation is a means to that end. It is important that we bear that in mind as we move to Consideration Stage.

That leads me to environmental enforcement. I have raised my concerns at the lack of enforcement officers in the DOE on numerous occasions. With budget cuts and the future merging of the Department of the Environment with the Department of Agriculture and Rural Development, there is a risk that environmental enforcement may not be seen as a top priority. We must ensure that, when enacting this legislation, we have the means to deliver.

Other aspects of the Bill are to be welcomed. Businesses will be able to benefit from minimised bureaucracy through a more streamlined environmental regulation system, which will also allow for certain existing permissions to be brought together into a single environmental permit. Much of the detail on how the new system will work in practice will be provided only when the statutory review of powers of entry is completed after the passing of the Bill.

Consultation will also be carried out on any new powers of entry regulations. As that is still to be finalised, it is hard to comment, other than to stress that it is important that there is a strong monitoring and enforcement system that ensures that those who break the law will face penalties.

I support the Second Stage of the Bill and look forward to engaging with stakeholders and seeking further clarification during Committee Stage and Consideration Stage.

**Mrs Cameron:** As Deputy Chair and a DUP member of the Environment Committee, I welcome the opportunity to speak on the Second Stage of the Environmental Better Regulation Bill today. The primary aim of the Bill is to streamline environmental regulation whilst robustly protecting the environment and, in turn, ensuring that businesses can operate in a more efficient and cost-effective manner.

When looking at regulation, it is important that those who comply are not burdened with additional red tape. However, those who do not comply should rightly expect greater attention from the Northern Ireland Environment Agency. It is key to the success of the Bill that we do not penalise those businesses that act in accordance with the regulations and instead seek to deal severely with those

businesses that persistently flout the rules and damage our environment.

The Bill will mean that serial offenders, or those who seriously breach the regulations, will be dealt with quickly and severely. Conversely, those businesses that have breached the regulations through oversight or misunderstanding will receive support and guidance to achieve compliance. The current system is not especially user-friendly for businesses, which has, unfortunately, led to breaches that are largely avoidable and, at times, inadvertent. Businesses have had difficulties in understanding increasing regulation and environmental laws, thus becoming complacent or using vast amounts of resources to ensure that their obligations are met.

The Bill will amend the Clean Air (Northern Ireland) Order 1981, the Environment (Northern Ireland) Order 2002, and the Water and Sewerage Services (Northern Ireland) Order 2006 to provide a framework that is easier to regulate, understand and operate. Under the Bill, the existing separate regimes governing waste, pollution, water and radioactive substances will be brought together into a single framework, which will ensure greater uniformity and ease of use.

Parts 1 and 2 of the Bill will make businesses more aware of what is required of them and will make it easier for the Department to assess and implement compliance. It is important to note that the Bill does not intend in any way to dilute the importance of environmental regulation; its sole purpose is to reduce bureaucracy and to make it easier for businesses to fulfil their environmental obligations.

Parts 3, 4 and 5 provide a streamlined method for listing authorised fuels and exempted fire places for use in smoke-free zones, which will mean that businesses will have to wait only one month before they are passed for us instead of six months. Those parts also transfer the regulation of drinking water from DRD to DOE, which is a pragmatic and sensible approach, given DOE's expertise in dealing with water-quality matters.

The Bill is welcome for the environment and for businesses in Northern Ireland. The new regulations will ensure that, by introducing less cumbersome legislation, we allow companies not to get bogged down in red tape and ensure that they can continue to expand without restrictive regulations. Environmental protection is, of course, at the fore of the Bill, and I am hopeful that the Bill will be of benefit to our environment through a quicker and more streamlined action to those who fail to comply with regulation. I look forward to scrutinising the Bill at Committee Stage.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom labhairt go gairid ar an reachtaíocht seo. On the surface, the Bill appears to be very positive and necessary, if it is aimed at reducing bureaucracy. This legislation will come to the Committee in the early autumn.

From what I picked up from the Minister today, and from a briefing to the Committee in March, the Bill seems quite technical. I am asking a few questions now. Is it a desk exercise? Is it like the strategic planning policy in the sense that it brings together existing rules, regulations and powers under one umbrella, or is it more substantive than that? The word that the Minister used most was "streamlining"; there was a lot of streamlining in the

Minister's contribution. He referred to the transfer of powers from DRD to the Department of the Environment.

He mentioned "responsible businesses". We have heard that the Bill will reduce the regulatory burden, but how will it do so? Will the responsible businesses notice any changes, and what will be the better outcomes for responsible businesses? Furthermore, how will the legislation change the way in which the Department works with councils? Will that work, as the Minister outlined, be largely in the area of air-quality assessments, or will it be more than that? A third question is on powers of entry. What is the difference between the current situation and the proposed situation? My contribution was essentially to ask three or four questions.

**Mr A Maginness:** I welcome the Bill. The Minister is to be congratulated on introducing legislation that will ease the burden on businesses throughout Northern Ireland. Of course, that chimes very much with the Executive's commitment to building a prosperous and united community, and it also chimes with their attempt in the Programme for Government to prioritise growing a sustainable economy. Of course, if businesses are hampered by over-regulation, they will not prosper. All of us in the House want to ease the burden on businesses, so the Minister is to be congratulating for introducing the Bill and for advancing the Executive's priority to grow a sustainable economy. In any society, of course, regulation is needed. That is just a sad fact of life, but we also need to look at whatever regulation we have, particularly in the environmental field, to see where we can reduce it. The legislation is, I think, a valiant attempt by the Minister to do that. The Bill, which hopefully will become an Act, provides a framework by which regulations can be introduced that achieve the objective of relieving that burden. It is important that we take into account the genuine, honest and legitimate complaint of business that finds environmental regulations complex, inflexible, incoherent and time-consuming. We have a duty as legislators to address the issues that businesses have quite properly highlighted to government.

The public consultation responses are important for us to take into consideration when the Committee, which works tremendously well under the chairmanship of Ms Lo, looks carefully at the detail of the legislation. It is a Committee that takes its responsibilities very seriously, and it will in due course scrutinise the legislation to see whether it can achieve the objective that the Minister has set. We will look in particular at the environmental powers of entry, which are important, as is the environmental permitting system. Those are two good steps forward.

The Bill will also amend the Clean Air (Northern Ireland) Order 1981 and provide for a new streamlined method for listing authorised fuels and exempted fireplaces for use in smoke control areas. It may not be the most exciting piece of legislation, but it is practical and important for people. It will also amend the Environment (Northern Ireland) Order 2002 to remove the requirement to make further assessments of air quality in air-quality management areas, again reducing the burden. It will also amend the Water and Sewerage Services (Northern Ireland) Order 2006 to transfer responsibility for the regulation of drinking-water quality from public supplies from the Department for Regional Development to the Department of the Environment.

## 1.15 pm

I welcome in particular the Minister's emphasis on a code in relation to the environmental powers of entry. A code is a very important and helpful initiative. It is important that we look at that and make sure that the code is robust and helpful to all involved — in particular, businesses and organisations that are affected by the right of entry. The environmental permitting system is a wide range of activities and involves the management of waste or cause of emissions that have the potential to pollute the air, water or land, which must have a permit or licence issued by the Department or, in some cases, a district council to carry out operations. Again, these might not be the most exciting activities, but, nonetheless, they affect ordinary businesses and it is important that we get them right. This is a good step forward in doing that, which I welcome. It is important that the House backs any efforts to do that.

There are balances to be struck between environmental protection and the growth of the economy, and, through the Bill, the Minister is striking the right balance. Over-regulation delivers bad outcomes; there is absolutely no doubt about that. Indeed, under-regulation can deliver bad outcomes as well. It is a balancing act, and we have to get the balance right. Regulation needs to be focused on real risks and designed so that it actually protects the environment by supporting the good guys and going after the bad guys. I do not know whether the Minister sees himself in the role of a sheriff, but maybe the Environment Committee can be the posse assisting the sheriff in carrying out his role.

The Bill streamlines the regulatory system and makes it easier to understand, which is important. People sometimes see the regulations and so forth as incomprehensible. It is like finding a needle in a haystack, and they ask, "What is the purpose of this?". If we make the regulations understandable and free up resources to focus on businesses that are non-compliant — let us face it: there are businesses that do not give a hoot and are non-compliant, and it is important that they become compliant — the result will be good for the environment, good for employment, which we all want, and good for prosperity, which we dearly desire and need in Northern Ireland. That is demonstrated by the support that the Bill is receiving from the environment sector and all the good organisations that are sensitive to the needs of our environment. At the same time, it is important that the Bill attracts support from the business sector. If we have those two important sectors in tandem, that bodes well for the Bill.

I welcome the Bill and its underlying principles. I look forward to the work of scrutinising the Bill and perfecting the legislation in the autumn.

**Mrs Overend:** I rise on behalf of the Ulster Unionist Party to support the progress of the Environmental Better Regulation Bill at this stage. I commend the Minister on his ideal of providing a better environment and a stronger economy. I agree with the broad thrust of what the Bill tries to do: to provide a more streamlined and effective regulatory system for businesses and regulators. Much like the changes proposed for planning a few years ago, the Bill will, hopefully, lead to a more harmonised and more easily understood regulatory framework.



The current system is functional but does little to actively encourage innovative and efficient operation. In fact, the complexity of the current legislative framework is beyond the means of many ordinary businesses. I welcome the fact that the Bill looks to rationalise the system. I particularly welcome the fact that it seeks to introduce the legislative framework for any new regulations in order to make it easier for businesses to understand the legal requirements. Greater recognition of what is necessary to comply will lead to a reduction in red tape and bureaucracy, something that the Ulster Unionist Party strongly believes in. In fact, in discussions over the years with businesses and through my work on the Enterprise, Trade and Investment Committee, a comment that I hear from businesses time and time again is how regulation, bureaucracy and red tape limit their ability to grow and develop. Businesses say that they keep needing to go back to the regulations to ensure that they are meeting them. Simplifying the process and making it easier to understand and comply with is very welcome. I also welcome the fact that this is a better system for businesses and still helps the environment. We are reassured by the words from the Minister that environmental protection standards will not be weakened or compromised by the proposals.

I noted the Minister's brief comments on the proposed process for Part 3: the amendments to the Clean Air Order. Am I right in saying that looking to reduce bureaucracy for businesses will, in turn, increase bureaucracy for the Department? Maybe he will address that.

I note the reference to a new method for listing authorised fuels in smoke control areas. This is an issue that I would like to pay a great deal of attention to, especially in light of the flawed proposals to ban a range of solid fuels, even in non-smoke control areas. I note, however, that further details on how the new system will work in practice will be provided only when further consultation on the environmental permitting regulations is carried out. Does that mean that the Assembly is being asked to pass primary legislation without key details? The Minister talked about further consultation being carried out afterwards. I find that strange: consultation should be carried out beforehand. As the Chair of the Committee mentioned, at this stage of the legislation's progress, we do not have the regulations or code of practice in our hand. I share the Chair's concerns.

I welcome the progression of the Bill and look forward to scrutinising it further in Committee. I commend the Minister on the rationalisation of environmental law. It is good to see, especially in times of reduced cash in our hands. If it will save money for the Department, it is welcome. I support helping businesses to invest and grow while ensuring a good environmental regulatory process and good environmental protection.

**Lord Morrow:** The Chair of the Committee got it fairly right — she does not always get it right — when she told us that this is more of a skeleton Bill than anything else. It is hard to see where the real meat and content are.

However, as it has to go through Committee Stage, we will hopefully get a better understanding then of what exactly the Bill is trying to do. Quite frankly, when I look at it and read the explanatory notes, I am not sure that they enlighten us greatly. Leave it to the Committee, and we will enlighten the Assembly when it comes to that stage. I know that we will have Mr Maginness's support on that,

because he will want to get his teeth into it, as will the rest of us.

There are issues that I want to make some brief comments on. Maybe like Mr McElduff I will pose a few questions, rather than making comments. The Bill promises to do some wonderful things that, on reading through it, I am not sure it will deliver. I have some real concerns about its *modus operandi*. It states that the options considered for Parts 1 and 2 are:

*"General Environmental Regulation & Powers of Entry and Associated Powers".*

That sounds very highfalutin, and I am not sure that it tells us very much. It goes on to refer to amendments to the Clean Air (Northern Ireland) Order 1981 and in Part 4 to amendments to the Environment (Northern Ireland) Order 2002. I suspect that, at the end of the day, when all is said and done, the consumer will pay, as they always seem to have to.

There has been a lack of enforcement in the past against those guilty of some of the most horrendous crimes in the disposal of waste that pollutes our waterways and air. I am sure that Members will recall vividly that quite recently a large quantity of waste material came across from the Irish Republic and was dumped in Northern Ireland. To this day, I have not been made aware of the cost of that. I have never been made aware of the damage that it did to the environment. More particularly, I would like to know what damage, if any, it did to our drinking water system. It has to have impacted on it in some way.

Someone said that some of those who damage our environment come from big businesses; I think the phrase used was that they "do not give a hoot". In the past, Departments have not been guiltless in this either. When I look at some of the damage that has been done to some of our rivers and watercourses, I see that it has very often been the result of actions by Departments. I will now pose a few questions to the Minister. Will his Bill take all that on board? Will his Bill increase the powers to deal with that sort of behaviour? One of our greatest natural resources is our rivers, and they are sometimes the least looked after. Those of us who use rivers for whatever purposes value them greatly, whether we have an interest in angling or in some other activity that takes us there. It really grates on us to see the pollution that sometimes goes into our rivers and the destruction that it causes, particularly to fish life. The angling fraternity has become one of the greatest custodians and protectors of our watercourses.

The Minister has to also tell us about this as we go along, and perhaps we will be able to tease it out anyway when we go into the Bill in greater detail during its Committee Stage. We can improve on the Bill. I think that, when it gets it, the Committee will bring back to the House a Bill that is much fitter for purpose and much more able to do what it is supposed to be designed for.

I think that when the Minister is winding up he will want to tell us about proposals for a solid fuel ban in areas. If that is a proposal, I hope that you will tell us what that will cost the consumer. If that is not the case, it is welcome, and I hope that you will be able to tell us that.

I look forward to working with the Committee as we scrutinise the Bill. I am sure of this: when it comes back to the House at a later date, we will have something that

is quite different from what we have today. I hope that that will be the case.

**1.30 pm**

**Mr Principal Deputy Speaker:** I call the Minister of the Environment. Sorry, I call Mr Ian McCrea.

**Mr I McCrea:** Thank you, Mr Principal Deputy Speaker. I am not sure whether I was getting promoted or the Minister is now demoted. Mr Maginness referred to the Minister as the “sheriff”: the only sheriff that came to my mind was Sheriff Woody from ‘Toy Story’.

**Mrs Cameron:** There are similarities.

**Mr I McCrea:** There are. He has the length and is a bit strangely. Nonetheless, as things progress, we will see what kind of sheriff he turns out to be.

I join my colleague in agreeing with the Chair of the Committee that the Bill is just the bare bones of a Bill — I think that the Minister would also accept that — and does not have the required detail. It is a regulatory Bill, so I can, in a sense, understand that. More of the detail will come as it goes through Committee. It is important that we get down to the nitty-gritty, the detail and what it means. There are many concerns across our business community that there is too much red tape, and I do not think that anyone can deny that. No matter what we do — my colleague referred to this — we need to ensure that the consumer does not pay. That is an important aspect. I may be being cynical, but the costs tend to find their way down to the consumer and they have to pay. It is important that we do anything and everything that we can to ensure that that is not the case.

Those of us who have been in local government will be more than aware of the regulations that environmental health officers have to endure. They have to go out into the community, especially to businesses, and deal with them. I suppose that it comes down to the aspect of enforcement. Many have had concerns about the lack of enforcement, and I know that the Chair referred to that in a personal capacity as a Member. It is important that the Minister addresses that matter and tells the House how he plans to tackle enforcement.

The Minister said that, since he had become Minister, he had set out to have better regulations and that it was something that he had a passion for. Until we see the detail, we will not be able to see whether that is the case. As Mr Maginness said, there is no doubt that there is over-regulation. For the sake of our economy and our businesses, it is important that we get the right level of regulation. I do not think that anyone expects there to be no regulation, but, whatever the outcome when the Committee gets its teeth into the detail, I have no doubt that, as other Members have said, we will have something that is better for our businesses, which, in turn, will be better for our economy. But it must have the sole focus of ensuring that the consumer does not pay.

Like others, I look forward to scrutinising the Bill when it comes to Committee. No doubt, as he always has been, the Minister will be willing to work with us and at least consider our wiser counsel on some of these matters.

**Mr Durkan:** I am grateful to the Chair of the Environment Committee and to Members from all sides of the House for their consideration of the Bill and their contributions to

the debate. Their comments have, as always, been most valuable.

I would like to respond to issues that have been raised. I can assure Members that I will also read the Hansard report of the debate to ensure that I have not missed any issues. If I find that I have, I will write to the Members concerned. If I do not find the issues that I have missed, please feel free to come and remind me of them.

Ms Lo was first to respond. I very much welcome her support for the Bill and the rationale behind it. She gave a synopsis of the Committee’s involvement to date. I look forward to the Committee’s continued and intensified involvement, and I pledge to work with it to get the best better regulation Bill that we can.

With her Committee Chair hat off, Ms Lo outlined the need for the legislation from the perspective of environmental groups as well as of businesses. Let me assure Ms Lo that, over the next couple of months, I intend to work with my staff, NGOs and DARD to ensure that the ethos and enforcement of environmental protection is at the heart of the new Department.

Mrs Cameron’s contribution was also very welcome. She made the very important point — I picked it out specifically — that the Bill will not dilute environmental regulation.

Mr McElduff said that the Bill appeared to him to be very technical in character. I can assure the Member that there was an awful lot of streamlining, not just in my speech but of my speech. I took it from 26 pages to 16. Initially, this is essentially a desk-based exercise, the benefits of which will be apparent to and welcomed by those who are regulated, many of whom — Mr McElduff will be aware of this from a rural perspective — feel overburdened and over-regulated. It will ease the pressure on good businesses by reducing the number of permits and licences that they need to apply for. That will not reduce the height of any environmental hurdles that businesses need to clear, but it will reduce the number of them and will ensure that there are not loads of hurdles very close together, one after the other, that businesses and individuals find extremely difficult to navigate.

The Member asked a question on powers of entry. Currently, powers of entry are spread over 60 or 70 pieces of legislation. I was just chatting to one of the officials in the Box who showed me his warrant card that lists the specific pieces of legislation that he has powers of entry under. There are other officials, I am sure, who have much bigger cards, and some who practically have books giving their powers of entry. The Bill will also give greater clarity to those who are regulated when an official lands to carry out an inspection and says under what piece of legislation he is there.

Mr Maginness made a good contribution. It was very supportive, as always. However, I have to say that I am very sorry that he does not find the issue of permitting and registration particularly exciting. While it is hardly as dramatic as an episode of ‘Eastenders’, it is an area that affects many people and many businesses.

Mrs Overend made a good contribution as well. She focused — as I suspected she might — on the issues around clean air. It was an issue raised by Lord Morrow as well. First, I assure the House, again, that there are no proposals to ban fuels of any type. The first part of a

cross-border study has been carried out. A report has been shared with stakeholders. It has also been available in the Assembly library for over a month. I do not know if any or how many Members have availed themselves of the opportunity to actually read it.

**Mrs Overend:** Yes.

**Mr Durkan:** I am glad to hear that. The Member has read it, yet still thinks that there are proposals to ban certain fuels. This is not about taking fuels off; this Bill is about allowing new fuels to be added, and it is exclusive to the controlled zones. She was a wee bit concerned, as were other Members, about a lack of detail. We are only at Second Stage. Lord Morrow was so concerned that he described it as a "skeleton Bill". I look forward to working with the Committee to put more flesh on those bones.

The Member also expressed concern that the consumer will pay. This is about aiding consumers. This legislation and its implementation will ensure that the type of major and heinous environmental crimes that he talked about are much less likely to occur, and certainly much less likely to go undetected. I also concur with the Member on the role that the angling fraternity plays as custodian of some of our rivers. Mr McCrea made a good contribution as well. I have to tell him that I would much rather be compared to Sheriff Woody than the Sheriff of Nottingham. *[Laughter.]* I would also like to assure the Member, the House, environmental groups and businesses that, 'You've got a friend in me'. *[Laughter.]* Again, I would like to thank Members for their contributions to the debate on the Environmental Better Regulation Bill and for the questions and issues that they have raised. To conclude, as I said earlier, there are balances —

**Lord Morrow:** I thank the Minister for giving way. I just want to make a correction. It was remiss of me not to declare an interest in that I am a member of an angling club.

**Mr Durkan:** I thank the Member for that intervention and declaration, although, from what I hear, he is not that good at it anyway. *[Laughter.]*

**Mrs Cameron:** You've not got a friend in him. *[Laughter.]*

**Mr Durkan:** As I said earlier, there are balances to be struck between environmental protection and growth of the economy via reductions in regulatory burdens on businesses. I believe that this Bill strikes the right balance. I fully understand that we all need to be sure that it does and I am committed to considering the views of Members to ensure that we arrive at the best possible package of measures.

I and my officials look forward to working closely with the Committee for the Environment as it begins the detailed scrutiny of the Bill, which, I have no doubt, will prove to be equally valuable. I commend the Bill to you.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Environmental Better Regulation Bill [NIA 55/11-16] be agreed.*

## Budget (No. 2) Bill: Final Stage

**Mrs Foster (The Minister of Finance and Personnel):** I beg to move

*That the Budget (No. 2) Bill [NIA 53/11-16] do now pass.*

The passing of the Final Stage of the Budget Bill by the Assembly will facilitate legislative cover for Departments and other public bodies to deliver services in this financial year. I must emphasise again the critical importance of this legislation completing its passage through the Assembly.

I have listened with interest to the debate over the last few weeks. It is a debate that has covered many important issues, not only relevant in the current financial year but for the future of Northern Ireland. I thank everyone who has contributed and, once again, place on record my thanks to the Committee for Finance and Personnel for its role in ensuring that this Bill could pass through the Assembly via accelerated passage. The Committee plays a vital role in the scrutiny of the Executive's draft Budgets and I welcome its continuing work in this area as we look ahead to setting the Budget position for the coming years in the autumn.

The timing of the Executive's next Budget will depend on when the UK Government complete their spending review for 2016-17 and beyond. Regardless of the timescales that are involved, I look forward to constructive engagement with the Committee for Finance and Personnel in the deliberation on our next Budget.

Returning to this financial year, Members will be aware that this Budget Bill is not the end of the budgetary legislative process. There will undoubtedly be, as indeed there are every year, substantial changes agreed to departmental budgets through the Executive's monitoring rounds.

All in-year changes will then be reflected in the spring Supplementary Estimates, which are usually brought to the Assembly in February. I expect that the legislative process will be no different this year. However, as I have repeatedly said, the uncertainties about our Budget position are much more severe than usual due to the lack of agreement on implementing welfare reform, which puts in jeopardy the financial flexibility included in the Stormont House Agreement.

### 1.45 pm

We must find a way to address these issues. The alternative is swingeing cuts to departmental resource budgets in this financial year and much more pain to come. The reductions, for example, to our resource departmental expenditure limit (DEL) budget to offset welfare savings not achieved are estimated to increase to nearly £200 million next year, some £283 million in 2017-18 and rising to £366 million in 2018-19. We will also be faced with significant costs in developing new IT systems to deliver welfare payments here. Furthermore, the procurement of such systems before the existing ones become obsolete will be a huge challenge. All that is well known but worth reiterating to remind Members of the critical importance of us all doing our level best to find a solution to the current impasse. The alternative is simply not workable.

Another unwanted implication of not implementing welfare reform is that all elements in the Stormont House Agreement fall, including the commitment to devolve

corporation tax powers to the Assembly. As Members will be aware, this issue is close to my heart, and I have been championing it over the years in my role as Enterprise Minister. I firmly believe that we must not and cannot afford to lose the huge opportunity that it presents us with. Ulster University's Economic Policy Centre estimates that a reduction in our rate of corporation tax to 12.5% could generate some 40,000 additional jobs here by 2033, on top of everything else that is going on. That is equivalent to an increase in economic output of around 10%. That is the size of the prize that is in front of us.

Mr Principal Deputy Speaker, I am aware that I have strayed somewhat from the Bill, but it is important that we do not forget the bigger picture. The Budget Bill, which I hope that Members will support again today, does not exist in a vacuum. It is important to our financial cycle and the principal mechanism through which the Assembly can hold Departments to account for their expenditure. However, decisions that we take in this financial year will have profound and wide-ranging consequences not just for us as an Administration but for all the people of Northern Ireland. With that in mind, I ask Members to support the legislation and pass the Final Stage of the Budget (No. 2) Bill.

**Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel):** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. As previously outlined, the Bill makes provision for the balance of cash and resources required to reflect the departmental spending limits in the 2015-16 Main Estimates.

As the Chairperson indicated during the previous debate, the Committee agreed, under Standing Order 42(2), to grant accelerated passage to the Budget Bill on the basis of having been consulted appropriately on its expenditure provisions. It is imperative that the Department meets the requirement for appropriate consultation on each occasion, given the importance of such Bills progressing through the Assembly before summer recess.

During the remainder of the Second Stage debate last Wednesday, mention was made of the Committee's decision to grant accelerated passage to the Bill. To ensure that everyone understands fully the basis for the Committee's decision, I will, with your permission, Mr Principal Deputy Speaker, take a few moments to provide further background and explanation.

Members should be clear that the briefing from the Minister on 17 June marked the culmination of a process of engagement between the Committee and DFP on the Budget for 2015-16. That process commenced in November 2014 and included a series of written briefings and oral hearings to inform the Committee's coordinated report on the Executive's draft Budget, which was published on 17 December. The report included recommendations on strategic and cross-cutting issues, as well as reflecting the positions of each statutory Committee on the draft budgets at a departmental level.

The Committee recognised in its report that, despite DFP's best endeavours to gain Executive agreement on the draft Budget 2015-16 earlier, circumstances had resulted in a truncated budgetary process with considerably less scope than normal for input by the Assembly and, indeed, by the wider public. In that regard, the Committee highlighted its concerns about the resultant time pressures and absence

of detailed information on some key issues during the draft Budget process.

Following publication of its report, however, the Committee undertook a programme of follow-up engagement and scrutiny, including, for example, the following dates on which relevant issues were considered: on 12 January, the Committee led a take-note debate on the draft Budget; on 19 January, there was a ministerial statement on the final Budget; on 21 January, there was a briefing from DFP on the final Budget and outcomes; and on 27 January, there was a plenary debate on the final Budget. That was followed on 25 February by a briefing from DFP on the Northern Ireland Civil Service voluntary exit scheme; then, on 11 March, we had a briefing from DFP on its response to the Committee's report on the draft Budget. On 10 June, a briefing was received from the head of the Civil Service, as chair of the public sector workforce restructuring steering group, on the voluntary exit schemes. Finally, on 17 June, there was a ministerial briefing on the Main Estimates and the Budget (No. 2) Bill.

It is undeniable, therefore, that a significant process of consultation with the Committee took place on the Budget for 2015-16. While the Committee was forthright in pointing out the shortcomings and in seeking assurances, it nonetheless recognised the particular circumstances around the process. A balanced decision was therefore taken by the Committee to grant accelerated passage to the Bill on this occasion.

On the theme of continuing to press for better information on budgetary issues, I reiterate the Committee's desire to gain some clarification on the savings from the voluntary exit schemes. During recent evidence sessions, the Committee pressed senior officials to provide further detail on each Department's projected savings from the voluntary exit schemes that have been factored into their pay bill budgets for 2015-16. Indeed, the Chairperson also asked the Minister to clarify the position during last week's Second Stage debate.

However, in her concluding remarks on the debate, the Minister stated:

*"the expected quantum and spread of savings from the scheme across the Departments is being calculated by the working group under the leadership and chairmanship of the head of the Civil Service. It will be available shortly."* — [Official Report (Hansard), this Bound Volume, p176, col 2].

She went on to add:

*"Of course, the savings that were to be generated from the voluntary exit scheme have already been put into this Budget."* — [Official Report (Hansard), this Bound Volume, p177, col 2].

Given that projected savings have already been accounted for in the Main Estimates and budgets for each Department, it is difficult to see why figures are not readily available. That raises a number of questions. First, do Departments not know what pay-bill savings they have built into their budgets? Secondly, if Departments have these figures, why has DFP not collated them, given its central monitoring role?

Thirdly, how might the departmental budgets reflected in the Bill be altered by the further calculations being made by the group led by the head of the Civil Service? Perhaps that is something that we will finally receive some clarity



on today, notwithstanding the work by the head of the Civil Service on refining the figures.

I think that it is fair to say that, while the absence of that strategic information to date may reflect the particular circumstances of the 2015-16 Budget, it underlines the importance of facilitating Assembly scrutiny. By being enabled to undertake more effective oversight of the Executive's Budget and expenditure, the Assembly could easily add further value by helping to ensure efficient and effective delivery of the Executive's strategic priorities. Indeed, as you are, no doubt, aware, the Committee has carried out a review of the financial process, and its main outcomes have been referred to in speech after speech during Budget debates here by me and, more particularly, Mr Cree. We have, however, seen little change on that front. Perhaps the Minister will take the opportunity to give us her view on where she sees the review of the financial process going — if it is going anywhere.

We need a focus on strategic and cross-cutting finance issues. That will be important in the remainder of the current financial year, both in implementing the 2015 Budget and in looking forward. Regarding the challenges that lie ahead for the remainder of the financial year, Committees will need to be facilitated to undertake regular, timely and effective scrutiny of the financial forecasting and performance of their Department. They will also need to examine the impact of any further budgetary reductions that may arise from decisions by the Westminster Government. As we know, some of those are imminent. Regular scrutiny by Committees will, no doubt, help ensure that no moneys are returned to the Treasury as a result of underspends, beyond the thresholds agreed in the Budget exchange scheme, and that retrospective action will not be needed to regularise any excess expenditure.

Looking ahead and subject to a resolution of the more immediate sticking points, it would be useful if the Minister could clarify some further issues. What is the time frame envisaged for the next UK spending review? What local Budget process might flow from that? Is the next spending review likely to set ceilings for a multi-year Budget as we move into the next mandate? How might the proposed reduction in the number of Departments be factored into the next local Budget process?

Clearly, the immediate focus has to be on reaching the necessary agreement to see this Budget implemented. However, we must also be mindful of the process that will need to be followed for the 2016-17 Budget and even beyond. It would therefore be useful if the Minister could at least outline the indicative timetable for the next Budget process. In that regard, it will be important that the lessons of the 2015-16 Budget process are learned. That will mean the Executive building up —

**Mr Principal Deputy Speaker:** I am afraid that I must interrupt the Member, as Question Time begins at 2.00 pm. I will call him again after Question Time.

**Mr D Bradley:** Mr Principal Deputy Speaker, if you allow me one more minute, I will finish.

**Mr Principal Deputy Speaker:** Question Time commences at 2.00 pm. The Member will be called again after Question Time. I ask the House to take its ease while we change the Table.

*The debate stood suspended.*

2.00 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Finance and Personnel

#### Austerity: IMF Memorandum

1. **Ms Fearon** asked the Minister of Finance and Personnel for her assessment of the recent International Monetary Fund memorandum warning western Governments against what it termed “needless austerity”. (AQO 8532/11-15)

**Mrs Foster (The Minister of Finance and Personnel):**

There are three points, for me, from the IMF report. The first is that a high level of public-sector debt represents a burden on the economy that must be dealt with. However, it is the pace of repayment that is in question, and, in that regard, the United Kingdom has room to manoeuvre. In such circumstances, rushing to pay down debt could be the worse of two evils. The report reaffirms my view that debt should be tackled but in a way that reflects the circumstances of all the United Kingdom regions.

**Ms Fearon:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. Does she agree that, aside from being harmful, continued cuts to our block grant by the British Government are not only needless but counterproductive?

**Mrs Foster:** The deficit has to be dealt with, and, as part of the United Kingdom, we have to play our role in dealing with it. The deficit peaked at £153 billion, which is around 10·2% of national income, in 2009-2010. That was clearly unsustainable. Therefore, if the Member reads the IMF discussion paper that she referred to in her question, she will note that debt has to be tackled. Where I may differ from the Chancellor and his plans slightly is that I believe that, when you are dealing with debt and the deficit, you need to have concern and regard for all the regions of the United Kingdom. I have commented previously that you do not just look at London and the south-east; you have to have regard to all the other regions of the United Kingdom. That is where we need to focus our discussions with our national Government, the Chancellor and the Chief Secretary to the Treasury.

**Mrs Hale:** The Member opposite is clearly and sadly not aware of what is happening in Greece, which is a very real example of austerity. Will the Minister agree that that alone is a reason why we should live within our means?

**Mrs Foster:** The Greece situation is very worrying for a number of reasons. It points to the issue that the Member has raised in relation to just avoiding dealing with national debt. You cannot do that; you have to grasp the nettle and deal with the deficit and the debt. In relation to Greece in general, there are certainly worrying times ahead because, if Greece exits the euro, as looks increasingly likely, that will lead to a time of grave uncertainty for the eurozone. Thankfully, we are not in the euro. That gives us some protection, but that will be of no comfort to our exporters who are exporting to the European Union generally and to the eurozone in particular. There are worrying times

ahead, particularly for our exporters, and we will do all that we can to support them in the knowledge that there are difficult times ahead.

**Mr Attwood:** This morning, the High Court in Belfast ruled that the Executive had a legal duty to adopt an anti-poverty strategy, that they had not done so and that they are in breach of their legal obligations. Will the Minister, if not now then soon, perhaps by written statement, advise Members of the consequences of the High Court ruling in respect of ongoing budget and welfare issues, not least in the context of what may happen on 8 July and how that might impact on people who are deemed to be poorer in Northern Ireland?

**Mrs Foster:** I thank the Member for the information. I was not aware of that court case, and I am sure that the First Minister and deputy First Minister, who have policy responsibility for that issue, will come to the House in due course after they have had a chance to consider the judgement. In relation to poverty in Northern Ireland, I want to say to the Member that his continued refusal to implement welfare reform proposals in Northern Ireland will lead to an awful lot of people being in very difficult circumstances right across Northern Ireland in terms of public services. He should not lecture me about dealing with those in poverty: he should try to stop people going into poverty.

**Mr Cree:** The Minister referred to the IMF report. It is important to note that it also states:

*“Inherited public debt represents a deadweight burden on the economy, reducing both its investment potential and its growth prospects.”*

Does the Minister agree with that?

**Mrs Foster:** I do, and I am glad that the Member referenced that. I tried to reference it in my substantive answer because it is very clearly the case. You may recall that, at first, the IMF criticised the Chancellor of the Exchequer for the way in which he was dealing with the deficit and then had to apologise for that criticism. Afterwards, Christine Lagarde said that there was, in fact, no single way to deal with the particular issue that she was talking about. There are different ways to deal with the issues, and it would be wrong of us not to recognise that the deficit has reduced to over £70 billion from a high of £153 billion. That is important, and we need to recognise it. However, we also need to recognise that different regions of the United Kingdom have different needs, and that is where we really need to push ahead with the Chancellor and the Chief Secretary to the Treasury.

**Mr Speaker:** I inform Members that question 6 has been withdrawn.

## Expenditure: Control Limits

2. **Mr Allister** asked the Minister of Finance and Personnel how she plans to keep expenditure in 2015-16 within HM Treasury control limits. (AQO 8533/11-15)

**Mrs Foster:** The Executive Budget for 2015-16 is predicated on the full implementation of the Stormont House Agreement. I now expect all parties to follow through on the commitments given in that agreement, including the implementation of welfare reform.

**Mr Allister:** Perhaps the Minister would take a moment to explain to the House the significance of the Treasury control limits. Can she explain how monitoring the implementation of the Budget, which she has to measure against the allocations, can be done authentically when the allocations are themselves inflated by £604 million? Will the Treasury acquiesce in that?

**Mrs Foster:** As the Member is aware, I met the Chief Secretary to the Treasury two weeks ago, when we had the opportunity to talk about those issues. At that meeting, he made it clear that there would be no extra money and that we could not breach our control totals. The Treasury has not made it clear what it will do if we breach our control totals because, first and foremost, it is a matter for and a responsibility of the Executive to live within our means — the money that has been allocated to us.

As I said to the Member during the Budget debate last week, if we have no welfare reform, we have no Stormont House Agreement, no Assembly and no Executive. Therefore, we will not come to a situation of trying to deal with the situation that he mentioned — how we measure against those allocations or how we deal with that issue — because the Assembly cannot continue with a Budget that seeks to deal with that size of cut to the public sector and we would not be able to proceed. Therefore, it is imperative — I will, no doubt, say this many, many times during the Budget debate today — that welfare reform and the full Stormont House Agreement are implemented.

**Mr Ross:** I note that the Minister visited her Welsh counterpart last week. Although the Welsh do not have to grapple with the difficulty of welfare reform, I wonder whether she learnt any lessons from them about novel approaches to budgetary issues. Do any of the other regions across the United Kingdom have different approaches from ours, and are there lessons to be learnt from them?

**Mrs Foster:** I thank the Member for his question. I had a very constructive meeting with my counterpart in Wales. She mentioned welfare tangentially, insofar as she said that she was not looking for welfare powers to be devolved to Wales, which is possibly very wise.

We had a very useful discussion about the Barnett formula and how the Welsh feel that it is working for them. Of course, under the Barnett formula and in relation to funding, they are worse off than we are in Northern Ireland. They want to look at how they can bring in an element of need. We discussed that very issue in the Chamber last week when debating the Committee's report on the Barnett formula.

We had a good discussion about how we could engage more with the public generally on financial matters so that they are aware of the decisions that have to be taken on a fixed Budget. How do you decide on your priorities, and how do Departments decide what is very important to deal with? It was a very good engagement, and it is one that we will continue with.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. Thank you, Mr Speaker, and I thank the Minister for her answers thus far. Has she considered the implementation of new levies to generate much-needed local finance?

**Mrs Foster:** I do not know whether the Member is suggesting water charges or what she is talking about.

Of course, if her party's Ministers want to bring forward suggestions on revenue raising, I am sure that the Executive will give them due consideration.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Thanks very much, Mr Speaker. I thank the Minister for her answers up to now. During her answer, she mentioned her meeting with the Chief Secretary to the Treasury. Did she receive any indications from the Chief Secretary of the impact on this region of the Chancellor's planned statement?

**Mrs Foster:** The Member knows that, when various members of his party asked that question of the Secretary of State, they got the same answer as I got from the Chief Secretary to the Treasury, which was that we would find out what the implications would be for us on 8 July. The Treasury is not going to tell us what the quantum is before it makes the announcement to the House of Commons on that date. However, I think that we are very aware of the commitments that the Conservative Party made in its manifesto before the general election, so we have a fair idea about the sorts of areas that it is looking at for dealing with further cuts to welfare and other issues.

**Mr Dickson:** I thank the Minister for her answers thus far. Minister, when you are dealing with the current situation and the spending by Departments, you find that there are those that are prudent when it comes to discretionary spending and those that are spending regardless. How do you intend to deal with that?

**Mrs Foster:** I sent a note around Departments, I think about a month ago now, advising them that they should be prudent with discretionary spend and should not commit to further spend that is not necessary and that they have not committed to. It is for each individual Minister who is responsible for his or her own Department to decide what they do about that, but, fundamentally, that will come to the Executive, and we will have a discussion about it. I think it would be very foolish for any Minister to continue to spend without any regard to the situation that we find ourselves in. If the Stormont House Agreement and welfare reform were implemented, we could continue with our discretionary spend and could continue to deal with the areas of very great need that there are right across Northern Ireland. Again, it comes back to the very fundamental issue that, without welfare reform, there is no Stormont House Agreement and, therefore, the flexibilities that we require to move forward are not available to us.

### Rate Rebate: East Belfast

3. **Mr Newton** asked the Minister of Finance and Personnel whether she has considered a rate rebate for business owners in East Belfast as a result of Mersey Street being closed for through traffic. (AQO 8534/11-15)

**Mrs Foster:** Members will be aware that the reason why Mersey Street is closed to most traffic is to facilitate ongoing work by Northern Ireland Water to improve drainage and alleviate the threat of future floods. While I am sympathetic to the issues raised by business owners as a result of ongoing schemes in Mersey Street and on the Castlereagh Road, I am sure that the Member will understand that I simply cannot issue a blanket rate rebate to ratepayers in the area.

**Mr Newton:** I thank the Minister for her comments. I know that she will understand, from her previous role in Enterprise, Trade and Investment, the absolute need of those small businesses that are suffering as a result of the traffic diversion measures that are in place. Is the Minister minded to raise the matter around the Executive table and, perhaps, urge the appropriate Minister to see whether anything can be done to accelerate the scheme and alleviate the problems for the small businesses that are being impacted upon?

2.15 pm

**Mrs Foster:** I thank the Member for his comments and question. I am fully aware of what is going on down on Mersey Street and feel a lot of sympathy, because, as I understand it, that scheme was to be finished by the end of May, but, because of unforeseen issues relating to the ground and what have you, it is projected that it will not be completed until December of this year. That is nearly a whole year of businesses having to deal with the issue. I am looking forward to meeting the Member and some businesspeople from the area in relation to the issue. Whilst I cannot issue a blanket rebate, individuals can apply to the district valuer to have their rates looked at. So, if there are particular incidences of hardship, he should, perhaps, encourage those involved to have a conversation with the district valuer in relation to the specific issue, because it looks as though the issue will be around for some time.

It is not just happening on Mersey Street. There have been other examples. At a constituency level, there are roadworks in Enniskillen, at present. Whilst we very much welcome the fact that works are going on in those areas to deal with issues, sometimes I think that a little bit more thought needs to go into the planning of the roadworks and how we can help businesses while they are ongoing. So, I am happy to mention it to the Minister involved and to raise it at the Executive table.

**Mr Speaker:** I remind Members that this is a specific question in relation to a constituency, so I call Mr Chris Lyttle.

**Mr Lyttle:** I thank the Minister for acknowledging the hardship that has been caused to residents and businesses alike in Mersey Street and, indeed, on the Castlereagh Road. I appreciate her answer about not being able to issue a blanket rate rebate, but will she raise the issue at the Executive table with the Ministers who have responsibility for some of the agencies involved in those works to ensure that any other compensatory schemes that may be available are expedited as quickly as possible?

**Mrs Foster:** As I have already indicated, I will certainly raise it at the Executive table. I think it is a specific issue for East Belfast, at present, but, unfortunately, there may be other cases around Northern Ireland. I absolutely acknowledge that it is good that Roads Service and NI Water are undertaking works in particular areas to alleviate floods, because we remember the damage that was caused a couple of years ago. It is good that the works are taking place, but you also have to recognise that businesses need to function and be able to attract people into them. Therefore, there needs to be a balance and a proportional response to deal with the issue.

**Mr Speaker:** I call Mrs Karen McKeivitt, and I am looking forward to the connection.

**Mrs McKeivitt:** Thank you, Mr Speaker. I, in South Down, have experienced — [*Laughter.*] — some of the issues that people in East Belfast are experiencing. Indeed, they were to do with flooding, even in my constituency office on Newry Street in Warrenpoint. I am letting the Member know that Land and Property Services will not entertain you unless the street in question has been closed for more than 12 months. Maybe the Minister can take that information to the Executive table, and maybe they will be able to look at that again, because it affects businesses, particularly if a road is closed for a long time. It is not a laughing matter.

**Mr Speaker:** You are pushing your luck.

**Mrs Foster:** I recognise that there has to be disruption for a considerable period before the valuer can look at a new rateable valuation in respect of the small business concerned. That may be somewhat difficult, particularly in the context of the revaluation having just been rolled out this year. However, I think that there is a role to look at how the works are progressing. Could traffic management be dealt with in any other way that would get people to the businesses? Could we involve ourselves in providing more signage? There are other ways to help businesses. I think that we need to look at that matter proactively and innovatively, and not with a closed mind, to help those businesses.

**Mr Speaker:** Mr Robin Swann is not in his place.

## Barnett Formula

5. **Lord Morrow** asked the Minister of Finance and Personnel for her assessment of the operation of the Barnett formula in Northern Ireland compared to other regions of the UK. (AQO 8536/11-15)

**Mrs Foster:** The Barnett formula is used by Her Majesty's Government to determine changes in the spending allocations of the devolved Administrations. It is applied uniformly across the United Kingdom, as set out in the statement of funding policy, with devolved Administrations receiving a population-based proportion of changes in planned spending on comparable services in England, Scotland and Wales or Great Britain as appropriate.

**Lord Morrow:** I thank the Minister for her answer. Does the Minister agree that sticking with the Barnett formula is the best way forward here, rather than going to some new untried system? Is there room for improvement in the administration of the Barnett formula?

**Mrs Foster:** I certainly think that the debate last week pointed to some of the weaknesses of the Barnett formula, but it also talked about its strengths. A view was expressed — one that I probably concur with — that it is better the devil you know. Of course, the Barnett formula gives us certainty and is relatively simple — I use the word “relatively” — and easy to administer, but that is not taking away from the fact that there are difficulties with it. I suppose that, as with any formula that deals with public finances and how that is divided up against Scotland, Wales and Northern Ireland, there will always be challenges for each of the Administrations. I have to say, though, that we benefit from the Barnett mechanism to the tune of 23% higher than the United Kingdom average.

So, currently, we certainly are benefiting from the Barnett formula.

**Mr Murphy:** Go raibh maith agat, a Cheann Comhairle. As the Minister said in her answer, she recognises that there are difficulties with the Barnett formula. She may agree that one of the difficulties is the fact that financial benefits from policy changes in the Executive are not retained by the Executive but returned to Westminster. Does she agree with the recommendation of the Smith commission for Scotland that the result of such policy changes should be retained by the devolved institutions, and has she had any discussions with the Treasury on that?

**Mrs Foster:** I have not had any discussion on that particular issue as yet, but I imagine that we will have discussions around the Smith principles. I am having a meeting with John Swinney in early August, and then we are having a trilateral with Jane Hutt from the Welsh Administration. We will look at where we can coalesce around the difficulties with the Barnett formula, because, obviously, they may have different emphasis on the changes that they want made. If the Member is referring to the issue that we talked about in relation to corporation tax and the fact that, at the moment, secondary benefits are not able to be retained in Northern Ireland, we certainly want to explore that with the Treasury and with the Chief Secretary, because we very firmly believe that secondary benefits should be retained here so that the no-detriment principle of Smith applies to us in Northern Ireland.

**Mr Rogers:** Minister, with respect to your discussions with your Welsh counterpart, are there any particular lessons around the Barnett formula that you would like to bring back to the House?

**Mrs Foster:** Of course, the Welsh are not as fortunate as us in relation to the Barnett formula. They are at a disadvantage because, when the Barnett formula started, they had a lower baseline, and they have suffered as a result of that. The Welsh are very keen on the idea of a Barnett floor coming into play, so that they do not fall below a certain level. I am quite attracted to that from the terms of what we discussed last week around convergence issues. Of course, in bad times, the convergence does not happen, so we have not seen a convergence happen as yet. However, if the convergence does happen, I think that a Barnett floor would be a useful mechanism. It is something that we will continue to discuss, particularly with the Welsh, but I am sure that the Scots will have a view on that issue as well.

**Mr Beggs:** While some have criticised the Barnett formula, I am of the view that it has been relatively generous, providing an additional £2,000 per head of population and recognising the needs of Northern Ireland. Does the Minister agree that, with the call for further devolution of fiscal powers to regions of the UK, the Barnett formula could come increasingly under review? Will she advise us of her approach to that and her thoughts on how best to protect the needs of Northern Ireland?

**Mrs Foster:** The Barnett formula has not disadvantaged us in Northern Ireland in the way it has Wales, for example. As I indicated, we are 23% better off. If you look at very recent figures, which I talked about in the House last week, we in Northern Ireland received a little over £2,000 more than the UK average per head of population. So, certainly, it has provided us with a good example. However, I anticipate that



there will be further discussions in relation to the Barnett formula. Of course, when the Barnett formula came in, it was meant to be only a temporary measure to deal with allocation, and it has been in place since 1978. That just shows you that some things never change; things that come in as temporary measures stay, a bit like income tax. Therefore, we will have a discussion around that, and I am sure that it will form part of the discussion when we are looking at the next spending round.

## Welfare Reform: Departmental Budgets

**7. Mr Dunne** asked the Minister of Finance and Personnel for her assessment of the impact the weekly £2 million fine in relation to the non-implementation of welfare reform is having on the budgets of the Executive Departments. (AQO 8538/11-15)

**Mrs Foster:** The delay in implementing welfare reform is already placing additional constraints on the resources available to the Executive. Continued non-implementation of welfare reform will jeopardise the financial package agreed at Stormont House, increasing those constraints. That cannot fail to have a significant detrimental impact on the ability of Departments to deliver public services. The costs of not implementing welfare reform are forecast to escalate significantly in the years ahead, potentially placing further pressure on key public services. Now is the time either for the parties around the Chamber to live up to the Stormont House Agreement or for Westminster to step in and deal with the welfare issue. Doing nothing is simply not an option.

**Mr Dunne:** I thank the Minister for her answers. Will she advise on the impact on the Budget of the non-implementation of the Stormont House Agreement?

**Mrs Foster:** Of course, the implementation of welfare reform is central to the Stormont House Agreement. That point has been made very many times by me and others, not least the Secretary of State, back in March, when she was in the United States. Failure to progress welfare reform casts doubt on the other flexibilities negotiated in the Stormont House Agreement that underpinned the Budget, and that is why it is so fundamental to the Budget proceeding. Key flexibilities included the capacity to use £200 million of reinvestment and reform initiative (RRI) borrowing to fund workforce restructuring this year, the flexibility to repay the £100 million access to the UK reserve in 2014-15, and the £114 million in reductions for non-implementation of welfare reform from the capital Budget. Those are quite fundamental issues and, therefore, there is a great need to have welfare reform implemented as soon as possible.

**Mrs D Kelly:** Does the Minister share my concern in relation to the recent findings of a report by the Office for National Statistics, which said that, on average, the income of an average household here is some £6,000 less than any other region within the United Kingdom? That being the case, as well as the predicted onslaught on working tax credits and child tax credits in 8 July Budget, what representations, if any, has she made to the Department for Work and Pensions?

**Mrs Foster:** It is not my job to make representations to the Department for Work and Pensions. I will make representations, of course, to the Chief Secretary to the Treasury and the Chancellor in relation to those issues. It

is disappointing to note the low level of wages in Northern Ireland. That is, of course, to do with the fact that our productivity has fallen. The way to deal with that issue is to bring more high-value jobs into Northern Ireland, something that we have spent a lot of time engaging in, and to make sure that we have the skills available for our young people so that they can access jobs with higher wages. That is the way to deal with the low-wage economy. We must make this economy more competitive, grow the private sector and engage in more research and development and more innovation so that we can move out of this growing productivity gap between ourselves and the rest of the United Kingdom; something about which, I must say, I am very concerned.

**2.30 pm**

**Mr Speaker:** We will have a very quick supplementary question from our new Member, Neil Somerville.

**Mr Somerville:** The cost of the failure to introduce welfare reform this year is estimated at £114 million. What is the Minister's estimate of the cost for next year?

**Mrs Foster:** The estimate of the cost for next year — 2016-17 — will rise to £196 million. For 2017-18, it will rise to £283 million, and it will rise to £366 million in 2018-19. That is based on the current welfare situation in Great Britain. If that changes — we understand that it will change in the very near future — the gap between us and the rest of the United Kingdom will grow even further.

**Mr Speaker:** That brings us to the end of the period for listed questions. We now move on to topical questions. Question 1 has been withdrawn within the appropriate arrangements.

## Divided Society: Financial Cost

**T2. Mr Dickson** asked the Minister of Finance and Personnel for her best assessment of the financial cost of managing our divided society — for example, in the duplication of some services — and to state what plans she has to reduce such duplication. (AQT 2742/11-15)

**Mrs Foster:** Unfortunately, I do not have the precise figures here on duplication, but I know that the party that the Member represents has spent some time looking at the figures for duplication, particularly for housing and education. I am aware of those figures. Unfortunately, I do not have the specific figures in front of me, but I am happy to have a discussion with the Member about that, because, at a time of a decrease in our block grant, we should address the issue.

**Mr Dickson:** The Minister will no doubt be aware of an Audit Office report today that is highly critical of the Department of Education about duplication in schools. There are some 70,000 empty desks across Northern Ireland. How can the Minister justify that use of public finance, given the difficult times that we are in?

**Mrs Foster:** It is not my job to stand here and defend the way in which the Minister of Education deals with all the sectors over which he has a remit. I am very concerned that new schools are opening in different sectors and pupils are being displaced from existing sectors. That is the reality. We have a fixed number of children, so, if you open new schools with new facilities and everything else,

those kids will move to those schools, leaving empty desks at the schools that they have left.

### Funding Returned to the Treasury

**T3. Mr Craig** asked the Minister of Finance and Personnel whether the figure mentioned by the honourable Member for Strangford Mr Nesbitt, who alleged that over £500 million has been handed back to the Treasury in London, is correct. (AQT 2743/11-15)

**Mrs Foster:** Of course it is not correct. In the last four years, the Executive have not lost any resources — not a single resource — that could have been used to fund public services. It appears that Mr Nesbitt has assumed that the underspend in any year represents funding returned to the Treasury, and that is simply not the case. We can carry the majority of funding forward, either under special arrangements in place for the Department of Justice or under the Budget exchange scheme, which happens across the devolved Administrations in the United Kingdom. The only funding that is returned to the Treasury due to underspend is for ring-fenced resource DEL budget for depreciation and impairments that could not be used for anything other than non-cash costs. It could not be used for public services, so Mr Nesbitt is very wrong.

**Mr Craig:** I thank the Minister for that answer, but I have to say that it is not the first time that Mr Nesbitt has got his sums wrong, as we witnessed in Fermanagh in the selection process. Will the Minister outline the accurate figure over the same time period?

**Mrs Foster:** The Member makes a salient point. The ring-fenced resource DEL that was returned for 2014-15 — this is a provisional figure — was £30.3 million. As I said, that is money that we could not spend on public services, so it goes back because it is ring-fenced and connected to depreciation and non-cash issues. So, there is a bit of a difference between that and the figures quoted by Mr Nesbitt in a television studio to someone who could not deal with them because he had never seen them before. It was a cheap stunt, but I hope that the papers and the broadcasters give as much coverage to this answer as they did to Mr Nesbitt.

**Mr Speaker:** Mr Roy Beggs is not in his place.

### Voluntary Exit Scheme: Pensions Branch Capacity

**T5. Mrs D Kelly** asked the Minister of Finance and Personnel whether she can assure the House that, should the voluntary exit scheme go ahead, there is the capacity within pensions branch to facilitate those people who wish to leave. (AQT 2745/11-15)

**Mrs Foster:** There absolutely will be. As she knows, the voluntary exit scheme is reliant on the Stormont House Agreement being implemented, so I am sure that any of her constituents who want to avail themselves of the scheme will very much want her to go ahead and implement the Stormont House Agreement.

**Mrs D Kelly:** With all due respect, my question was just about the capacity in pensions branch. Can the Minister assure the House that pensions branch has the capacity, in staff resources, to deal with the requests?

**Mrs Foster:** Yes, it has.

### Voluntary Exit Scheme: Uptake

**T6. Mr Givan** asked the Minister of Finance and Personnel for an update on the number of civil servants who have indicated their willingness to take up the voluntary exit scheme. (AQT 2746/11-15)

**Mrs Foster:** Overall, 7,700-odd people applied for the voluntary exit scheme across the Civil Service. The Member will know that 1,200 of them received conditional offers, which were sent out towards the end of May. Those who want to accept the offer made to them by the Civil Service have until 5.00 pm to do so.

**Mr Givan:** I appreciate that there are still a couple of hours to go until 5.00 pm, but maybe the Minister can indicate how many, at this stage, have said that they will take up that conditional offer. Will the Minister elaborate on whether the offer is subject to the Stormont House Agreement being implemented? If so, failure to implement it will mean that the civil servants who have signed up for the exit package will no longer be able to avail themselves of it.

**Mrs Foster:** In relation to that last question, the funding for the voluntary exit scheme came from the Stormont House Agreement negotiations, with £200 million from the RRI facility being made available this year. If the Stormont House Agreement is not implemented, that money will not be available to us.

As at 1.00 pm today, of the 1,199 offers that went out — I said 1,200, but one of those was withdrawn before the offers went out — at the end of May, 842 staff had accepted their offers of early exit and 161 had rejected theirs. As I said, those who have not responded have until 5.00 pm to do so. After that, I will give a final update on the numbers.

### Roadsides, Verges and Central Reservations: Negative Image

**T7. Mr Moutray** asked the Minister of Finance and Personnel whether she believes that the current overgrown roadsides, verges and central reservations are giving a very negative image of Northern Ireland this summer. (AQT 2747/11-15)

**Mrs Foster:** I totally agree with the Member. The Regional Development Minister has commented in the media on how the Executive's Budget has required him to make drastic cuts to road maintenance activities. However, contrary to what he has implied, his Department's non-ring-fenced resource budget for 2015-16 has been reduced by only 0.6%. That is one of the best outcomes for any Department. So I urge the Minister to look again, particularly at the lack of grass cutting, because, although it is a minor issue in the grand scheme of things, it creates an image that we want to avoid, particularly for tourists to Northern Ireland. We are presenting a very poor image to those who visit our country.

**Mr Moutray:** I thank the Minister for her response. Will she encourage the Regional Development Minister to prioritise his resources in a way that will once again make Northern Ireland an attractive place to live, to work in and to visit?

**Mrs Foster:** I do hope that he will listen to the Member's points today. As I said, his non-ring-fenced resource budget has been reduced by only 0.6%. By contrast, my Department is having to live with a reduction of 10% to its

non-ring-fenced resource budget. It is really a matter for the Minister for Regional Development, and I assume that the Member has already raised the issue with him, and will again, to try to get the matter dealt with.

### Shackleton Barracks: Exploitation

T8. **Mr Dallat** asked the Minister of Finance and Personnel whether she is satisfied that putting the former Shackleton Barracks land of 900 acres on the market is the right thing to do and that everything humanly possible has been done to exploit that site for the creation of jobs, given that, although certainly not on her watch, she will be aware that, in the past, millions of pounds were made overnight on the sale of Government land and property. (AQT 2748/11-15)

**Mrs Foster:** I am sure that the Member will be pleased to see that movement has finally come on the Shackleton site. The Executive certainly believe, and I believe, that there is a huge opportunity there to be grasped. We very much hope that the interest that has been shown — I understand that interest has been shown — in the site will now materialise, given the announcement yesterday by OFMDFM. I know that he is pushing hard for jobs to come to that region, and I hope that he, and, indeed, all the MLAs for the region, will work with OFMDFM to make it as attractive a site as we possibly can.

**Mr Dallat:** I thank the Minister for her very positive answer, and I concur totally with her. Will she agree with me that, if a special economic task force had perhaps been set up and a master plan created for the site, we might well be in a better position to exploit what she rightly claims is one of the most magnificent sites anywhere in that part of Northern Ireland?

**Mrs Foster:** I think that there are various ways of how we deal with regional disparities, and I am sure that he is supportive of the fact that the Executive have set up a subcommittee to deal with regional disparities in Northern Ireland, not least in my own area and not least in his area. There are issues that go way beyond a particular site, and the Member's colleague Mr Ramsey made the point just last week that there are issues around infrastructure deficits. There are infrastructure deficits across Northern Ireland, and we have to deal with them. There is a real need to have — I hope that I am getting the digit right — the A6 dealt with. There is a need to have the A5 dealt with, and, indeed, all the other road infrastructure projects across Northern Ireland. I hope that we can work together on that regional disparities subcommittee to try to deal with much more than just a particular site. We need to look at the whole region.

### Rates: Non-domestic Revaluations

T9. **Mrs McKevitt** asked the Minister of Finance and Personnel how many appeals have been made in relation to the revaluation of non-domestic properties. (AQT 2749/11-15)

**Mrs Foster:** I do not have a specific figure, but I do know that over 1,000 appeals have been submitted to date. I think that that number will continue to grow as other people decide to ask for a revaluation. If we consider the number of revaluations that have taken place, that is not unusual, not forgetting, of course, that this is the first revaluation of non-domestic properties for 12 years. We therefore cannot compare the number of last year's appeals with this year's,

as someone in the Chamber has done, because we have not had a revaluation for 12 years. It is important that we look back at the previous revaluation to see how many appeals there were at that time.

**Mrs McKevitt:** Can the Minister indicate how many of the appeals have been successful?

**Mrs Foster:** We are still at an early stage, and, as I indicated, there are others still coming in. There are some appeals that are coming in in, if you like, a sectoral way. Appeals from petrol stations and forecourts are coming in together. They are making an appeal based on the overall methodology used for petrol stations. We then have small and medium-sized businesses that simply do not accept that their rents have gone up in such a way. I have not seen many coming in because of a reduction yet, so appeals will simply be from those that have seen their rents go up.

2.45 pm

**Mr Speaker:** I call Mr Oliver McMullan. I will not have time for a supplementary.

### Tax Credits

T10. **Mr McMullan** asked the Minister of Finance and Personnel whether she agrees that there is no evidence of any link between the removal of tax credits for working people and a rise in wages. (AQT 2750/11-15)

**Mrs Foster:** I presume that he is referring to what is being proposed in relation to working people in the Tory party manifesto. We as a party, and I personally, have grave concerns in relation to that. The whole point of welfare reform in general is to get people into work and for them to have all the benefits that flow from being in work. To attack those benefits that help people to get out to work will be a detrimental step in the United Kingdom. I hope that that will be looked at again, even at this late stage.

## Health, Social Services and Public Safety

**Mr Speaker:** I inform Members that question 6 has been withdrawn.

### Health Service: Treatment Demands

1. **Mr McNarry** asked the Minister of Health, Social Services and Public Safety to outline the measures used to predict future demand for health service treatments. (AQO 8547/11-15)

**Mr Hamilton:** There are a number of mechanisms by which future demand for health and social care services is predicted. A demographic model is used to predict the likely growth in demand for services over time, as well as the costs associated with this. This model is based on current population estimates, national population projections and current demand for health and social care services. The model considers a range of service areas including acute care, elderly care, primary health and community care, and general medical services.

In addition to this demography model, regular analysis of the demand for a number of specific services is

undertaken to identify any gaps in the capacity available to meet this demand and deliver required performance standards. In assessing future demand, the predicted prevalence of diseases such as heart disease, diabetes and cancer is considered, drawing on the findings of national audits and regional and national publications. The development of new technologies has an impact on future demand, and mechanisms are in place to ensure that UK and international developments, emerging research, new technologies and specialist drugs are considered when planning services.

**Mr McNarry:** As we break for the recess with no questions and, therefore, no answers until September, I thank the Minister for his detail there. He talked of demands. Will he outline the Department's policies for future GP services and the availability of new life-saving drugs?

**Mr Hamilton:** There are two very different questions there. I will do my best to address as much of both of them as I can in the time that is available to me, which I notice from the clock has only just started.

Having spoken with local GPs in our own constituency, I am well aware of the demands on their services. There has been a significant increase in the number of people presenting at GP practices over the last number of years. I accept and acknowledge that there have been difficulties pursuant to that in terms of our GPs and the work that they do. To that end, my predecessor announced a £15 million investment in GP services this year, including some resources targeted at trying to recruit more GPs. A significant portion of that investment was to allow our GPs to modernise and expand their practices. Our GPs, through their various organisations and trade unions, correspond with me on a regular basis. I hope that they will take up the funding that is there to expand and modernise their practices.

The Member also asked about drugs and new drugs. He will be well aware of the financial pressures of around £35 million to £40 million facing my Department. I heard the Finance Minister talk in her final answer about welfare reform and the fact that we are losing £9.5 million a month in penalties to pay for welfare reform. That is not helping me or any other Executive Minister with our budgets. There are obviously processes in place to approve drugs through the National Institute for Health and Care Excellence. A guidance circular was issued in 2013 that requires each new drug to go through technology appraisals and for the board, who are the commissioners of new drugs, to take account of resource issues when they are commissioning those drugs. That also includes —

**Mr Speaker:** I remind the Minister of the two-minute rule.

**Mr Hamilton:** — not just the costs but the costs and benefits of taking something forward.

**Mr Dunne:** Given the increase of meningitis W throughout the United Kingdom, what is the Minister doing to manage the risk of the spread of meningitis in Northern Ireland?

**Mr Hamilton:** The Member raises a very good issue. I talked in my original answer about studying the prevalence of conditions and diseases like heart disease and cancer and using that information to project future need. Sometimes, however, other conditions and diseases can suddenly and very rapidly become problems. Meningitis W is one such disease, and, right across the UK, there has

been a sudden, rapid and very worrying increase in the number of cases.

I am sure that Members will be aware of the recent announcement that the meningitis B and meningitis W vaccination programmes will proceed across England and Wales in September this year. There were two reasons why, up to this point, I have not been able to make a similar announcement: I did not have the funds available to do so; and I had not, at that stage, agreed a process to deliver vaccines using the GP network and trusts.

I am happy to announce to the House that, just yesterday, I released funding from my budget to pay for the meningitis B and meningitis W vaccination programmes. I did so in spite of the difficult financial circumstances that I face in my budget, and at some risk, but I am sure that the whole House and community will unite around me and say that it is the right thing to do. That means that the meningitis B and meningitis W vaccinations will go ahead in Northern Ireland from September this year. I am sure that everyone will welcome that good news.

**Mr McKinney:** I thank the Minister. Considering that the main plank of the 2011 Transforming Your Care (TYC) plan was an ageing population with greater need, what formal assessment has been made of that need, and what plans have developed as a result?

**Mr Hamilton:** The Member is right to identify the fact that an older population is putting significant pressure on our budget. I am always very careful, when talking about an ageing population, to say that that is a good thing. It is a great thing that we are living much longer and are able, because of technological and medical advances, to deal with many conditions a lot better than was the case in the past.

Sometimes, when we talk about an ageing population, there is a perception that it is a bit of a burden on the health service, but most people are living a healthier and happier life. It is not a problem, but there has been a related rise in chronic conditions, and that puts significant pressure on our resources.

The prediction, if you go very far ahead, is that over half of our population will be aged 65-plus by 2061. Even in the short term, between now and 2017, it is estimated that there will be an additional £50 million of recurrent pressures — over £200 million — on our budget. The ageing population and its impact on our budgets is assessed on an ongoing basis. That is precisely why Transforming Your Care, which the Member has a very deep interest in — certainly if the number of questions that he asks me about it is anything to go by — is in place. I accept that it has not been implemented to the extent or at the pace that we would all want, but it was always a longer-term strategy: it was always something that we were working towards over a five-year period. It was always going to be very much dependent on resources being available to us. Obviously, in the intervening period since the launch of that TYC vision, the availability of resources has become an issue. That has had an impact, but it does not lessen the need to continue to pursue TYC and other reforms and transformations of our health and social care system.

**Mr Speaker:** I ask the Minister, so that we can try to get in as many questions as possible, to stick to his two-minute allocation.



## Northfield House, Donaghadee: Residents

2. **Mr Easton** asked the Minister of Health, Social Services and Public Safety whether any permanent residents will be forced to leave their home at Northfield House residential care home, Donaghadee. (AQO 8548/11-15)

**Mr Hamilton:** I assure the Member that no permanent residents at Northfield House will be forced to leave their home against their wishes.

I fully appreciate that this may be a worrying time for residents of statutory residential care homes, and that is why I recently wrote to all residents in the affected homes to provide them with an assurance that they would be able to remain in their home for as long as their needs can be safely met there. I stress that no final decisions have yet been made on Northfield or, indeed, on any of the other homes being considered as part of the ongoing regional review of statutory care home provision.

The South Eastern Trust's proposals for Northfield House are subject to public consultation, and no decision will be taken pending the outcome of the consultation process. When the South Eastern Trust's proposals are published for consultation later this summer, I encourage everyone with an interest to make their views known through that consultation process.

**Mr Easton:** I thank the Minister for that answer. If Northfield House closes, what will be the effect on staff?

**Mr Hamilton:** It is worth pointing it out that, whilst it is earmarked for closure and the trust said that it wants it closed, there is a consultation, and we will listen to the responses. The consultation responses will obviously be listened to, and, as I said, I encourage anyone with an interest to make their voice heard through that consultation process. There is no imminent closure because of the promise I gave that no existing resident would be moved against their wishes as long as their needs can be safely met in their current home.

It is relevant to raise staffing, because, whilst we are, I think rightly, focused most on residents in statutory care homes that are earmarked for closure, there is obviously an impact on staff as well. We should also bear in mind the impact that this situation will have on them. My understanding is that 26 staff are working in Northfield to take care of three permanent residents. While staffing issues are primarily a matter for the relevant trust, each trust will have redeployment and workforce planning measures in place to ensure that staff will not lose their jobs and will be used elsewhere as needed.

**Mr Rogers:** I thank the Minister for his answers thus far. Minister, can you give the same commitment to permanent residents in Slieve Roe nursing home in Kilkeel? On a more general point, can you tell us a wee bit more about the specific role of statutory residential care within the old people's model?

**Mr Hamilton:** I am sorry; I did not quite hear the end of that, but I can give the same assurance to permanent residents in Slieve Roe. It is a blanket guarantee, a promise across the board to all residents. That is why I took the decision not only to uphold the commitment made by predecessors but to write to each of the 80 or so residents who are affected by possible closures to make it clear to them all that none would be moved against their wishes as long as their needs could be safely met in their

current care home. That stands, and I hope that it will in the future, no matter who is in this role.

On the general issue, we have to recognise — this relates somewhat to the question asked by the Member's colleague to his right — that the whole area of residential care homes has changed dramatically over the last number of years. I do not mean just in the closure of statutory residential care homes, which is a reflection of a reduction in overall demand for places, whether in the statutory or independent sector. That is because of conscious decisions that people take as they get older to live in their own home environment for as long as they can and as long as their needs can be catered for there. That is something that we should want to see, and most of us would want to take that decision. The system is certainly trying to encourage it, particularly through the implementation of the vision laid out in *Transforming Your Care*, which is to look at the home as a hub for people and to look after people's needs in the home environment as best we can.

**Mr Cree:** Minister, the people of north Down do not have too much trust in consultations, following recent exercises and, indeed, guarantees. Surely the ban on new admissions is bound to affect the sustainability of that home. Is that a deliberate policy, Minister, and can you guarantee us that your approval is needed before any closure is initiated?

**Mr Hamilton:** I do not think that I can go any further than making a guarantee in writing to each resident, including the three permanent residents in Northfield House in Donaghadee, to make it clear that none of them will be moved against their will as long as their needs can be safely catered for in Northfield House. Obviously, the needs of individuals will change over time. Some may want to move elsewhere, or their care needs will alter and they might be better looked after in a different environment. However, as long as they want to remain where they are and it is safe for them to do so, that is where they will be. That is the guarantee and the promise that I can give. That follows on from what my predecessors put in place, and that is what is there. No one will be forced to leave their home, and no pressure will be placed on anybody to leave their home. I am very clear on that and want to make sure that that is absolutely the case.

The ban on new admissions has probably flowed more from common sense. Given the decisions that were pending on those care homes, it would not have been the wisest thing to have new admissions, only to then take a decision to close a home and have potential difficulties arising from that. A common-sense decision was taken. Nineteen homes were reviewed. The majority of them will either change their use or will remain in place with admissions opening up. That will mean that, in many cases and in many places across Northern Ireland, the doors will be open very soon and people will be admitted to those homes again.

3.00 pm

## Paediatric Centre of Excellence: Daisy Hill

3. **Mr Murphy** asked the Minister of Health, Social Services and Public Safety to outline the time frame for the delivery of the paediatric centre of excellence at Daisy Hill Hospital, Newry. (AQO 8549/11-15)

**Mr Hamilton:** It is anticipated that the paediatric centre of excellence at Daisy Hill will be completed by August 2017.

**Mr Murphy:** I thank the Minister for his response; it is very encouraging. As he will know, it is a long-standing commitment from the trust and one that is vital to securing the sustainability of Daisy Hill Hospital. Is he in a position to say whether a paediatric trauma service will be part of the paediatric centre of excellence? That in itself would be a significant asset in a proper centre of excellence.

**Mr Hamilton:** I thank the Member for his question and welcome him back to talking inside a democratic institution for a change. He is right: this is an important development. It assists with the sustainability of Daisy Hill Hospital and ensures that paediatric services in the Southern Trust area are linked up. What is proposed for the centre of excellence at Daisy Hill will link in very clearly with what is happening in Craigavon Area Hospital as well. My understanding is that there will be inpatient services, ambulatory care and outpatient services at the Daisy Hill Hospital and that, unlike the Craigavon Area Hospital, it will have a dedicated paediatric theatre.

I do not have the information about whether a paediatric trauma centre will form part of the centre of excellence, and I will come back to the Member and identify whether that is the case. It is certainly a good news story for Daisy Hill Hospital and its long-term sustainability. More importantly, it is a good story for the Southern Trust area and paediatric services in that trust.

**Mr D Bradley:** Go raibh mílé maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. I thank the Minister for his answer and very much welcome what he had to say about the paediatric centre of excellence.

We had a centre of excellence for stroke services in Daisy Hill Hospital, and that has been moved, against the will of the people of Newry and the greater Newry area. Will the Minister undertake to review that decision with a fresh and open mind?

**Mr Hamilton:** I am aware of the removal of some stroke services from Daisy Hill Hospital. This is one of the most difficult issues that I deal with in this job — not this issue particularly, but this type of issue. Trusts and the board take decisions to move services in the interests of better standards of care for our patients and with patient safety at the forefront of their mind, and that is something that we should all agree on. Sometimes, that brings about decisions whereby services are shifted and reconfigured. There are obviously many long-standing emotional attachments to services being delivered in a particular area, as well as the convenience of having those services delivered in a locality. At all times, those decisions should and will be taken on the basis of raising the standard of care.

I appreciate the concerns that the Member and many of his constituents in the Newry and Armagh area have about moving stroke services away from Daisy Hill. However, my understanding is that the proposal will bring about greater flexibility in the way that the Southern Trust delivers its stroke services and will mean that there will be improved levels of stroke care in line with national recommendations, so raising standards. There will be a dedicated medical nursing and allied health professional team within a specialist acute stroke unit; direct access, which is important as well in taking pressure off emergency

departments, to a specialist ward on first admission; and better long-term outcomes. That is the objective of the changes that have taken place. I think we would all agree that, on paper, they are good outcomes, but I appreciate that there is that emotional attachment to having a service in a local area. I understand, though, that the proposed new model will allow patients from the Newry and Mourne area to receive ongoing rehabilitation at Daisy Hill from day 16 under the care of the local staff there with stroke expertise and from a specialist stroke rehabilitation team. There is still a service being retained in Daisy Hill, but it is for that rehabilitation phase rather than the early stage.

**Mr Speaker:** Two minutes, Minister. I call Mr Alex Easton, with the usual health warning about constituency references.

**Mr Easton:** Will the Minister outline the range of major capital projects that he is taking forward?

**Mr Hamilton:** The capital budget for the Department for the current financial year is £213 million. We estimate that that is around £30 million short of what we absolutely need in-year — I am sure that we would ideally like to have a lot more than that — and therefore necessitates some difficult decisions around the phasing and implementation of various capital projects. Even though it is short of that £30 million, that does not mean that we are not able to proceed with some significant capital projects that will benefit service delivery across Northern Ireland. They include continuing with the development of a regional children's hospital at the Royal Victoria Hospital; a new critical care building; new maternity facilities at the Royal as well; new primary care centres in Ballymena and Banbridge and the continued progression of the new primary care centres in Newry and Lisburn; phase B at the Ulster Hospital radiotherapy unit; the redevelopment of tower block 5 at Altnagelvin; and Omagh local hospital. There are lots of capital projects that continue to progress in the 2014-15 financial year, in spite of the fact that we are short of what we would ideally like, but then that is the story in every Department. What we are doing with that £213 million is making the best use of it to ensure that the highest standard of facilities is provided for people right across Northern Ireland.

## Community and Voluntary Organisations: Funding

4. **Mr F McCann** asked the Minister of Health, Social Services and Public Safety to outline the rationale for withdrawing funding from ADD-NI, the Northern Ireland Attention Deficit and Hyperactivity Disorder charity. (AQO 8550/11-15)

13. **Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety for an update on departmental funding for community and voluntary organisations in 2015-16. (AQO 8559/11-15)

**Mr Hamilton:** Mr Speaker, with your permission, I will respond to questions 4 and 13 together, as they deal with core funding provided to voluntary and community organisations.

The 67 organisations that my Department provides core funding support to will receive the same level of grant in 2015-16 as they received last year. Applications have been issued to all organisations, and I have asked officials to

deal with the first payment promptly, once the application is received and all relevant checks have taken place. The voluntary and community sector plays an integral role in delivering care that meets the changing needs of the population here, and it is important that it is supported appropriately. That is why my Department will consult on proposals in the autumn for a new grant scheme to be launched in 2016-17. The new scheme will focus on health and social care innovation, and it will be open to all voluntary and community organisations to apply.

**Mr F McCann:** I thank the Minister for his answer. I welcome the decision to continue the funding. I know that a considerable number of organisations will breathe a sigh of relief. Will he tell us what will be put in place to continue discussions and consultation with local groups to get the benefit out of the extension of funding?

**Mr Hamilton:** I thank the Member for his comments and his question. He is right: it is a decision that, since the announcement last week, has been warmly welcomed right across the community and voluntary sector, not least by some of the 67 organisations that benefit from what has been described as core funding and will continue to benefit from it — fully in this financial year but in diminishing chunks in the following two financial years. I am keen to work with the community and voluntary sector to develop the new fund that I outlined in the initial response, which we will consult on in the autumn.

I think it is incredibly important that, as we develop a new replacement scheme, which will be open to all community and voluntary organisations, we take particular cognisance of the fact that there were 67 organisations receiving this funding; by no means the full extent of community and voluntary organisations in Northern Ireland. In fact, there were many who did not receive funding. It is incredibly important that we work with the entirety of the sector to develop a replacement scheme, which, as I have outlined, will be focused on innovation. There is a tremendous amount of innovation within the third sector in Northern Ireland, not just in health but right across the board. I want to encourage that. I really want to work with that sector to develop a grant scheme, which will be progressively put in place over the next number of financial years, that they can work with, we get benefit from and, more importantly, society as a whole gets a better outcome from.

**Mr Weir:** Will the Minister outline what he hopes the new funding scheme will be able to achieve?

**Mr Hamilton:** I thank the Member for his question. As I have indicated already, the focus of any new scheme will be innovation. It is encouraging that that element of the proposal has been well received by community and voluntary sector organisations so far. As I have said, I am keen to sit down, co-design and co-produce what that scheme might look like during the consultation period, which will run in the autumn. The focus will be very much on innovation and trying to capitalise on and encourage further the innovation that already takes place across the community and voluntary sector in Northern Ireland.

One of the reasons and motivations for setting up a fund like this has been that, from my experience in previous jobs and this one, if you want to encourage innovation and focus on things like early intervention, prevention and encourage collaboration across the system, you need dedicated funds. Everybody agrees with wanting

to encourage innovation right across the public sector in Northern Ireland. Trying to find the resources from existing budgets to do that can be incredibly complex and difficult, particularly in times like now when we are under severe financial pressure. Ring-fencing and having objective-specific funds that are focused on innovation will obviously produce more innovative ideas and ensure that that important element of how we continue to deliver services does not fall to the bottom of the pile.

**Mr Ramsey:** The Minister's response is most welcome. I think that he would acknowledge the significant contribution that the community and voluntary sector makes across Northern Ireland in working with people with disabilities, those with chronic ill health problems and those who act as carers in those organisations. Will he outline to the House any discussions that he has had with NICVA on behalf of the community and voluntary sector to get its buy-in for the new programme that he intends to bring forward?

**Mr Hamilton:** I met NICVA around 10 days ago. At that very useful meeting — certainly, from my perspective, it was very useful — we discussed the issues that surround the existing scheme and why I did not feel that it could continue in place and why I felt that we needed change. I think that that point was accepted by NICVA on behalf of its member organisations. I think that it has been accepted for some time. It certainly has been flagged up and indicated by previous Ministers that the core funding scheme for £4.7 million that was going to these 67 organisations would be wound down and done away with or moved to some other platform. I have taken the decision in the last week to move to this new health and social care innovation fund model. Again, I think that has been well received by NICVA and, indeed, other individual organisations, some of which will be members of NICVA and some of which will not. I look forward to working with them and anybody in that sector to develop the new scheme and ensure that it is in place for the start of the next financial year.

**Mrs Dobson:** Minister, I wrote to you at the start of this month requesting an urgent meeting to discuss the plight of the Northern Ireland Attention Deficit and Hyperactivity Disorder charity. Four weeks later, however, I have not even received an acknowledgement. First, I ask you for an explanation. Secondly, can you give me a commitment that you will find the 30 minutes that are necessary to meet me and the charity to hear about the exceptional work that they do throughout Northern Ireland?

**Mr Hamilton:** I feel as though I am almost being scolded by the Member. She was not alone in writing to me of course about ADD-NI or indeed many other organisations that were affected by, at that stage, no decision in respect of core funding. Many Members asked me to meet them. I made it clear that I was meeting NICVA on behalf of the voluntary and community sector. I had that meeting, and a decision was taken that ensures that ADD-NI and, indeed, the other 66 organisations that receive core funding will receive 100% of what they would have expected in-year. I am sure that ADD-NI and others that received that money, and that will receive that money pending successful applications this year, will very much welcome that.

**Mr Speaker:** That brings us to the end of the period for listed questions. We move on to topical questions.

3.15 pm

### Meals on Wheels: Western Trust

T1. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety, given the changes to the Western Trust's community meals on wheels service, to outline the outcome of the equality screening that was used to test the potential impact of those changes, specifically on older people who live in rural areas. (AQT 2751/11-15)

**Mr Hamilton:** I do not know the specifics of the outcomes. I know that the Western Health and Social Care Trust is in the process of taking forward new contracting arrangements for its community meals service and has held consultation sessions with clients who receive the service and with service providers. Feedback from those sessions will help to inform the new contracting arrangements.

**Ms Sugden:** I welcome the Minister's earlier positive comments about the community and voluntary sector, so why are we replacing the current provider of the meals on wheels, which is a community and voluntary sector group, with, potentially, a contractor to cut costs?

**Mr Hamilton:** I am tempted to say that you almost answered the question. That is ultimately a decision for the trusts, in the circumstances in which they find themselves. The Western Trust in particular has been under significant financial pressure over the last number of years and continues to be so in this financial year.

The trust has the best-placed people to decide what is in the best interests of people in their area who need community meals. They have to take that decision, factoring in a range of issues, including ensuring the quality of the service. In the current circumstances, they will also clearly have to have an eye to the cost of current contracts and what the cost of a replacement contract might be.

I do not want to get into the process that is going on or the whys and wherefores in judging the merits of a previous contract with something that might replace it. Suffice to say that I would want to ensure in any trust area — Western, Belfast, South Eastern or wherever — that the highest standard is achieved and is always done with an eye to ensuring value for money.

### Bangor Community Hospital: Closure

T2. **Mr Agnew** asked the Minister of Health, Social Services and Public Safety to state how the recent South Eastern Trust consultation on the future of intermediate care can be considered valid, especially given that it included the preferred option of the permanent closure of 20 beds in Bangor Community Hospital, to which 3,000 people objected, and that that preferred option was based on 14 beds at Northfield House, which have now been earmarked for closure. (AQT 2752/11-15)

**Mr Hamilton:** I am mindful of the Member's point. When the preferred option for Northfield was identified by the trust, I was obviously aware that the option for the closure of the GP referral beds in Bangor Hospital was dependent on having, I think, 14 intermediate care beds in Northfield House. That was the subject of a question for oral answer last month from Mr Cree. Like the previous question, these are matters for the trust to decide, and decisions have yet

to be taken. If the final decision is that the trust is to close the referral beds, that will come to me for a final say-so, and I will look at all the evidence that is presented to me.

The point that I made to Mr Cree three or four weeks ago was that, whilst I could see superficially why a connection might be made — it was a connection that I made in my own mind — the profile of the people in the GP referral beds is very different from those in the intermediate care beds in Northfield House. Whilst in many respects it may look like the same issue, we are talking about very different types of people and patients.

**Mr Agnew:** I come back to my original point because, in the consultation paper, the trust talked about 125 intermediate beds and then 105 beds, with the beds in Bangor Hospital being permanently closed. Why was the trust treating those beds as like for like in its consultation paper?

**Mr Hamilton:** I am not sure; I am not familiar with the precise detail of the consultation paper or whether the beds were considered on a like-for-like basis or in totality. The trust has communicated its belief that it can deal with the closure of Northfield House and the loss of the 14 intermediate care beds there by arranging more care for people in their homes, as consistent with the vision set out in Transforming Your Care. However, as I said, this has not yet arrived on my desk. I can assure the Member, and, more importantly, people in the north Down and Ards area who are affected, that I will look at the evidence thoroughly before any final decision is taken.

I am sorry; I should have said Ards and north Down to be strictly correct and to be able to get home safely in the evening. See how it just naturally tripped off my tongue? *[Laughter.]* I will assure people in the Ards and north Down area that I will look at the evidence thoroughly before any final decision is taken.

### Southern Health and Social Care Trust: Financial Pressures

T3. **Mr Gardiner** asked the Minister of Health, Social Services and Public Safety for an update on the financial pressures facing the Southern Health and Social Care Trust. (AQT 2753/11-15)

**Mr Hamilton:** I can provide the Member with a precise figure of the pressures across my Department, including all the trusts, the boards' pressures and my Department's core pressures, including the Fire and Rescue Service; the pressures on our budget are somewhere in and around £35 million to £40 million. I am sure that the Member agrees that that figure is not insubstantial. I await with bated breath the outcome of the June monitoring round, as I have submitted bids totalling £89 million. I hope to receive positive action on all those bids. If that does not happen, we will have to take decisions on the basis of whatever the outcome is, because, at this stage of the financial year, we need to give some certainty to trusts and others.

**Mr Gardiner:** I thank the Minister for the information thus far. Does he believe that the Southern Trust will be able to deliver its share of the overall £113 million planned trust cuts without seeing a decline in the safety and quality of care offered to patients?

**Mr Hamilton:** Ambitious savings targets of around £160 million are in place this year. That adds to the two thirds of a billion pounds that has already been saved over this



Assembly term through efficiency savings. I accept that those targets are, and continue to be, challenging for all in the health and social care system, but a significant amount of money has been saved and has been redeployed into front-line services.

The Member is right to identify concerns that might exist about where those savings are made. I want to see front-line services protected as much as possible. I want to see savings made in administration and procurement — areas not on the front line. It is incredibly important that trusts focus their attention on those areas rather than on front-line services. I appreciate and accept that it is an incredibly challenging time for all trusts. I have no reason at this point to believe that the Southern Trust will struggle to meet its pressures. It is worth making the point that I expect all our trusts to be at worse than financial break-even point at the end of the year.

### Chief Medical Officer's Comment

T4. **Mr McMullan** asked the Minister of Health, Social Services and Public Safety for his view on the Chief Medical Officer's comments about the need for a review of our health system. (AQT 2754/11-15)

**Mr Hamilton:** I agree with the comments made by the Chief Medical Officer in his annual report, which was published a few weeks ago. They flow from comments made by many people who have talked about the reconfiguration, reform and transformation of our services. I made similar comments in a speech in the Northern Ireland Cancer Centre in Belfast City Hospital where I outlined not just my vision for a world-class health and social care system in Northern Ireland but the need, allied to that, to continue to reform, transform and reconfigure services.

As the Member will be aware, the Cancer Centre is a very good example of where, when services are regionalised, we can have the highest standard of care, not just in this part of the world but right across the world. There is some fantastic work going on there and some world-leading research is taking place in the Cancer Centre. That is the sort of world-class vision that I have for the health and social care service. I think that we can have that right across a number of disciplines and specialisms.

That will require, however, a degree of courage and political consensus that, unfortunately, has not always been evident in the past when grappling with the issue of reform.

**Mr McMullan:** I thank the Minister for his answer. Does he agree that reform will require some changes to the commissioning system?

**Mr Hamilton:** I do. Very early on in my tenure, I attended the second annual regional workshop for integrated care partnerships (ICPs) in Northern Ireland. One of the points made to me was that our current commissioning system is a barrier to innovation in the system. I think that we all accept that we need to be increasingly innovative in our delivery of public services, not least in Health and Social Care. I am concerned when I hear people in integrated care partnerships, who are at primary care level and thus at the coalface, describe commissioning as a barrier, so we need to take action to remove that barrier.

The Member may be familiar with the review of the commissioning process in Northern Ireland that was

launched by my predecessor. It will be informed by a case study carried out by the OECD, which is doing a public-governance review of the whole of the Northern Ireland public sector. Its work is focusing in particular on the commissioning system, which it will examine, assess and benchmark against best practice in other OECD member countries. I entirely agree that a properly functioning commissioning system is at the heart of a reformed, transformed and more innovative health and social care system.

### Independent Living Fund: Recipients

T5. **Mr McQuillan** asked the Minister of Health, Social Services and Public Safety what actions have been taken to assist the recipients of the independent living fund. (AQT 2755/11-15)

**Mr Hamilton:** The Member raises a very timely issue. There was some media coverage over the weekend of the decision by the previous coalition Government to do away with the independent living fund in England. The objective of independent living fund payments is, of course, to keep people with severe disabilities and conditions in their own home with a degree of support that is paid for. We in Northern Ireland have taken the decision to continue with the independent living fund and are working in partnership with our colleagues in the Scottish Government, who have taken a similar decision. They are going to take forward the administration of the independent living fund in Scotland and Northern Ireland, and we continue to work to ensure that all the apparatus is in place so that everyone who currently receives independent living fund payments continues to do so.

**Mr McQuillan:** I thank the Minister for his answer. Can he give his assessment of the contribution that integrated care partnerships are making to improving healthcare?

**Mr Hamilton:** I mentioned integrated care partnerships in response to Mr McMullan's question, after having attended the regional workshop recently in Lisburn. That was my first interaction with integrated care partnerships. I knew that they were an integral part of the vision laid out in Transforming Your Care, and it was useful for me very early on in my tenure to get out and speak to members of various integrated care partnerships and hear a little bit from them about how ICPs have been working over their first few years. The message was a positive one, and I could see very clearly the opportunities presented to the broad health and social care system in Northern Ireland by having ICPs in place, in which people from primary care and from various charities and stakeholder organisations are working together. They are working together on some very important issues, such as the frailty of elderly people, diabetes care and the production of new care pathways. There is a lot of really innovative work going on across integrated care partnerships. It is crucial to ensure from here on in that whatever lessons are learned in one of the 18 care partnerships are shared, across not just all the integrated care partnerships but the health and social care system.

**Mr Speaker:** I call Ms Caitríona Ruane. I do not think that there will be time for a supplementary question.

## Health and Social Care (Control of Data Processing) Bill: Concerns

T6. **Ms Ruane** asked the Minister of Health, Social Services and Public Safety how he will deal with concerns about the data processing Bill and whether he will ensure that it includes clear definitions of “public interest” and “social well-being”. (AQT 2756/11-15)

**Mr Hamilton:** I am sorry that the Member missed the Bill’s Second Stage yesterday. It was a very useful debate on the various concerns that had been expressed by the Committee during its consideration of the Bill so far. I am mindful of concerns, particularly around public interest. I am also mindful of concerns that some data that is not anonymised is already being issued without consent but through a common law process for that information to be shared externally to the system. It concerned me greatly to learn that.

3.30 pm

It is important that we put in place a clear statutory framework that permits, in certain circumstances and with clear safeguards, the sharing of data for medical and social care purposes for the benefit of people in Northern Ireland. I will seek to address, through the process in the House and in Committee Stage, the issue around public interest, and I will try to address the concerns that the Committee has to ensure that this important legislation can get onto the statute books.

**Mr Speaker:** Time for questions is up. We will return to the debate. The House should take its ease while we change the top Table.

**Mr Beggs:** On a point of order, Mr Speaker. I wish to apologise for my absence during topical questions earlier. I was called out by Assembly staff on an urgent Committee issue.

**Mr Speaker:** Thank you very much for coming to the House to do it personally.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

## Executive Committee Business

### Budget (No. 2) Bill: Final Stage

*Debate resumed on motion:*

*That the Budget (No. 2) Bill 2015 [NIA 53/11-16] do now pass. — [Mrs Foster (The Minister of Finance and Personnel).]*

**Mr Principal Deputy Speaker:** I call Mr Dominic Bradley to resume his contribution.

**Mr D Bradley:** Finally, Mr Deputy Speaker — *[Laughter.]* I wish to conclude by saying that it will be important that the lessons from the 2015-16 Budget process are learned. That will mean the Executive building in sufficient time to allow Departments to work up detailed spending plans in order for them to be fully scrutinised by the Assembly Committees through timely and meaningful engagement at the earliest possible opportunity.

**Mr Girvan:** I, too, stand as a member of the Committee for Finance and Personnel. I believe that a certain amount of work was undertaken in the Committee. I appreciate that the Committee granted accelerated passage to the Bill, and, in doing so, we felt that we had had the opportunity for adequate scrutiny in relation to the matter. Departments were not necessarily that open about where they were making their spend. I am talking about one Department in particular — the Department of Education — where there seemed to be something of a smoke-and-mirrors approach to revealing information on where the spend was and where savings were being made or not being made.

I feel like we are going through déjà vu. We are going back over the same day again, or Groundhog Day, as the man says. The difficulty is that there seems to be a certain amount of sticking one’s head in the sand in relation to the Budget and how we move it forward. We know that we will have a hole in our budget of £604 million because of the non-implementation of the Stormont House Agreement and missing out on the savings that could be delivered, not just this year but in subsequent years, from the voluntary exit programme that has been put forward for civil servants. As was outlined in earlier questions, the numbers who have declared an interest in availing themselves of that will be and could be denied the opportunity to do so should we not move ahead with the welfare reform approach and the savings that would be delivered from the Stormont House Agreement. As it stands, we are dealing with not just the cuts to the block grant from Westminster but in-year cuts, because of the SDLP and Sinn Féin, resulting from moneys that we have to hand back as a consequence of penalties.

Those who want to live with their head in the sand and believe that a white horse will ride over the horizon and deliver a pot of money to resolve all of those issues are not necessarily living in the real world. All I can say is that the indication that I get, from listening to the media and those who have been in communication with the people who hold the purse strings, is that there will not be any additional moneys to deal with welfare reform. That seems to be where everyone is putting their focus, stating that the £2 million a week that we are costing our economy in public

spend, and which could be used in other areas, will be handed back. Some people say that we are receiving that in kind, through benefits received on a welfare basis. There is great difficulty in trying to ensure that people realise that those who are in great need are also those who are waiting for hospital appointments or operations, some of which are, unfortunately, for life-threatening conditions.

We hear about major cuts. I want to take exception to some areas. We hear of one Department, the Department for Regional Development, which has a 0.6% reduction in one area of its budget but fails to deliver the grass cutting that is associated with that area. A similar approach could be taken by DFP, which could state, "The most impact will be from no longer paying salaries, so we will close down the department that processes salaries. We will not get rid of anybody. We will have people sitting in the office doing something slightly different, which does not mean that we are getting rid of any staff or reducing our outlay." Yes, DRD will cut its fuel bill, but the people will still be sitting around, not being used. It does not make any common sense.

Unfortunately, common sense seems to be lacking in many areas. I come from the private sector, and I am still involved in it. Unfortunately, in the private sector, you make decisions daily on where you can and must make savings, and, in those areas, there are key and vital functions that you still strive to deliver. You try to do that to the best of your ability with a reduced budget. To be honest, some people just say that they will take money from the easiest area, which will have the most impact on the public, and make that the area where everyone sees the hit.

I support the Budget on its way forward, but I believe and take on board the Minister's comments that, should we not get the full implementation of the Stormont House Agreement, we are passing a Budget that, ultimately, we will not be able to balance at the end of the year. It is vital that we move forward and ensure that we make savings as early as possible in the financial year because the longer we leave it, the more stringent the cuts will have to be in the latter part of the financial year, so I support the Bill as presented.

**Ms Boyle:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to speak on behalf of the party.

As we know, welfare cuts have already hit harder here than in any region of Britain. People here have already felt the impact of the cuts, and we have all spoken in the House before about what austerity really means and what it looks like for the people whom we represent. Already, those on sickness benefits, and disability claimants, are losing out. There continues to be a loss of income for many working families on a low income, resulting in a large loss to our local economy, with retailers in our towns and on our high streets losing out.

All communities have been affected by the Tory austerity measures, with the local government districts of Derry, Strabane and Belfast being hit particularly hard. Indeed, my own area, Strabane, has been ranked as one of the most deprived areas in the North and has in the past been known as an unemployment black spot. However, slowly but steadily, the people of the town have moved on, with many families and individuals challenging that stigma and moving into the workforce. That has to be good.

However, like other areas across the North, there are many people who are working and dependent on working tax

credits. With more cuts on the way, there will be winners and losers, but I fear that there will be more losers than winners. There remains little hope for the working poor, with the Tories planning further austerity cuts. We will continue to be worse off here, whilst prosperity levels rise in parts of Britain. Westminster governance does not deliver for the people of Strabane, and it certainly does not deliver for the people of the North. Westminster rules mean income cuts for the low paid and income tax cuts for millionaires.

I have said this before to the House: we in Sinn Féin believe that, collectively, we should demand more economic power from Westminster to build a prosperous North and a prosperous island — a fair society where hard work is rewarded and vulnerable people are protected. I believe that the vast majority of people in the House also want that. The argument from Westminster that we are too small and too poor to take control of our own economic power is an insult. It is an insult to us here in the House, and it is an insult to the people across the North. Economic confidence is the key to economic power.

The Budget crisis can be averted. For that to happen, there needs to be a change in Westminster policy. That is crucial. We do not want a future for our children, our grandchildren or future generations that comes from ever-increasing social inequality. A workable Budget should be about the power to invest in our people and powers to create more and better jobs. We need to be mindful that the Budget is being supported by my party, with conditions, to allow the necessary welfare protections to be put in place. We have seen the devastating consequences of the Tory cuts in Britain. They are to be further imposed here. If you do not turn up and tick the box, you may end up living in a box. Is that the way that we should treat the most vulnerable and the working poor? I should think not.

**Mr Cree:** I am pleased to be able to speak on the Final Stage of the Budget (No. 2) Bill. There still remains a black hole of £600 million, and the hope is that discussions on welfare reform will somehow return that money from the Stormont House Agreement. It is illogical to have a situation where a Budget Bill will depend on factors that are not directly related. But we are where we are.

I have already related many issues that my party has with the Bill. So much of the process is not intended to show transparency and accountability but aids the smoke-and-mirrors image of the whole Budget process. Time frames are distorted, and no direct read-across is possible. In addition, several Departments are notorious for not spending their allocated budget, and they use various methods to divert or carry forward underspends. OFMDFM is a classic case, with a poor record of delivery. Several strategies have been listed as important work, and despite the passing of years, many going back to 2007, we still await their publication. The social investment fund is a prime example, with less than a quarter of the money applied to the need that was identified a long time ago.

The new financial process developed by the Committee for Finance and Personnel and approved by the House remains on some dusty shelf in the Executive. One can only speculate that, despite Sinn Féin's blocking of its implementation by its Education Minister, it may well be that others are content to leave the smoke-and-mirrors process as it is. It has to change.

**3.45 pm**

We find ourselves in a very tight fiscal framework, facing a fairly bleak prospect of further cuts in the immediate future. It is essential that priorities are clearly identified and that all wasteful expenditure is eliminated. We await a further comprehensive spending review, and we must plan strategically to ensure that our growth is protected. The Budget does not look very far ahead and, understandably, attempts to deal with the rest of this year.

The current mandate for the Assembly ends in a few months, but I believe that solid cross-party planning for the future should begin now so that we may move ahead. We do not wish to repeat this current shambles, where money is wasted in the payment of fines and the Assembly is held in ridicule for failure to operate as a cohesive unit. Hopefully, we have learned from this fiasco. Being an optimist, I sincerely hope that that will be the case.

**Dr Farry:** At the outset, may I say that the Alliance Party will be supporting the Final Stage of the Budget this afternoon, or this evening. In doing so, we are clear that it does not, in itself, resolve any of the financial or political issues that are facing us, but, at the very least, although in some respects it may be a somewhat faint prospect, it keeps hope alive. By contrast, those voting against the resolution — if anyone is contemplating doing so — will be, through their actions, voting for the imposition of cuts, in-year, in the middle of the summer, to the extent of at least £2 billion on top of everything else that we have had to bear over the past number of months.

The choice that we are faced with today is not between proceeding with this Budget and some other credible, plausible alternative. It is a choice between proceeding with this Budget, albeit one that is flawed and which still contains a number of issues that we have to resolve, and, on the other hand, a complete and utter financial catastrophe.

We should take some note of what is happening elsewhere in Europe this week. I think there is a certain poignancy in the fact that we are having our discussions this week, at the same time as Greece is literally falling apart financially, with major repercussions for the future of its economy and society and knock-on implications elsewhere in the European Union. Take a very deep breath, sit back and reflect upon the choices, or lack of choices, that we are making here in Northern Ireland and the implications that may well flow from those if there is not to be a real consequence to our society at a political level, in terms of the institutions; at an economic level, in terms of what we are trying to do to transform our economy; and, indeed, at a societal level.

I have heard a lot of talk about leadership, over the past number of days. In particular, we hear the parties that are most notably blocking progress on the Stormont House Agreement talk about the need for fresh leadership and the need for people to stand up and be counted. The actions of those parties, as well as the Green Party, over the past number of weeks have been directly responsible for plunging Northern Ireland into the current uncertainty, which may lead to a financial catastrophe. That is not to forget that there are wider structural problems in our economy and that wider political mistakes have been made over the past number of years, but, as we stand today, those are the choices that are in front of us, and it is within that framework that, today, we have to make decisions on the way forward.

In that respect, we wait to hear exactly how some other parties are going to vote. I understand that Sinn Féin has said that it will be supporting the Budget. I welcome that in so far as it goes. However, there is a lot more work to be done. I was concerned somewhat that, at Second Reading, the Ulster Unionist Party and the SDLP chose to abstain on the Budget and not to live up to their responsibilities, not least as members of the Executive, with all of the implications of what could have happened if others had not put the Budget through on the day in question. We wait to hear from either party exactly what they are planning to do today, though I heard from the SDLP that — it was Mr Attwood who said the last time round — it was going to let the Second Stage proceed, as it turned out through abstention, but it was planning to vote against the Budget at Final Stage. I did not understand the logic of abstaining, but I find the logic of voting against it at Final Stage, having already abstained, to be utterly bizarre. We will see in due course what is to follow.

I will take a moment to explain the logic of why Alliance feels that voting in favour of the Budget is the responsible thing to do at this stage, and that is not to diminish the fact that, in our analysis, there are flaws in the process to date. However, it is important that we draw a distinction between, on the one hand, what is budget policy for Northern Ireland and what is, on the other hand, the voting of Supply and then giving the legal authority to Departments to spend the Supply that has been voted on previously by the Assembly. We had our differences in the Executive over the Budget that was set for the incoming year, and that is a matter of public record. Indeed, my colleagues in the party voted against that when it came to the Floor of the Assembly. That was a discussion on budget policy, and, at that stage, we could make the credible point that an alternative Budget could have been formulated by the Executive in the event that that Budget resolution had not been democratically passed by the Assembly. However, once we passed that point and the Budget resolution was adopted by the Assembly, it then falls on everyone else to follow through, to respect the vote that was taken and to put in place the Supply resolution in relation to the first Budget Bill, and then to follow through, as we are doing in June of this year, with the Supply resolution and, today, the Final Stage of the Budget (No. 2) Bill.

That is how we end up in the situation today, accepting that we have to ensure that money is flowing through Departments while, at the same time, we preserve our deep concerns over the lack of strategic thinking around a number of aspects of the Budget, including an unwillingness to consider some fair forms of revenue raising and the fact that we are not adequately addressing the costs of a divided society, and we saw today a very clear vindication of what we have been saying about the inefficiency, not least in terms of the education system from a multitude of schools. There are clearly major inefficiencies within our economy and within our public finances that have to be addressed, but those are discussions for another day. Decisions have been taken, through the structures, on budget policy, and we now have to follow that through.

In a similar vein, we hear a lot of other red herrings. I am not dismissing the importance of the issues in calling them red herrings, but they are not directly relevant to the responsibilities that we have as an Assembly today. I accept that people have concerns about the approach



that has been taken at a UK-wide level on public spending and what is, in effect, an austerity programme from the UK Government. Of course, they have a duty to balance their books on public spending, but there is a legitimate debate over how fast and at what rate that should occur, and people can have their own different viewpoints on that issue.

We are also right to make points about the concerns over future welfare reforms. Again, those will have a disproportionate impact on our society in Northern Ireland, and it is right, through the appropriate forums, that our public representatives, including MPs in Westminster but also the Assembly itself, make their views on those issues known very clearly. Even if we go down what, for now, is a fairly fanciful journey and talk about the notion that the solution to all of this is that Northern Ireland, somehow, takes on full fiscal devolution and that, by implication, we somehow become financially self-sufficient, which is, to my mind, completely unrealistic in the short to medium term and, even potentially, in the long term, but we will see how the long term goes, and even if you are prepared to accept that that is a viable alternative pathway, sitting where we are today, it will still take legislation to go through Westminster to devolve those powers to the Assembly for us to do our own balancing of the books in line with our own responsibilities. None of that takes away from the reality that we receive a block grant from Westminster; it may well be a flawed block grant, but that is the way we receive our resources. We have a duty to live within the budget that is allocated to us. We can raise more revenue on the margins if we wish to do so, but, by and large, that is the way that we balance our books in Northern Ireland.

The fundamental question that people in Northern Ireland want answered today is whether people are prepared to stand up, face up to their responsibilities and balance the books. We must have certainty about what our budgets will be for the forthcoming year, so that people can get on with the delivery of services, albeit, perhaps, curtailed services in the light of a very tight public spending situation. That is better than the continued drift that we see and the uncertainty that has a real impact on the ground.

It is important to spell it out that we do not have the luxury of hanging around for endless rounds of talks. I get particularly frustrated with the SDLP saying, "All we require is that people sit around the table and talk this through". We have been doing that for months, if not years. We had Stormont House, and we had Stormont Castle, which was defaulted on by a number of parties. We have been down that line, so we need to press on and get the issues resolved.

The impact of the financial uncertainty means that Departments may face in-year cuts of a certain nature. We do not yet know. That will have to be passed on, and it creates more pain in itself. Even the uncertainty creates problems. Some Departments are being responsible and trying to hold back on spending commitments because they do not know how they will balance the books during the year; others are pressing on regardless. There is a certain unfairness in the system at the very least. The longer we leave the resolution of the issues, the more difficult it will be for individual Departments and for the block as a whole to have a balanced situation before the end of the year.

Let me also clarify something. Last time I spoke on the Bill, at Second Stage, there was some confusion when I

made a point about the implications of the approach taken by a number of parties to the principle of consent which, as people appreciate, is a fundamental cornerstone of the Good Friday Agreement. I fully accept that people will want to query, question and criticise quite vociferously the policies that emanate from UK Governments. I am more than happy to engage in that myself, but where the principle of consent comes into play is when you question the legitimacy of the UK Government in taking decisions on behalf of Northern Ireland. If you cross the line from criticism of policies to saying that the UK Government have no right to dictate policies for the UK as a whole, in that context, you are breaching your commitments under the Good Friday Agreement to respect the principle of consent. You are perfectly entitled to argue for a different configuration or to argue for a move towards a united Ireland. Indeed, I am more than happy to listen to those arguments, and, over time, the balance of those arguments may change. However, in line with what the majority of people in Northern Ireland want today, Northern Ireland remains part of the UK and that means that we are subject to the decisions of the UK-wide Government. They have authority over a number of issues, while we have authority over a different set of issues. The UK Government have authority over issues regarding taxation and public spending at a high level. That is where our money comes from, so we have a duty to engage with that. We can argue along with our Scottish and Welsh counterparts in due course over how we can get a better settlement for Northern Ireland, but, while we are engaged in that process, we have to be sure that we live within our means.

In closing, let me be very clear about what that means. What it means, for now, is that we pass this Budget Bill and we very quickly move to resolving whatever is holding back the implementation of the Stormont Castle and Stormont House agreements in relation to welfare. I am more than happy that we try to be creative in that regard, because maybe there are areas where we can see what other things can be done to help people who will suffer the welfare cuts in Northern Ireland. That may well be resourcing the strategy on economic inactivity, for example, which is helping people who are on welfare but doing it through a locally based approach that has the democratic approval of the Executive and the support of political parties across the board. Through those types of schemes, we are helping people who are on welfare.

I have to say to Ms Boyle, who talks about what is happening in her constituency in Strabane with the problem of unemployment, that the approach taken to date by the two nationalist parties and the Greens in terms of Budget uncertainty and Budget chaos is directly impacting on our ability to help people who are unemployed. At the moment, I am scaling back what I do in my Department in relation to youth employment schemes because it is, fundamentally, discretionary spend. I do not know whether, if I continue with that spending, my Department will be able to live within the control total at the end of the year because I have other formal, statutory commitments to meet. Already, that is one further example of where Budget cuts and Budget uncertainty are directly hitting the vulnerable.

It frustrates me no end when people talk about "What we want to do for the vulnerable" and how it is all about welfare. It is not all about welfare; it is about ensuring that we deliver properly funded public services on which

vulnerable people depend disproportionately. We see classic examples in cutbacks in public health, and we know how public health issues create intergenerational problems through lack of opportunity. We are cutting back early years, and, indeed, there was a petition about that in the past couple of days. It is the most crucial intervention in the education system and will transform intergenerational poverty and lack of educational opportunities. This is utterly counterproductive.

#### 4.00 pm

I am in a situation in which I am limited in what I do with training and employment programmes. I am scratching around to find funds to allow European social fund projects to proceed. There are cutbacks to our colleges and universities. It is all about giving people life opportunities. We are keeping people in poverty through the focus on welfare payments, and, at the same time, we are taking away, rung by rung, the ladder that helps people to escape from poverty. I do not think that there is a political party in here that genuinely wants to see people having a lifetime on welfare, but, unless we get our priorities straight and have a balanced approach between, on the one hand, a proper, effective welfare system, including one with local modalities and flexibilities, and, on the other hand, putting sufficient resources into our public services, we will end up in a situation in which all that we do is fund people to stay on welfare. That is not in people's individual interests, and it is not in the interests of our economy and our society. It is in that context that we have to pass the Budget.

We have to conclude our discussions on welfare and get another Bill back in the Assembly — otherwise the power will be taken out of our hands — and we have to deliver the Stormont House Agreement. So much of the Budget pressure that we face is based on what has happened through the non-implementation of the Stormont House Agreement. That is not at the expense of wider discussions that we have to engage in about the potential for more fiscal devolution on the margins, what we do on more cooperation on a North/South basis, what we do about arguing over public spending at a UK-wide level with Scotland, Wales and the north of England, what we do about arguing about welfare reform, what we do locally about trying to tackle the cost of a divided society and what we do locally about trying to tackle our problems of lack of economic activity. All those discussions have to take place, but we will be in a far better position to do that if we pass a Budget, implement the Stormont House Agreement and get over this hurdle on welfare.

**Mr Ó Muilleoir:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the Budget as presented, although, after listening to Minister Farry, I am tempted to join the opposition Lobbies, given his begrudging and grumbling approach. I want to pick up on perhaps the most potent point of all, which is our relationship with Westminster, which controls and dispenses the block grant. That is the core of where we are in the Chamber. What unites us is that we all want a fair and prosperous economy, but what divides us is our approach to London.

Mr Beggs, who has his head down at the minute — he is like me, because he takes notes when I am speaking, and I take notes when he is speaking — is perhaps the greatest proponent of the idea that we cannot say to the London

Government that there is a way to cut the deficit other than by cutting public services and welfare primarily. However, there is another way, and other countries do this: you can raise taxation. There can be a mix. It is the obsession of the Tory ideologues about austerity and cutbacks that is at fault, and we have to bring that up with them to stand apart from that. I do not believe that anyone here wants to show blind obedience to the British Government approach, which is good for London but not good for us.

The second area where we need to find some common ground is the belief that austerity is good for the economy and that it will grow the economy. I have my 26-page IMF discussion note. It is interesting that only the IMF could have 26 pages and call it a note, but the content and thrust of the note is that needless austerity is not good for society and that Western Governments should stop the obsession with needless austerity. If our friends in London — Mr Osborne and his colleague — insist on pursuing an austerity agenda, it will continue to prevent us from moving into a robust recovery. It will mean that we have to continue this stuttering recovery. It will mean that we will not have the money to invest, for example, in marketing our tourist assets. It will mean that we will not have the money to invest in our start-ups and early-stage companies. We will not have the money to market abroad to bring new jobs here. We will not have the money if the Tories continue with their austerity agenda. We will not have the money to fund university places.

So, on both those big approaches of unionism, I beg to differ. There is another way of cutting the deficit, if that is your wish. Debt:GDP ratios are at their lowest in 300 years, and interest rates are at an all-time low; however, if it is your wish to cut the deficit, there is another way to do it. If you really believe that austerity will revive and ramp up this economy, you are deluded.

**Dr Farry:** I thank the Member for giving way. There may be something in what he has said, but surely that is what the recent general election was fought on at a UK-wide level. The people of the UK, though not Northern Ireland necessarily, voted for the Conservative Party, which had a manifesto to do x, y and z. We object to all of that, but how is that going to be changed over the next four or five years?

**Mr Ó Muilleoir:** I thank Mr Farry for his point of information. Before I stood up, I thought, "He's definitely going to fall out with me when I move on to my third point", which is to really challenge the London Government. No one here voted for the Tories. In my constituency of South Belfast, people voted in large numbers for the Alliance Party and for many other parties, but very few voted for the Tories.

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

**Mr Ó Muilleoir:** Let me move on to the next point, because I am sure that there will be plenty of points of information to give after it.

The Tories say that it is their way or the highway. Do I accept that? No, I do not. It is our duty to oppose that and to say to the London Government that we do not accept their approach.

Let me move on to the arts, because last week Minister Foster and I covered those two great canons of the arts. I covered poetry with TS Eliot's 'The Waste Land', and she came back with Charles Dickens. I was compared

to Wilkins Micawber, who, of all the evil characters in Dickens's novels, is one of the brighter stars in that constellation, so I was not particularly perturbed by that comparison.

Let us move on to a more sombre point and a more poignant piece of art. At this time of year, we all think of that great work of theatre, 'Observe the Sons of Ulster Marching Towards the Somme'. Tomorrow is 1 July, and at 9.30 am, along with the Lord Mayor of Belfast, I will be at the Cenotaph in Belfast, reflecting on the horror and loss at the Somme 99 years ago. I suppose that the classic maxim to come from the slaughter of the Somme is the idea of lions led by donkeys. That the loss of men of the Ulster Division and soldiers from across this island, really for nothing, over many months of combat. History lays the blame for that on the shoulders of the donkeys who were the English generals, and that is why we have carried with us to this day, when we think of the horror of warfare, the concept of lions led by donkeys.

We should not over-egg that comparison because, thank God, our economic crisis is nothing compared to the horror of the First World War, but today there are English leaders who insist that the only way forward is austerity. They are not English generals, but they are English Ministers. They are, and this is where Minister Farry might get upset, Tory donkeys, and the lions that we serve —

**Mrs D Kelly:** I am grateful to the Member for giving way. Does he accept that the "donkeys", as he referred to them, at Westminster are more concerned with the well-being of their colleagues in the City of London than with their constituents, whom they were elected to serve?

**Mr Ó Muilleoir:** I thank the Member for her point. I agree absolutely. It comes across again and again that the policies of the British Government are wonderful for London, but here they just heap more pain on the poor.

So, to conclude —

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

**Mr Ó Muilleoir:** I am sure that there will be other Members and other opportunities to intervene.

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

**Mr Ó Muilleoir:** OK.

**Mr Cree:** I thank the Member for giving way. I would love to discuss further with him the 36th (Ulster) Division, the 16th (Irish) Division or indeed the 10th (Irish) Division. It is unfair to compare the people who were in command there with the people in Westminster. That is an unfair comparison, so I will leave that thought with you.

The Member referred to the International Monetary Fund document. Obviously he has read all of it, so he will have read the bit that I referred to earlier, which talks about debt being a burden on the economy that reduces both its investment potential and its growth prospects. That is the other side of the coin. Before I sit down, I ask Mr Ó Muilleoir what tax increases he would advocate at this time.

**Mr Ó Muilleoir:** I thank the Member for his intervention as well. It is great to see such a lively Chamber all of a sudden.

I want to finish off not by going back to the ping-pong of debate but by paying tribute to the people we serve. I

think that, from Tattyreagh to Taughmonagh, the people we serve are lions. They deserve the best of what we can offer. Our aim is to make sure that they can get the services that they are entitled to. Our aim is to build a fair and prosperous economy, so the lions we serve, whether from the Shankill or the Falls, deserve better than blind obedience to the Tory donkeys or English Ministers. That, I think, will form the core of our approach to our colleagues in the time ahead. They may not forgive me for calling them donkeys one minute and colleagues the next, but our approach to our colleagues in Westminster in the time ahead is going to tell the tale of how well we do for the lions whom we serve.

**Mrs D Kelly:** I am sure that it will not come as any surprise that the SDLP remains consistent in its approach to the Budget and in its concerns about it, which we expressed back in February. Unlike some, we did not believe that it was the "best deal possible", as our deputy First Minister stated at the time. The concerns that we have are exacerbated by the impending statement by the Chancellor on 8 July. Many Members have referred in their contribution to the Stormont House Agreement, yet the Budget that was agreed in the context of the Stormont House Agreement has been reneged on significantly already by the Tory Government, with some £38 million in in-year cuts. I appreciate that the Finance Minister may say that they are delaying the cuts until next year, but that is only symptomatic of how further cuts are being kicked down the road. We are left in a situation in which we are being asked to accept a Budget that will fundamentally change in early July.

If some of the whispers emerging from Westminster are to be believed, the Tory Government's target on 8 July will primarily be the working poor. Family tax credit and working tax credit are where I am informed the cuts will fall. I say that based on recent reports, including one from only yesterday in which the Office for National Statistics (ONS) found that the average household income of working families here is almost £6,000 less per family compared with regions across GB. That is something that should worry all of us. We have not seen any proposals coming from the Minister for Employment and Learning or others on zero-hours contracts and the implications that they have, particularly for many young people and many working women.

**Dr Farry:** I thank the Member for giving way. For her information, there is a paper currently before the Executive that would introduce a stronger version of regulation of zero-hours contracts than is available in any other part of these islands. For different reasons, a certain political party has not seen fit to authorise that paper to progress to the next level.

**Mrs D Kelly:** I thank the Member for his intervention and that information. He will appreciate, of course, that I am not privy to whichever papers are being held up in the logjam that is OFMDFM. I guess that it sits on the same shelf as the anti-poverty strategy, a fulsome childcare strategy, the gender equality strategy and the racial equality strategy. I think that we in this party, along with many people in the community and across the non-governmental organisations would have greater confidence in the ability of the Executive if they were to deliver a Budget that actually prioritises the needs of our people above party interest. We are going to have a debate later today on a

matter where we have seen party interest coming well before proper probity in the behaviour of some Members.

#### 4.15 pm

I regret to say that we in the SDLP will not be able to support this Budget at this stage. It is, of course, a Budget that is without a Programme for Government. As many Members have said, in times of austerity, you start to look at how you can work better together and more collaboratively. We are not seeing that. Some Members have also talked about the cost of division. Only in the last couple of months, the Chief Constable said in answer to me that the cost of policing a divided society is some one third of the overall police budget, which, as you are aware, Mr Principal Deputy Speaker, equates to up to £200 million.

If we want to talk about how we need a Programme for Government and a Budget that is sustainable, we need to deal with some of the fundamental flaws in how this Executive and this society seek to move forward in building a better future for all of us. Today, we have seen an Auditor General report on how some of the systems in education are putting increased pressure on the priorities of government because of the cost of a lack of sustainability of some schools and how there are some difficult decisions to be taken. When Members and Ministers talk about some parties not being up to making some of the difficult decisions, they should reflect on some of their own leadership and decisions. They have a responsibility to move all of society forward.

I know that this is to be a very long day, and I do not want to prolong it unnecessarily. Many Members have commented on the Budget. However, I think that there are few Assemblies, devolved Administrations or Governments that would speak about a Budget in the absence of a Programme for Government or any sense of purpose or collaborative working and Executive decision-making. In this Executive, we are even seeing one Minister taking another Minister to court. Surely what we need to get back to is a sensible working relationship where people respect each other's mandates and make the good of all the community the main priority. The behaviour of the British Government in making welfare a Budget issue is reprehensible. They should reflect on their position and how, in their behaviour and approach to Northern Ireland, they have been one of the most partisan Governments that there has been in a very long time.

**Mr Murphy:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I accept that this has been a very difficult and challenging Budget, right from its inception back in January. As has been said, its broad principles were debated and it was voted on in March. As Members will know, what we are essentially doing is voting to pay out the second half of a Budget that has already been agreed.

The recognition that the Budget itself was quite difficult and challenging for all of us has been reflected in the contributions throughout the debates both then, which I observed, and on the Budget (No. 2) Bill, which I have participated in. By and large, those contributions have been quite measured, regardless of what position people have come from on it. That was also reflected in the fact that, when a division was called, only a small handful of MLAs went through the Lobby to vote against the Bill. I am not sure what the outcome will be today, but, certainly, to date, it has been met with the active opposition of only two

or three MLAs. That reflects an understanding that this is a very difficult situation and is not just the normal cut and thrust of political Budget debates that we have had over many years in this institution. It is also a recognition that we are facing very significant challenges and that we need to create some space to try to address those, to resolve our differences on the outworkings of the Stormont House Agreement, and then to collectively face the challenges that are coming at us.

Nobody, whatever their political party or viewpoint on how we meet those challenges, remains unconcerned about what is coming down the road at us. That crosses all parties, regardless of their position. Of course, we have different views, as my colleague from South Belfast outlined, on how the challenges should be met, and, sometimes, you despair of people's approach to that. The situation in Greece was mentioned. We do not face the same economic difficulties as the Government and people of Greece face, but there is one common aspect: they have a democratic mandate to follow the course of action that they are following. We have a democratic mandate in this institution to try to provide public services, to protect front-line services and to help to develop, sustain and recover our economy. The policies coming from Westminster are in direct contravention of the democratic mandate that we have been given by the people whom we represent here. That presents us with a very significant challenge. The response to that is not to raise some objections and then, basically, get on with what you are told to do; it is to together — first in this institution and then, collectively, with other institutions that face similar challenges — see what can be done to try to offset what is coming at us.

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

**Mr Murphy:** Yes. I understand that the Member was frustrated when trying to get in earlier.

**Mr Dickson:** Perhaps "frustrated" is the right word, because there is a constant call for more talking and engagement, but we have had the election — it is over. We now have a Government in place, and they have set their policy and face in a particular direction. The Scots and the Welsh are in a slightly different situation when it comes to welfare reform because they do not have their hands on the levers in the way that we do, but, in essence, there is very little difference, except that we have the space to make some change. We made that change, and we all agreed to it in the Stormont House Agreement, yet people seem to want to unravel that agreement and walk away from it.

Very good arguments are being made in the House today about how we need to face up to austerity and deal with the political philosophy of the Tory party. I do not think that many in the Chamber, although there must be some, agree with that philosophy. Many in the Chamber profoundly disagree with it, but the way to disagree is to accept the outcome of a democratic election. Northern Ireland, whether you like it or not, is part of the United Kingdom. You had, along with the rest of us, the same opportunity to fight for, win and lose seats in that election. As a party, you were sufficiently fortunate to gain seats. Why do you not use them? Why do you not go and sit in their Chamber, eyeball the Chancellor and tell him what you are telling us today? That, in a mature democracy, is what parties should



do to deal with the issues, rather than continually whining about what you want to do but never actually achieving it.

**Mr Principal Deputy Speaker:** I remind the House that all interventions ought to be short rather than the delivery of a speech.

**Mr Murphy:** I do not blame the Member for the length of his intervention; I blame the Member who spoke previously for not allowing him in. *[Laughter.]* Obviously, he had quite a lot to get off his chest.

On one hand, the Member says, "Accept the democratic outcome of the election", although none of us here was mandated to accept that type of policy, "shrug your shoulders and get on with it." On the other hand, he says, "Go over to Westminster just so that you can show your face and shrug your shoulders in person". That is not the way in which we approach matters. Anything that has been gained for the benefit of the people whom we have collectively represented here since the Good Friday Agreement has been negotiated directly with British Governments; it has not been achieved on the Floor in Westminster. By the way, on respecting mandates, the mandate that our members who were elected earlier this year received was not to take their seats; the mandate that people gave them was not to take their seats.

I also have some doubts about his opposition to the Tory policies. I have sat through various meetings in Stormont House, as many Members have, and listened ad nauseam to lectures from the Secretary of State. I often wondered whether they were penetrating with anyone. When I heard Minister Farry speaking earlier, I realised that I had finally found someone with whom Theresa Villiers's ideology had gelled. That seems to be the way in which he is approaching matters.

They are very serious challenges. We can disagree on how we will meet them, but meet them we have to, one way or another. There is the £38 million of in-year cuts, which were not part of the Stormont House Agreement, Stormont Castle Agreement or any other agreements. How they are met is obviously a matter for further discussion. They are not part of this Budget Bill; that has been accepted. There is the further £25 billion of cuts, some of which will be outlined in the 8 July statement. There is the attack on tax credits that has been referred to by a number of people; I think that Mrs Kelly referred to it. Minister Farry referred to the latter as a means to get people from benefits to work.

I listened to the Finance Minister outline her view in Question Time on the attack on working tax credits. It reflected very much what the First Minister said to the Secretary of State last week in Stormont House. He challenged her on this mantra that cuts to welfare entitlements are about "getting people back to work". He made the point clearly, which I think the Finance Minister and many others reflected, that to cut tax credits is to drive people back out of work and into the benefits system. There is no logic to any of that, should one even try to consider the position of the Tory Government. Even this morning, it was announced that 150 MPs are trying to pressurise their own Government into cutting the top-end tax rate, I presume with some sense that they will have a successful outcome. You can see clearly the direction in which people are travelling. That presents a very serious challenge. People talk about getting real and realpolitik.

That is the realpolitik that is coming down the track at us. We can hoist the white flag and say, "There you go, that is democracy", or we can ask what the point was in having an institution here with a democratic mandate to fight for and represent the people who voted us in.

**Mr Poots:** I thank the Member for giving way. I hear all that you are saying. However, the reality is that, in effect, we are not taking one single additional penny from the Westminster Government. What we are actually doing is dipping in to the Health, Education, DSD, DRD and every other Departments' budgets and putting it into a subsidised welfare system that is not available anywhere else in the United Kingdom.

**Mr Murphy:** That is what the parties agreed to at the Stormont House talks. They agreed to create our own bespoke system to try to offset the welfare cuts. In recognition of the completely heartless approach that the Westminster Government were taking, we, the five parties, agreed to take that approach. We want to honour that agreement and to get back to the detail of it. As I said, it is not about turning around the approach that the Westminster Government are taking; it is about trying to find a means whereby we can offset it.

In many ways, people can criticise, justifiably on certain occasions, the performance of the Executive, but the Executive have effectively cushioned people from the worst impacts. They have cushioned people from water and prescription charges and have maintained free transport for the elderly. They have put in place a system to cushion people from the welfare cuts, and their refusal to implement the cuts that have come to date has managed to cushion people from all that. As this Government's further direction of travel becomes more apparent — bear in mind, they were elected only in May and have a mandate that they intend to impose on us — we are facing very serious challenges further down the line.

Whatever our disagreements about some of these matters, we recognise that austerity and the approach that the British Government have taken have damaged and are damaging the vulnerable. We agreed to set aside our own resources to try to deal with that. They are damaging the working poor. They are restricting our ability to provide front-line services, and they will undermine any prospect of economic recovery for the people in this part of Ireland. So, I think that there are serious challenges for us. I think that the Budget (No. 2) Bill that will be passed today gives us some space to try to get to grips with all that, but we face very serious challenges to this institution. Nobody should be under any illusion that that is not the case, because I think that we are moving into a situation where we will not have sustainable or workable budgets, which is what the Executive require going forward. That is the case that I think we need to put collectively to the British Government.

#### 4.30 pm

**Mr Attwood:** First, I want to apologise; I missed a lot of the Minister's reply on the last occasion as I had to attend to a small family matter. I know that she made some reference to a TV programme — I think that it was 'Little Britain'. I am not too familiar with that programme, and that perhaps reveals the television-watching habits of the Minister. She referred to the SDLP as being like some of the comments that were made by one of the characters in that programme. I want to make it absolutely clear that,

whatever parallels she may wish to draw between the SDLP and 'Little Britain', I, for one, do not cross-dress, I do not tell many jokes and I am certainly not as overweight as the character to whom she referred. Dr McDonnell and Mr Ramsey may want to address those issues in their own time, but I want to put it on the record that that is where I stand on all those matters.

I want to respond to some of the comments that were made by Dr Farry. I will not delay very long in that regard. However, I want to say this: Dr Farry said that it was "utterly bizarre" of the SDLP to not oppose the Budget last week and to vote against it this week. I remind Dr Farry that, across the lifetime of Budgets and Supply resolutions in the House, the SDLP has not blocked Supply resolutions, because they release money to fund our public services and our public employees. However, since 2011, we have consistently voted down Budgets. That is not utterly bizarre; that is very consistent.

What is bizarre is that, as with the SDLP, the Alliance Party backs Supply resolutions, but, when it comes to Budgets, it flip-flops: opposing Budgets at one time in the last year and now flip-flopping to support a Budget this evening.

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

**Mr Attwood:** I will in a second. That is what is utterly bizarre in our view.

In my judgement, that point has been rammed home. Dr Farry sat next to his party leader at a meeting of the four parties and the two Governments last Thursday morning, and there was an exchange between the Secretary of State and David Ford. David Ford asked the Secretary of State, because he had not got an answer, whether £30 million of moneys arising from the Stormont House Agreement, which are allocated for each year of five years for dealing with the past, could be carried over into the next financial year if they were not spent in this financial year. I was there, and all the other parties were there. Mr Murphy was there —

**Mr Allister:** I was not.

**Mr Attwood:** Mr Allister was not there. The Secretary of State bluntly told Mr Ford that the money would have to be returned to the Treasury and could not be rolled over.

At the risk of breaking the confidence of that meeting, Mr Ford then advised the Secretary of State that he, to use his words, was "grossly insulted". When she said that she did not intend to insult anybody, Mr Ford replied that all the people who have been working for the last six months to put flesh on the skeleton of the aspects of Stormont House that his office was dealing with would be insulted.

Dr Farry came to the Chamber and said that it was utterly bizarre for the SDLP to do what it is doing, when his party was told, as all of us were only a matter of days ago, that moneys that were meant to be committed in Stormont House and which all of us believed were ring-fenced for the Stormont House Agreement, revert back to the Treasury if we do not spend them in-year on dealing with the past. That is what is utterly bizarre. It is utterly bizarre that anybody can claim that we are inconsistent on the issue of the Budget when the British Government is, piece by piece, beginning to challenge the fundamentals of the Stormont House Agreement when it comes to budget, including the fundamentals, even in-year, for dealing with the past.

Can you imagine a situation in which, after all the monumental efforts by victims and survivors to deal with that issue in a comprehensive way, the Secretary of State has the audacity to say to them that the money that was allocated for their interests and needs and to bring about truth and accountability will be returned to the Treasury if it is not spent?

Dr Farry does not seem to be insulted, upset and angry, if not on his own behalf then on behalf of victims and survivors when it comes to that issue.

**Dr Farry:** Will the Member give way?

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

**Mr Attwood:** I will give way in a second. I am going to give way to everybody. I have no issue about doing it.

It seems to me that, to go back to the nursery rhyme, if there are 10 Ministers in the bed and one is asked to roll over, the first that rolls over is Stephen Farry.

**Dr Farry:** That is an interesting way of introducing the intervention. I am grateful to the Member for giving way. Before moving on to the issue of dealing with the past, if we are talking about what happens behind closed doors, issues of consistency and principled stances on budgets, the Minister of the SDLP, in January — not in November, as people tried to correct the record to say, when I made this point back in Second Stage — came to me and David Ford and asked us what our party was doing on the Budget when the Executive, at the very first stage, was about to take a decision on the final Budget facing us, saying that they were thinking of abstaining. When they found out that my party was going to vote against, the SDLP voted against. That is what happened behind closed doors. There is the point in terms of consistency.

The second point to make is that Mr Attwood is getting very exercised about the British Government doing a U-turn around the funds in Stormont House. My party leader is angry, and I am angry. I think that a lot of people have every right to be angry. The fact that they are defaulting on that is important; however, it is not germane to the discussion today as to whether we balance our books.

The other point that is worth making is that, while the UK Government are defaulting, part of the reason why we are hamstrung in getting on with implementing the measure to deal with the past is that we are not in a position to implement Stormont House in full, because that is itself caught up in the impasse on welfare, which results from his party, and, indeed, Sinn Féin, welshing on the deal that was struck in December at Stormont Castle.

**Mr Attwood:** I thank the Minister for attempting to rebut the arguments that I just made. If there is an issue about dealing with the past — this is a point that the SDLP made at the meeting last week — it is actually even more fundamental than the issue of money and the fact that there is an impasse around issues of money and budget that might be informing and affecting other aspects of the Stormont House Agreement. The fundamental challenge to Stormont House on the past is how those with information and knowledge have conducted themselves since Stormont House was signed, because there has been a series of revelations and programmes that deal with the activities of terror groups and state agencies, and the narrative of those is quite clearly an attempt by people in

command and control to suppress truth and accountability. What confidence does that give to victims and survivors?

Even with the thresholds of Stormont House — which the SDLP believes were lacking in a number of regards — since Stormont House, in order to test the intentions and good faith of those with knowledge, the answers that have come back for those with knowledge in state agencies and in other illegal organisations have done nothing to convince victims and survivors that the ambition of Stormont House, moderate though it was when it came to justice, truth and accountability, is going to be fulfilled. That is the fundamental issue, in our view, when it comes to Stormont House, over and above how all the other issues are becoming more challenging because of the wider welfare issues.

I also say to the Alliance Party before moving on — I will say it subject to correction in Hansard — something that Mr Murphy picked up. It was the comments of the Member from East Antrim. He made an argument — this is how I wrote it down, so it may be inaccurate — that the way in which to disagree with the London Government and their policies is to accept the democratic outcome of the election. Work that one out: the way in which to disagree with them is to agree with them. That really is, to borrow Mr Farry's phrase, utterly bizarre.

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

**Mr Attwood:** I will.

**Mr Dickson:** There is nothing totally bizarre about the statement at all. It is quite simply that we have to start from the premise that we accept the democratic outcome of the election. That is the reality. Once we have recognised that reality, we are in a position to negotiate with those people. Therefore, we know their position and we know the arguments that we need to make and deploy to rebut their arguments. At the end of the day, that is a democratic decision. It is the will of the people, and they have the right and the mandate to deliver what it is they wish to deliver. We have to negotiate and manoeuvre within that. It is simple.

**Mr Attwood:** In order to try to be a bit more productive, it might be better for me to try to shape, as the SDLP sees it, how we will actually deal with the issue that the Member has just mentioned, namely how best to negotiate with London on all these matters. In that regard, I have a number of questions to ask the Minister. She may or may not be able to answer them now, but it might be productive if we can begin to answer them.

First, in the debate last week, the Minister said the following about the £50 billion HS2 project:

*"Even if it does go ahead, we will engage with Her Majesty's Treasury because, of course, there may well be Barnett consequential in relation to HS2." — [Official Report (Hansard), this Bound Volume, p182, col 2].*

I thought that was a curious phrase because, following the announcement about HS2, there seems to have been a bit of an elephant in the room when it comes to budgets, namely whether there are Barnett consequential or not. If there are, given the scale of HS2 and £50 billion, pro rata, that would probably mean a Barnett consequential for here of over £1 billion if my sums are correct.

**Mrs Foster:** HS2 has not started.

**Mr Attwood:** I understand that. I will come to that point. Has it started or will it ever start? My question is this: given that the Minister has put it out there on the public record that we will engage with HMT, obviously to see whether there are Barnett consequential on HS2, is anything coming or privately understood, even at a party-to-Government level, never mind a Government-to-Government level, in respect of HS2, because the use of the Minister's words, "may well be Barnett consequential" seem to me to be potentially pregnant with something or other. We will see whether the Minister can give an answer on that particular matter.

In any case, if there is any money coming and anything that any party or Minister thinks might be able to get us over this hump, let us put down some words of caution because, last week, the British Government were forced by the Information Commissioner in London to publish a 2012 report on the Major Projects Authority (MPA) assessment of HS2. After this document was suppressed by the British Government, which they had to publish last week, they were going round saying, "Look at HS2. Look at this £50 billion project. Look at the free beer tomorrow." This is what the Major Projects Authority said:

*"The Department believes however that the costs of this project are so large, and over such a long period, that it will not be able to afford it alongside all its other likely spending commitments."*

The MPA report that was published on Thursday continues to grade HS2 as amber/red, a reading that means that successful delivery of the project is in doubt, with major risks or issues apparent. If something is coming in respect of HS2 and there is some private understanding — maybe there is not — let us be cautious about it.

Let us be doubly cautious, because the report that the Secretary of State for Transport was forced to publish last Thursday was published on the quiet on the day that the Minister had to go to the House of Commons and say that they did not have the money to do a lot of other projects, including rail projects between Manchester and Leeds. The British Government have promised money to do work on the rail network in the Midlands and made a commitment to do HS2, yet, as we see from last Thursday in respect of the money for the rail project in Leeds and Manchester and HS2, there are huge question marks. In the Minister's response, maybe she could put more shape, if there is any more shape, on the words that she entered into the record last Thursday.

#### 4.45 pm

The second point that I want to make to the Minister — Mr Farry is away now, but Mr Murphy will remember this — is that, curiously, at the beginning of the meeting last week, the Secretary of State raised a number of matters that she thought that we needed to discuss. Those were the commission on flags, parades reform, inquests and paragraph 10. That is all she said: paragraph 10 of the Stormont House Agreement. What does paragraph 10 of the Stormont House Agreement refer to? Under the heading "Medium and longer term reform", paragraph 10 states:

*"These plans will include delivery plans and implementation timetables that allow at least some*

*measures to be delivered in 2015-16 and others as soon as possible thereafter."*

Of all the issues that are out there at the moment, why did the Secretary of State choose to raise paragraph 10? That is a question worth asking. What was she getting at with:

*"measures to be delivered [this year] and others as soon as possible thereafter"?*

This will be very relevant to the Minister, because she is the Minister who is now responsible for Finance but was previously responsible for Enterprise, Trade and Investment, and is and was a key person in respect of corporation tax. The last part of the annex to the Stormont House Agreement, which deals with financial issues on behalf of the British Government, is about corporation tax. The Minister referred to that last week when she said that it may or may not be managed in 2017. In the paragraph on corporation tax in the annex, the British Government put in not once, twice or three times but four times — sorry, five times — "long-term sustainability", "to deliver sustainable finances" and so on. That is five times in the space of half a paragraph — the Minister might be reading it at the moment — in less than a page that the British Government refer to corporation tax being devolved in the context of long-term sustainability, delivering sustainable finances and so on.

As Mark Durkan revealed, through questioning the Financial Secretary to the Treasury, Mr Gauke, at a Committee meeting about corporation tax in February, the British Government are holding to sustainable public finances when it comes to the devolution of corporation tax. They have put it up in big lights that devolution will come if there are sustainable public finances.

In the view of the SDLP, when it is hard to interpret all these things, that is why the Secretary of State referred last week to paragraph 10 of the Stormont House Agreement rather than the financial annex, which deals with long- and medium-term reform in-year and over the coming years. In our view, that is the agenda of the British Government: when it comes to corporation tax and public finances in the North, they have ambitions for what they think is delivering sustainable finance and long-term sustainability.

That is why the cautious and vigilant approach has to be to see what happens on 8 July.

On the far side of 8 July, if rebalancing the economy as the British Government understand it and if sustainable public finances are their ambition, as they say repeatedly, does that mean, not 20,000 exiting voluntarily, but 20,000 more above that and, if you cannot fund it, then you have to do it involuntarily? If it is the case that the British Government on 8 July are going to tell us what the in-year welfare cuts will be — and that seems to be the shape of things to come — because the Secretary of State at the meeting last Thursday, whilst she made it clear that there may not be further in-year cuts to the Budget, although she was not certain about that, was less reassuring, indeed very unreassuring, when it comes to in-year cuts and welfare, the very issues that Mrs Kelly was referring to in respect to those on working tax credit.

Given the narrative, given the words, given the reference to paragraph 10, and given the five references to sustainable public finances in the last paragraph of the

financial annex to Stormont House — words held dear by the British Government — is it not necessary, whilst I understand why people, and I will come back to that briefly later, want to deal with the issue of welfare, for all the parties, which are going to have the weight of the Budget cuts in the first two years of this Parliament, all in aid of sustainable public finances, to see the true lie of the land after 8 July?

It is not just the issue of how many more redundancies there might be, voluntary or involuntary, but water charging and all those other ambitions of the British Government, which they have deployed across Britain, especially in England, and which they seek to deploy here, because that is what they mean by sustainable public finances. That is why the SDLP is being consistent in voting down this Budget, and there was a little hint from one of the parties at the meeting with the Secretary of State and the Irish Minister of Foreign Affairs that maybe the penny is beginning to drop and that the scale and speed of the 8 July measured against their understanding of sustainable public finances is something that we should very much caution ourselves against.

I ask the Minister to respond, because she is on the inside track, having been, more than anyone else, the point person when it comes to corporation tax. Both in her previous role and in this role, the Minister has been the person who knows, if anyone does, the mind of the British Government and what they mean when they say that they will not devolve unless public finances are sustainable. What does she think that means? Is that acceptable? What is the character and content of all that come 8 July?

I asked her the following question the last day, I think. I do not know if I got an answer; I could not see it in Hansard. The relevant paragraph of Stormont House says that there will be a final balanced Budget by the end of January. How do you reconcile that with £38 million of in-year cuts? I can see an answer, but why, if it is a final balanced Budget, would £38 million sit comfortably next to that? Secondly, is she not herself concerned that, beyond the £38 million, the residue of £30 million of unspent moneys for dealing with the past will go back to Treasury this year? Is that the integrity of the Stormont House Agreement? We do not think that it is, but I am prepared to hear the argument of the Minister. More important than any of that are the figures published yesterday by the Office for National Statistics, which Mrs Kelly referred to, and if they do not tell us that the scale and speed of austerity that London is proposing or is likely to propose on 8 July will ravage our people here, I do not know what will.

The Office for National Statistics confirmed yesterday that the average income per household in the North is £25,540, which is the least in all regions of the UK. The average is £32,000, with London at £39,000. Those are the published figures from the British Government. We have the least income, and the Office for National Statistics also confirmed that we have the worst relative low-income threshold for children anywhere in Britain and Northern Ireland.

We have the worst healthy life expectancy for males of any part of Britain and Northern Ireland. We have the worst life expectancy for females of any part of Britain and Northern Ireland. We have the worst figures for numbers of the population aged 16 to 64 with no qualifications and the worst figures for numbers of the population aged 16 to 64 with a qualification at NVQ level 4 and above. We have the



worst income, we have the worst health, we have the worst figures when it comes to people with no qualifications and we have the worst figures when it comes to people with qualifications.

**Mr McCallister:** I am grateful to the Member for giving way. I have a few points to make. I hear his talk about the figures in health. I constantly talked about early intervention throughout our welfare and Budget debates. He will know that I think that we were wrong to go down the track of giving away £564 when we should have been looking at earlier interventions to address the very issues that he has talked about.

In the earlier part of his speech, the Member talked about the SDLP consistently voting against the Budget. Does he think that that position is consistent with being in government? Given the points that he has made, does he now support the Stormont House Agreement, or is it in tatters? Why is he is talking about the integrity of the agreement as if it is some precious document, when it is clearly in ruins? The Executive sending a Minister to stand up to and negotiate with the UK Government seems absolutely bizarre when they cannot even negotiate with themselves. I ask him to address some of those points?

Early intervention is the key. We are now eight years after devolution. Sinn Féin has had the education portfolio for about 10 of the past 15 years, yet we still have those figures that the Member has just read out. That is where the failure lies.

**Mr Principal Deputy Speaker:** Once again, that was rather a long intervention. I call on Members not to abuse the privilege when a Member gives way and ask that they all keep interventions short and to the point.

**Mr Attwood:** Very quickly, our position on the Stormont House Agreement is that we said that we would acknowledge the good and build on and rectify the bad. That remains the case on all aspects of the agreement. That was the position that we adopted on the day and hour that it was signed, and it remains the position. You could argue that there is a tension between being in government and some of the narrative that I have put forward, but that is the character of political life, and you have to work it all through.

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

There is one point to make, more than any other. Given the scale and speed of what London is likely to do on 8 July, given that that may be of a character even greater than anyone could have reasonably thought would be the case at Stormont House or at any time since and up to the election, given what the Office for National Statistics outlined yesterday about income levels in the North and given its figures on the profile of our people across a whole range of categories, does that not warn us, eight days from 8 July, not to put all our eggs in the Chancellor at Westminster's basket? The consequence of that is that a lot of the eggs will be broken, and we will not have any leverage on all and any of that.

There are two final points to make. Earlier, I raised with the Minister at Question Time the case that the High Court adjudicated on this morning. It was taken by the Committee on the Administration of Justice (CAJ) and was a judicial review (JR) on an anti-poverty strategy. It is still early. I do not think the written judgement is available; it might not be available for some time. Therefore, we

have to wait to see all that Mr Justice Treacy said in his judgement.

## 5.00 pm

What we know is that the CAJ won its legal challenge and the judicial review was granted, which Justice Treacy confirmed, despite a legal obligation that arises from the St Andrews Agreement and the legislation that gave effect to it. It is not some warm, meaningless phrase, or some aspirational declaration from a government or party. It is hard Westminster law, agreed in a hard negotiation in St Andrews which brought the institutions back from suspension. Justice Treacy said that there had been a failure to adopt a strategy:

*"to tackle poverty, social exclusion and patterns of deprivation based on objective need."*

No such strategy has been adopted, and therefore the Northern Ireland Government has breached its legal obligation.

Subject to correction, from what I understand, the defence offered by the Government was that the Programme for Government is an anti-poverty strategy. I do not think that argument prevailed, but it says a lot about the character of the Government, and probably about the character of OFMDFM. It also says a lot about the character of the rest of us that a non-governmental human rights organisation was what brought that to a head, by going into court and exposing the truth of a failure to live up to a legal obligation. The question that arises from that, subject to what the judgement actually says, is how that then works itself through in relation to budget and welfare now. There is a legal obligation to have an anti-poverty strategy, and government policy has to be measured against that strategy, but there is no strategy. What are the consequences and complications, if any, of all of that?

I will just say that all of us, which does not exclude me or the SDLP, are basically working in a false paradigm. It has become a matter of "Do welfare now", "Don't do welfare until 8 July", "The Budget does not mean much when it comes to in-year", or whatever. What we need is a paradigm shift in the conversation that we have, and then a paradigm shift that we can unite around that will get people to listen better than they do at the moment. That is in a context where I do not rely on the intentions or good faith of the British Government. They casually say to all the parties, "You knew what was coming, so you cannot protest." Nobody in the Chamber can say, with hand on heart, that what is coming on 8 July was what any of us conceived of even six months ago, never mind six weeks ago before the election. The scale, brutality and range of that, and the impact on the profile of our people, will be so devastating that we need a paradigm shift that recognises all of that and moves us on some way or another.

In doing so, I want to say very clearly that, although Minister Storey is away now, I spoke to him the other day, and we still want to resolve the immediate issue of welfare. In my view, it can be resolved. It will need some lateral thinking, and it will need us to move beyond the boxes in which we have chosen to place ourselves, but we can resolve the welfare/Stormont House issue per se. However, it has to be resolved in the context of all of us recognising what 8 July will mean and how we will all need to respond to that.

**Mr Allister:** Here we are at the Final Stage of the Budget (No. 2) Bill. When one casts one's mind back to the debate on the "Budget (No. 1) Bill", it was in a spirit of great euphoria. There had been a deal. There had been a breakthrough. I think, in the words of the deputy First Minister, there was a new start.

Some new start, when we come to today and the rancour, the fallout and the reality of the miserable failure of this budgetary process. Those who were contributing to the euphoria about the new start then welshed on the great breakthrough deal that they had made, leaving that agreement in tatters. This Budget, effectively, is a Budget in tatters because it is not at all balanced.

Supply and Budget have lain at the heart of democratic governmental arrangements for centuries. Governments spend the public's money on the premise of approval of Supply by an elected Parliament or Assembly on the pretext of a balanced Budget. That is the essence of budgetary facilities and arrangements, but not of this Budget, which, by everyone's admission, is not and probably cannot be balanced. To that extent, it is a fraud and a deceit. It is, in itself, testament to the failure of these institutions, because this is a failure and a crisis that was made right here. It was not made in Westminster or anywhere else; it was made right here in Stormont.

**Mr Agnew:** I thank the Member for giving way. Does he agree that the level of disagreement that we have seen in the debate, given that only Executive parties have spoken so far, shows how dysfunctional the Executive have become?

**Mr Allister:** Indeed, it speaks for itself. It also speaks for itself that those same Executive parties have meetings with the Secretary of State, and such is the level of distrust that affects those meetings that representatives who were there come and talk freely and openly and contradict each other about what happened and what did not happen. It all speaks, I am sure, to a great cogency in government — I do not think so. It speaks to a Government who are themselves in tatters, as well they deserve to be. It is a system that was never going to deliver good, durable government. It is a system that depended on the pretence that all who were in it were, in fact, in it to give good government. Some who are in it are there to make sure that we do not have good government and to make sure that Northern Ireland does not succeed and that failure is writ large in Northern Ireland. It is no surprise to me that we have this miserable, compelling level of failure from these institutions.

I now turn to the essence of unreality that imbues so much of what Sinn Féin in particular has been saying in the Budget debates. Having embraced the Stormont House Agreement, they then discovered or were told that that was not the way that they wanted to go and distanced themselves from it. They now seek to move on to the territory of making themselves the anti-austerity champions. Part of that narrative is to tell us that the cruel institution called the British Government have already imposed £1.5 billion in cuts on this poor, struggling Executive and that, since 2011, that has been the hand dealt to them by Westminster — a staggering £1.5 billion in cuts. The obvious question is this: who implemented those cuts? The £1.5 billion of cuts were implemented by Minister McGuinness, Minister McCann, Minister O'Dowd, Minister Ní Chuilín and Minister O'Neill. Every one of

them implemented the very cuts and austerity that they now pretend to be the arch opponents of. Their stand on austerity is a fraud and a sham, because for three or four years now they have been the deliverers and implementers of austerity. Now they come to the House and say, "On the great principle of being the anti-austerity party, we will not touch this. We abhor the fact that the Chancellor might actually do his job as Chancellor on 8 July. We will not live under any austerity". What do you think you have been doing for the last four or five years? You have been not just living under it but implementing it. So away with this cant and hypocrisy that attends so much of the current expedient stance of Sinn Féin on the issue.

It is a sham, and, of course, it is a sham built on some crazy economics. There has been reference to people, ostrich-like, burying their head in the sand. It is no coincidence that the ostrich has one of the smallest brains in the animal world. There is no coincidence whatever in that analogy. What does Sinn Féin want? We got a little insight into what they want from a statement today by a Sinn Féin MEP on the Greek situation. He said that the Government should demand collective debt relief. The Sinn Féin philosophy is spend, spend, spend money you do not have, spend other people's money and then, when the debts are run up so high, the next demand is collective debt relief. It is a philosophy of "Write it off", as they wanted to write off personal credit cards. Now they think that international organisations can write off the credit cards of nation states. Their philosophy as far as the Northern Ireland Budget is concerned is "Never worry about the money; we'll just spend it". When it looks as if the money has run out, they will simply say, "Write off the debt. Collective debt relief is what we demand". That is the epitome of economic folly and unreality. It is that which has blighted; it is that which has brought the House into the disrepute of arriving at a Budget that is not balanced, probably will not be balanced and can probably lead only to the worsening situation of spending money that is not even there. Because the money is not there, of course, that same party will happily vote for it. It is happy to spend what is not there. It is happy to bankrupt us. Of course, that suits fine the philosophy that they embrace. It is because I am opposed to that philosophy and the folly of facilitating it that I will vote against the Budget tonight.

#### 5.15 pm

**Mr Agnew:** I do not intend to repeat my speech from a week ago, but the principles will be the same. It may be a case of reiterating rather than repeating everything. I made the point a week ago that Northern Ireland has the lowest average household income of any region of the UK. Just this week, the Office for National Statistics confirmed that, in the most recent calculations, that continues to be the case. That is despite the Executive and the Finance Minister, when she was ETI Minister, continually trumpeting the fact that we are outperforming all other regions of the UK when it comes to foreign direct investment. It has been assumed throughout the life of the Executive — I suppose that is one of the problems when you have a five-party Executive — that FDI, the great saviour of our economy, would solve poverty and all the other issues facing our society. Those of us who have consistently opposed the planned reduction in corporation tax, underpinned as it is by the search for ever more FDI to save our economy and to save our people, have long

argued — we have the evidence now that shows it — that often the jobs that are spoken of are low-paid and, in some cases, may even displace better-paid local jobs. If that is not the reason why we have not only the lowest household incomes of any region of the UK but, in fact, an increasing gap in income between this region and other regions of the UK and if it is not that part of the Executive's economic strategy that is failing, I call for those who endorsed it, promoted it and rolled in behind it to explain what the failure is. It is clear that, despite the commitment in the 2007 Programme for Government to reduce the gap between household incomes in Northern Ireland and Great Britain, that gap has widened under the last two Executives, and Northern Ireland households continue to perform poorly in relation to their GB counterparts.

He is no longer in the Chamber, but Mr Farry, as he did last week, sought to blame the Green Party for the mess of the Budget. I always find it "bizarre", which seemed to be the term used by Mr Farry and Mr Attwood in their exchanges, when the Government blame the Opposition — the people who implement the policies blame those who challenge them for the failure of their own policies. I find it hard to take lectures from the Alliance Party on these issues. The allusion was to my party's position on welfare reform, but, when we go back to the Second Stage debate on welfare reform, we see that Alliance supported it. That was welfare reform unfettered; that was the Tory cuts implemented in full in Northern Ireland before the Stormont House Agreement and before a top-up budget. Alliance signed up then. Indeed, during the Budget debate last week, Judith Cochrane tried to argue that, in fact, people would be better off if we simply implemented welfare reform quoting, as she said, DSD statistics, which, I suspect, were carbon copies of DWP statistics. I continue to argue that you cannot cut £115 million a year from welfare and expect the recipients of welfare to still be better off. It does not take a mathematician to realise that you cannot take money away from people and say that they have more money at the same time.

I am often asked what the difference is between the Green Party and the Alliance Party, and this issue has highlighted it better than any other issue could. In his conference speech, David Ford said — I paraphrase him — that we cannot afford the cost of protecting those on welfare. He estimated the cost to be around £200 million, although that is in dispute. Straight after that, he said that we must be able to afford the reduction in corporation tax. That, for me, highlights the priorities of the Alliance Party and how it contrasts with the Green Party.

It is not the case that we cannot afford to protect those on welfare; it is that the Alliance Party would choose not to afford it, which is why they supported welfare reform at Second Stage, before any top-up had ever been agreed, and why they said that they could not afford what they say is £200 million but what DSD would say is £115 million to top up the benefit system. However, they must afford — we must afford — £300 million per year to give a corporate tax break.

**Mr Weir:** I thank the Member for giving way. Given the fact that, for instance, for corporation tax, and let us leave that debate aside for the moment, those are projections for future years and that, presumably, the Member would put this additional money in this year — because we are talking about the Budget as we project forward, not actually the impact at a future year of corporation tax —

which Departments would the Member cut, which schools would he close and which hospitals would he close to make way for the additional money that he would say is needed, on top of what has been agreed in the Stormont House Agreement?

**Mr Agnew:** I thank the Member for his intervention. This is a point that I was going to come to later in my speech. One of the reasons why we are opposed to this Budget is that it is based 100% on cuts. The Green Party has not been shy to say that it would seek revenue-raising measures. We have been honest. I know that the Member would go out to our constituents and say that we should save the beds at Bangor Community Hospital, and we have said, "Well, that costs." There should be revenue-raising measures. I made the point about the cap on rates — I know that the Minister made light of it, and it is only part of that revenue raising. I have said, and I have been very up front, that my constituents in Kilcooley should not subsidise the rates of my constituents in Cultra. I will be honest with the electorate and say that, if we are to keep our hospital open —

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

**Mr Agnew:** I will in a second. If we are to keep our hospital open and to keep those beds, if we are to keep our public services and if we are not to cut the numbers of teachers in our schools, those who can afford to pay more should pay more.

**Mr Weir:** I thank the Member for giving way. He has raised the issue of the rates cap. Even if we were to follow the Member's advice on that, it would raise perhaps £7.5 million; yet the Member is talking about an extra £150 million, in addition to the £600 million that will not be available if we do not implement the Stormont House Agreement. On my reckoning, and roughly speaking, the Member has filled 1% of the gap. Where will he raise the revenue to fill the other 99%? He has mentioned one particular policy. Where else does he see revenue raising coming in? I think he needs to be quite specific on that.

**Mr Agnew:** I thank the Member for his intervention. I and my party did not negotiate, sign up to or agree to the Stormont House Agreement. We did not agree to link welfare to redundancies in the Civil Service or to the victims issues that Mr Attwood referred to. You are almost saying this: if you assume that we have the Stormont House Agreement, which you did not sign up to, then what would you do? The point is that we would not be in this position because we would not have gone in.

Of course, one of the great drivers of the Stormont House Agreement — for doing what I see as the bidding of the Conservative Government — was to get the power to reduce corporation tax, which, of course, my party does not seek to do. We do not seek to say, "Thank you very much for the cuts; can we have some more please?". That is exactly what the drive for the corporation tax reduction is: "Yes, thank you for the cuts; we are struggling to implement them, but can we have some more, in the region of £300 million per year?". We would not have taken that approach, so I do not have to justify how we would make up for the problems of the Stormont House Agreement.

Coming back to the criticism from Mr Farry, he suggests that, somehow, this is the Green Party's fault. He has written recently in our local paper about this on the problems with the Budget. It is almost turning it on its head.

His party, which has two Ministers in the Government, seeks to blame those outside the Government. I am sure that this is a point that Mr Allister and indeed Mr McCallister would make: it is a fundamental right of any opposition to criticise the Government's Budget, to vote against it and to highlight how, if in Government, his or her party would do things differently. That is exactly what I am doing, and I think that is what I am expected to do.

The Alliance Party may, as Mr Attwood said, roll over first, but that is not the position of the Green Party. The Green Party did not support welfare reform before there were any top-ups. Indeed, we do not say, as Mr Dickson did, that we just have to accept the democratic mandate of the Conservatives, so we will just implement everything that they say through the Stormont House Agreement and everything else that they pass down. My party would not take that approach. Indeed, on other issues, they keep talking about the cost of division, which is great. They have been in Government since 2010. What have they done about the cost of division since they have been in Government? The Together: Building a United Community (T:BUC) strategy is a joke, and it has not even been implemented, so a poor strategy has not been implemented. I will not take lectures about my party, as we have done from the opposition Bench. I take it as a compliment that Mr Farry thinks that I can destroy the whole Budget on my own. He obviously thinks that I am very powerful, but I certainly do not take his chiding, and I do not share the ideology of his party, which says that we must afford corporate tax cuts at the expense of the poor, the sick and the disabled.

This Budget perpetuates a failing economic policy that, since 2007, has seen an increase in the gap of incomes of Northern Ireland residents in relation to their counterparts in Great Britain. It is based on 100% cuts, and it is regressive in that it seeks to take from the poor and to give to the better off. The principles that underpin the Budget, the record of the Executive and the previous Executive are principles and a record that the Green Party cannot support.

**Mr B McCrea:** I have some good news. Wimbledon is on, the sun is out and absolutely nobody is listening to our debate. So, I can take that pressure off people.

**Mrs D Kelly:** So, sit down.

**Mr B McCrea:** Mrs Kelly said, "So, sit down." In the last debate, I tried to say that I would be short, sharp and make some salient points —

**Mr Ó Muilleoir:** Will the Member give way?

**Mr B McCrea:** Yes.

**Mr Ó Muilleoir:** If we commit to listen, will you make it shorter?

**Mr B McCrea:** The last time, Máirtín Ó Muilleoir tweeted, "Well, you delivered on 50%", so let us see if I can do better this time. First, we are being asked to pass a Budget for which we do not have the funds. There is no money. Secondly, we have a voluntary exit scheme, the savings for which are already factored into our departmental costings. If we do not get to make the voluntary exits, we will not be able to balance our Budget. We will lose money and it will come round about October. Thirdly, on 8 July, the Chancellor may or may not make more draconian cuts. We are not in favour of in-year cuts. That is an issue.

Fourthly, some people say, "When we hear what he has to say, we will throw the head up, have six weeks and then we will go to elections and, around September, we will have elections." Elections will not solve anything because we cannot solve the issue. What is the point of having elections if we just go round and round again?

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

The final point that I want to make is that you can argue that Northern Ireland is a special case. You can say that we are geographically distant or that we have the lowest income per head or that we have special issues. You can do all that, but you can do it only if you go with a united front. The lesson from today is that, if people want to understand the difference between having a mandate and having money, they should look to Greece.

**Mr McCallister:** I have a couple of points. The first question is for the Minister. In her winding-up speech on this issue at the previous debate, she quoted from Dickens. It was more just an inquiry to see whether something has turned up this week. If nothing has turned up, we are still where we were last week.

I did get one compliment about my speech at Second Stage. Although my speech was longer than Alex Attwood's, someone said to me that it just felt shorter than his. That was the one compliment I got for my speech. I will be brief. I got most of it off my chest last Wednesday, so I feel that I need to regurgitate only 80% of it.

### 5.30 pm

A few recurring themes in our welfare debate and Budget debate are interwoven. One is the idea that we should have more negotiations or somehow find another way. Either the Executive deliver on what they agreed at Stormont House, or they cannot deliver on anything.

Mr McCrea talked about elections not changing anything. They will not change anything in this House, but the only elections that would change things would be Dáil elections, because Sinn Féin might finally get off the hook and start to move on some of these issues.

I want to take issue with some of Mr Attwood's points — namely, the consistent idea that you can stay locked and trapped in the Government and oppose everything from within. You cannot be both in government and in opposition: you have to be in one or the other. You have to have some semblance of agreement. As Mr Allister rightly pointed out, we do not have any cohesiveness, and there is not a modicum of discretion when you are in discussions with each other. For Ministers, it is a case of who can get off their chest first who said what, who agreed with the Secretary of State and who did what. That is no way to run an Administration.

It is telling that the Secretary of State has to be there to try to guide the Executive. Either the Executive function like a Government, or they do not deserve to exist. There is nothing more fundamental to that than a Budget process. The Budget should have been signed up to by all the parties instead of being pushed by the DUP, which dared its colleagues to vote it down. The SDLP was happy to oblige, despite being happy to remain in government. You cannot have a system that continues to do that.



Let us buy ourselves a wee bit more road, kick the can down, and maybe we will make it through to October. Maybe it will be January, maybe it will be February and maybe, goodness knows, we might make it to March. By then, the Dáil election will be out of the way — phew — and we will be ready for our own election. That is no way to do things.

The problem is that some of the parties here have to look at what they are fighting and who they think they having that fight with. They are primarily having it with the newly elected Government of the United Kingdom. Last week, the Minister said:

*"if only there were a way to gauge public opinion".*  
— [Official Report (Hansard), this Bound Volume, p178, col 1].

Like an election or something. You mean like the one that we had in May? The Conservatives won. Under the system that we use, they are the elected Government of the United Kingdom of Great Britain and Northern Ireland. They are in charge of tackling a massive public spending gap, an even larger public-sector debt and the national debt.

**Mr Agnew:** I thank the Member for giving way, and I take his point. However, some of the parties we face in the Assembly have larger mandates than he and I do, and we still challenge them.

**Mr McCallister:** I am grateful to Mr Agnew for his point. As I said before, I have no issue with you challenging them. However, as I pointed out last week, Nicola Sturgeon is not collapsing the Scottish Parliament and Carwyn Jones is not bringing down the Welsh Government, but we are in crisis. I have no difficulty with the three of us — Mr Agnew, Mr Allister and me — voting against the Budget, as I expect us to do this evening, but we are not in government. I do not enjoy the trappings of office, such as the Škoda, and I do not carry the responsibility of being in government. I am a humble Back-Bencher trying to throw out some ideas. Of course, challenge the Government; have as many rows with the UK Government as you want, but you will still have to live within your means. The sooner all members of the Executive and all parties in the Executive realise that, the better off we will be.

We can keep kicking the can down the road. When, initially, the petition of concern threatened the Welfare Reform Bill, there was no mention of 8 July being a problem to us because we did not know that. The argument was that welfare reform was wrong, having spent some 11 weeks up to 23 December and agreed something and disagreed to it on 24 December, when it fell apart. People were reserving their position on it. I forget quite what the phrase was that Mr Attwood used when I asked him, but it was that they agreed to the good bits and disagreed with the bad bits. Either they agreed to it all or they did not. I do not know which it is, and that is the Minister's fundamental problem. Her entire Budget is based on getting the £700 million for the voluntary exit scheme, £200 million of it for this year, and the other support for infrastructure projects, which is £100 million built into this year. There is also the flexibility on asset sales so that that money can be used to repay the £100 million emergency loan and the £114 million on welfare.

I come back to the great defence that people have put up of our welfare system. I do not know whether it is just me

or whether other people find it a little inconsistent in that the SDLP, Sinn Féin and Mr Agnew are fighting so hard to save the welfare system, yet Mr Attwood, quite rightly, highlights that we have the worst levels of poverty, the highest levels of economic inactivity, the biggest health inequalities and some of the highest levels of educational underachievement in the United Kingdom. Why are we defending a system that has delivered nothing but failure? Surely, if this Executive, or any elected Executive, wanted to do anything, the absolute key would be reforming and delivering better public services, better education, better outcomes and earlier intervention for our people. We would reduce health inequalities and lower dramatically the differences in life expectancy in parts of the Member's constituency and between the constituencies of West Belfast and South Belfast.

That is what this Executive and a Government that actually cared about the citizens whom they represent and govern would be doing, not defending the status quo and saying that we need more money. We had record levels of public spending in the early part of this century, yet where were all the indications going on our poverty levels? Were we widening or reducing the gap? According to Mr Agnew, the gap in Northern Ireland is wider than other parts of the UK, yet, somehow, we are in the process of destroying our government and these institutions to defend a system that has not delivered the remotest success.

I come back to the point that I made last week: if you have a better way of doing welfare reform and a better way of raising revenue, bring your proposals here and bring them to the Executive table. Present them at next year's election and say how you would plug the gap in our finances and if you think that public spending should increase. The idea that the only policy tool in the cabinet is that the Brits should send us more money has to be got over. We should have an Administration here that can actually lead and govern, and, if you do not want to reform and if you do not want to govern, get out of the Government and make way for somebody who wants to get on with the necessary reform and be part of the necessary government to lead and improve the lives of our citizens and deliver a proper balanced Budget.

**Mrs Foster (The Minister of Finance and Personnel):** I thank Members for their contributions today. It is important that the impacts of the Budget (No. 2) Bill be debated fully, although the debate obviously went far beyond the scope of the Bill. I am grateful to everybody who participated. I also want to thank the Committee one final time for its role in securing accelerated passage for the Bill. That will enable the legislation, if it passes today, to receive Royal Assent before the end of July, which, of course, is imperative to allow funding to continue to flow to essential public services.

Let me get into some of the detail of what was raised today. Mr Bradley, speaking on behalf of the Committee, again raised issues around the voluntary exit scheme. In particular, he was quite exercised about the fact that he has not got a number against each of the Departments, only an overall figure. I have raised the issue since the Member asked me about it last week, and he has raised it with me again this week. I have received from each Department an estimate of its savings. The figures have not yet gone to the head of the Civil Service, who is in charge of the group looking at voluntary exit schemes. They have not been endorsed by either the oversight

group or the Executive, so they should be treated with considerable caution. However, he asked the question, and, if I am known for anything, it is for giving straight answers to straight questions. In 2015-16, the savings are £26.1 million in the Northern Ireland Civil Service overall; £21 million in DE; £14.3 million in DEL; £1.3 million in DCAL; £4.8 million in DSD; £4.4 million in DRD; £8.6 million in the Department of Health; £3.8 million in DOJ; £5.4 million in DARD; £0.4 million in OFMDFM; £0.4 million in DETI; £0.6 million in the Audit Office; and £0.4 million in the Assembly Commission. That adds up to £91.5 million of savings overall during 2015-16.

Those are the assumptions. As I said, they have not been endorsed by either the Executive or the head of the Civil Service. I provide them with that caveat. They are really to give Members a sense of the savings figures that are included in this Budget (No. 2) Bill. Of course, if the savings are not delivered, each of the Departments that I have mentioned will have to live within its means and take into account the savings that it has factored in.

I, like my predecessor, am supportive of the review of the financial process. Mr Bradley will know that it is an issue that is with the Executive. Some Executive parties do not want to proceed with the financial review. Others among us do. I do not need to spell out which parties are opposed to taking the financial review forward. I have to say that it is very difficult to understand why anyone would not want to take the financial review forward and to be open and transparent about what is happening in particular Departments, but I will leave it for others to defend their position. For my part, I am quite happy to endorse changes to the financial process.

Mr Bradley also talked about the challenges that lie ahead and the need to look at cross-cutting financial issues. I absolutely agree with that. As he will know, the OECD is delving into different issues that affect the Executive. The draft report will come in September, when we will be able to look at some of the cross-cutting issues in depth. There is a requirement for regular scrutiny. I entirely agree with him about the role of the Committee. The Committee has a hugely important role to play, not just to scrutinise for scrutinising's sake but to engage with and inform the public and to be their voice in the Assembly. I hope that the Committee will continue to do that and that we will be able to deal with that issue in the future.

#### 5.45 pm

We anticipate that the national Government will publish their spending review in the autumn for the period 2016-17 and beyond. Whilst there is no certainty on the outcome of that spending review, I expect that it will follow the overall UK forecasts as set out by the Office for Budget Responsibility (OBR). That means that resource DEL will continue to be constrained, with capital DEL growing in line with inflation. Ultimately, however, local budgets will be influenced by local decisions, including decisions on welfare reform and everything else in the Stormont House Agreement. Of course, our Budget process for next year cannot proceed until we have our spending review outcome. One of the issues that I discussed with my Welsh counterpart was how we were going to approach the spending review and whether there were things that we could do together in relation to it.

Paul Girvan welcomed the debate and said that, on behalf of the DUP, he would be supporting the Budget. He said very strongly that we should make no mistake about the fact that, if we did not implement welfare reform, our Budget situation would become untenable. I have made that point ad nauseam, some would say, over the past couple of weeks. He made the point as well that we benefit, of course, from being part of the United Kingdom and that, whilst we need to repair the UK deficit, it is manageable. In fact, the OBR projects a UK Budget surplus by the end of this decade. I will come back to Mr Ó Muilleoir's point in relation to the IMF documentation, but certainly the way in which we have been able to deal with the deficit at a national level means that we have space and that we will see a surplus coming by the end of the decade. That is from the independent OBR.

Michaela Boyle talked about the 8 July announcement, as did others. I note that the Chancellor and the Secretary of State for Work and Pensions have reaffirmed the Government's commitment to dealing with the UK welfare system. They have made it very clear that the reason that they are doing that is that the UK accounts for 7% of all welfare spending throughout the world but has only 1% of its population. Therefore, they believe that welfare needs to be dealt with. At a UK level, we produce 4% of GDP across the world, so you can see the scale of the issue that is before the new Administration at Westminster and why they believe that there is a need to deal with it. Of course, we differ in relation to how we deal with the large welfare bill, but that is why they believe that they need to deal with the issue. It is clear that the block allocation for us cannot take the additional cost in terms of where we are in relation to welfare reform. Therefore, we need to have welfare reform implemented so that we have the wherewithal and the sustainable Budget — I will come to Mr Attwood's point in a moment — to move forward and to have public services delivered in Northern Ireland.

Ms Boyle also made reference to wider fiscal powers. I am well aware that Sinn Féin's position is that it wants to see full fiscal devolution whilst not dealing with the fact that we have a £9.6 billion deficit in relation to what we receive from Westminster. I know that it does not agree with those figures, but, even from its figures — it says that there is £3 billion of a deficit — how are we going to deal with that under full fiscal devolution? I say very strongly that we need to put our house in order before we start to look at any further fiscal devolution or seek any new powers. We should do what is best for Northern Ireland and deal with the welfare reform difficulties in front of us at the moment.

Dr Farry indicated that the Alliance Party would be supporting the Budget not because it has a great love for this particular Budget — it has made that very clear throughout this Budget debate — but because it is the responsible thing to do as regards the delivery of public service. He made reference to the fact that there have been many calls for leadership over this past period of time, but he believes — I concur with him — that the actions of Sinn Féin, the SDLP and the Green are plunging Northern Ireland into a very difficult place. Mr Agnew can say that he believes that he is only one person speaking against the Executive, but he still has to take responsibility for what he is voting for. He is voting against the Budget, and, if there is no Budget, there are no public services — it is as simple as that. You cannot just say, "I am voting against this because I can, and it'll go through anyway".

That is not a responsible thing to do. What is responsible is to stand up and say why you are voting against the Budget and what your alternatives are. I have not heard any of that from Mr Agnew in his contribution.

Dr Farry said that the principle of consent had been misinterpreted last week. He said that some parties were questioning the legitimacy of the United Kingdom Government and breaching the almost sacrosanct Belfast Agreement. He said that we needed to have properly funded public services and a properly funded public health scheme for early years and for all of the different parts of the Administration. To do that, we needed a Budget in place rather than, as he put it, keeping people in poverty and taking away the rungs from the ladders that allow them to get out of poverty. He and I worked on an economic inactivity strategy, which was, I think, a good strategy that had good potential to move forward. I note that Mr Ramsey has joined us, and he lobbied hard for that economic inactivity strategy. I deeply regret that, because of the situation that we find ourselves in, we will really struggle to find funding to deliver it. That is one of the difficulties in which we find ourselves, and it is very regrettable.

Mr Ó Muilleoir talked about the famous IMF discussion note, about which there has been much discussion. He gave the narrow interpretation that it dealt only with the issue of needless austerity being bad for the economy. It does talk about austerity and the need to deal with issues in an appropriate way, but it also talks about the fact that debt is bad for growth. It talks about the different ways to deal with the deficit and national debt. What I want to say to him is that, whilst it is an important document, it is a discussion note and does not represent IMF views or policies. It is put out there to start a discussion about national policies. As I said during Question Time today, Christine Lagarde, the managing director of the IMF, said that she had underestimated the strength of growth in the United Kingdom economy. Critically, she also said:

*"At the IMF we have learned that there is no single best way to reduce the fiscal deficit".*

If we are to quote from IMF discussion notes, it is important that we give a full picture of what the note has to say and not just quote selectively.

**Mr Ó Muilleoir:** I thank the Minister for giving way. I am sure that this note and other matters come up in your discussions with the Treasury. I take it that Treasury's position is that its approach is 100% correct. I do not expect the Minister to adopt my position, which is wholly against the London Government's approach, but surely you are not saying that when you sit down to talk to the Treasury, you both say the same thing.

**Mrs Foster:** No, not at all. I do not know whether the Member was in the House during my Question Time today, but I said that I felt that, although it is important to deal with the deficit, we need also to have cognisance of the different regional parts of the United Kingdom. Whilst the speed and way in which the deficit is being dealt with may be good for London and the south-east, it certainly has impacts on other regions of the United Kingdom. That is where we need to point out the differences, and that formed part of the discussion that I had with my Welsh counterpart — how we could make a strong argument for Wales, Northern Ireland and, undoubtedly, Scotland, as well, it has to be said, for regions of England.

I think we recognise that there are parts of the north-east and the north-west that certainly need dealt with as well.

I was a bit surprised that Mr Ó Muilleoir liked his Wilkins Micawber comments. I am not sure what his wife would have to say about that. I think it is wrong to talk about the Somme, which, of course, was very serious. Indeed, when we look back at the sacrifice that happened 99 years ago tomorrow, we can see that it is wrong to talk about lions being led by donkeys and to make a reference to national Ministers in that respect. I am not sure whether it is even parliamentary language to call Ministers in Westminster "donkeys", but certainly it is not something that I want to be associated with. I think that all of us want to try to deal with the issues before us, and while some might have different views and want to make commentary, I do not think that it is right to refer to Her Majesty's Government as "donkeys", which is what Mr Ó Muilleoir was trying to do.

This is something that the SDLP has latched on to about the budgetary process, but Mrs Kelly said that the Westminster Government have broken the Stormont House Agreement by having in-year cuts. She said that, because of that, they have broken their word and that that is dreadful and all the rest. Of course, we have in-year monitoring and in-year cuts. Indeed, we sometimes benefit from in-year budgetary issues. That happens every single year, and there is no difference in this year. We benefited on some occasions, as I say, and we benefited to the tune of £11 million on the last occasion that there were changes. On this occasion, we have a Budget cut of £33 million in resource DEL and £5 million in capital. Of course, it is concerning that that should come to us and that we need to make representations. However, to suggest that that is unusual in the budgetary process is simply not correct.

On the question of us not having a —

**Mr Attwood:** Will the Minister give way?

**Mrs Foster:** I will give way on this occasion.

**Mr Attwood:** I understand the point that you made. It is a valid point. However, does the assertion that you just made not sit uncomfortably with the explicit words in the Stormont House Agreement? It refers to a "final balanced budget". That is your Budget, and we are opposing it, but it refers to a "final balanced budget". It does not say, "final balanced budget less £38 million".

**Mrs Foster:** That goes to the heart of it. If you are saying that that is what you understood it to be, I think that you are mistaken. You have to put it in the context of what happens every other year. We are not taking it out of the normal budgetary process and saying, "That is sacrosanct; you cannot touch it".

We are in a devolved Administration and, therefore, have to be dealt with through Barnett consequentials when issues happen at Westminster. Indeed, on many occasions, we have benefited. I hope that the Member is not saying that if there is a benefit to come to Northern Ireland I should say, "No, I am not taking that money, because we have a final balanced Budget and, therefore, I cannot take any more money from the Treasury."

Mrs Kelly also said that one of the reasons why we should not vote for the Budget today is that there is no Programme for Government. Of course, that is not right. There is a Programme for Government. The Executive, including her Minister, have agreed to roll forward the 2011-15

Programme for Government to embrace this year. That will happen; it will roll forward, with new targets being delivered against it. Of course, next year a new Programme for Government will be delivered that is based on what we receive under the spending review for 2016-19. I have dealt with the in-year reductions that were mentioned by Mr Ó Muilleoir, Mr Murphy and, I think, Mr Attwood.

Conor Murphy referred to Greece. Whatever about the awful situation that they find themselves in now, the Government in Greece have a democratic mandate and, therefore, should be respected for what is going on in that part of the world. Similarly, the United Kingdom Government, who are our national Government, also have a democratic mandate through our national Parliament. That has to be respected. When we talk about respecting each other's mandates, it is important that we respect everybody's mandates, not just our own and not just people we want to support.

It is important that we recognise that this is a devolved Administration, which sits under the national Parliament of the United Kingdom, and, therefore, we have to deal with the consequences of that.

#### 6.00 pm

Mr Dickson raised the issue with Mr Murphy about sitting in Westminster, and the answer that he got was that there was no point in going to "shrug your shoulders in person". That is a very poor view of parliamentary democracy, I have to say. Why get elected to a place if you are not going to go and your simple view of the place is that you go along to "shrug your shoulders in person"? I hope that others do not agree with that view of parliamentary democracy. You go, make your point and argue your case on the Floor of the House, just as everybody does in this place today.

I have dealt with in-year cuts. Mr Murphy said that the Stormont House Agreement brought about our own welfare system to deal with the worst ravages of the Tory Administration. That is right. We did have that system in place, but, of course, once the Welfare Reform Bill was voted down, we lost the opportunity to bring those mitigating actions into reality for the citizens of Northern Ireland, and I entirely regret that.

There was a lot of mixing up of what is to come and what is in this Budget here and now. That has been the mark of the debate. Mr Attwood and others always want to talk about what is coming down the line instead of dealing with the reality of what we have in front of us today. I think that is wrong. We should deal with and be responsible about the public services that are to be delivered in Northern Ireland in the year 2015-16.

Mr Murphy made reference to the fact that the whole area that we found ourselves in was a serious challenge to the institutions. If we want to move forward, then we need to resolve the issues. Of course, if we want to move forward, we have to have a workable Budget, and the only way to have a workable budget is to have welfare reform implemented in Northern Ireland.

Mr Attwood did not recognise my description of the SDLP as the Vicky Pollard of Northern Ireland politics. I was not referring to him as the Vicky Pollard of Northern Ireland politics. I think a little bit more of him than that, and I hope that he will accept that. I do stand over my description, as they are all over the place. I advise him to go to Sky or

other cable channels and watch some of the episodes for his own enjoyment, entertainment and information. He will know exactly what I am talking about when he watches it.

He went on to make a number of points in relation to the Budget. He talked about the fact that money was taken away in-year. I hope that I have addressed that. He talked about private meetings, which I am not going to get into, first, because I was not there, and, secondly, because I do not think it is appropriate to talk about those meetings in this open forum. A lot of what Mr Attwood had to tell us was a complete distraction from the real issue. The real issue is around the implementation of welfare reform. He did not want to talk about that particular elephant in the room, but that is what we have to deal with in moving forward.

I am not quite sure what his argument was in relation to HS2. Maybe he wants to clarify that. I am making a very strong argument that we should receive Barnett consequentials in relation to HS2. If there was some ambiguity in my language on the last occasion, I apologise. I am, with colleagues in Wales and Scotland, making a very strong argument in relation to Barnett consequentials on HS2.

**Mr Attwood:** Will the Minister give way?

**Mrs Foster:** Yes, I will.

**Mr Attwood:** The point was that, based on what London announced last week in respect of rail infrastructure in the Midlands and the report that they were forced to release last Thursday in respect of HS2 and its viability, I was putting up a marker that a question mark is beginning to arise — and it is a pretty big question mark — around HS2. That aside, you said last week that there may well be Barnett consequentials. My question is this: is there an understanding already, or growing, that there will be Barnett consequentials if HS2 goes forward in whatever shape it may go forward?

**Mrs Foster:** Just to be very clear, there is no private understanding about HS2 Barnett consequentials. It did come up in my meeting with Jane Hutt. It will come up again in my meeting with John Swinney, because it is not just about HS2. I have to say, looking at some of the comments made by some of the English MPs, that I doubt if it will go ahead. However, there are other infrastructure projects happening. We need to keep an eye on what is happening so that we can argue the case for Barnett consequentials here.

There was a lot of conspiracy talk about what "sustainability" means in terms of the Budget and whether it means x or y. The Member was trying to reimagine the Stormont House Agreement. He does not actually need to do that. I refer him to the Secretary of State's comments made in Washington on 16 March. I will quote them because they are important to reflect back on. She said:

*"I'm afraid there's no room for ambiguity. Implementation of the welfare reform package is a key part of the Stormont House Agreement. ... Ultimately, all the other elements of the Stormont House Agreement would fall if the welfare aspects are not implemented, including the structures on the past, the financial package and corporation tax devolution. The consequences could be dire and should that prove inconclusive, even see the collapse of devolution altogether."*



That is what the Secretary of State had to say on that. I want to be completely clear as well on this issue: if there is no welfare reform, there is no voluntary exit scheme; no money for the past; no sustainable Budget; no Stormont House Agreement; no paragraph 10; no corporation tax; no Assembly; and no Executive. That is how serious this issue is. If we do not implement welfare reform, all the other things that we talk about here today are by the way. We need to get real, put this behind us and implement welfare reform.

Mr Attwood went on to talk about the low-wage economy. I absolutely recognise the statistics that came out today. Again, I refer him to dealing with that through the economic inactivity strategy and the fact that we will not be able to take that on in the fashion that we would have done or indeed that my successor in the Department of Enterprise, Trade and Investment would do. I regret that because it is important that we move ahead on those very important issues.

Mr Attwood had a go at the Northern Ireland Executive, despite the fact that he sat in the Executive for a time; despite the fact that his party colleague sits in the Northern Ireland Executive now. There is almost this detached view that his party is not really in the Executive at all. But they are in the Executive, and they need to recognise that, step up to the plate and play responsible government like everybody else. He wanted a paradigm shift. I have to say that if you talk about a paradigm shift and use all these great words, and then vote against the Budget, you would have a paradigm shift by not having a Budget in Northern Ireland. It is the most ridiculous situation that I have ever heard in all my life, and I can assure you, Mr Deputy Speaker, that I have heard some ridiculous things in this House over this past period of time.

**Mr Attwood:** Will the Minister give way?

**Mrs Foster:** Yes.

**Mr Attwood:** I will just put two quick points to the Minister. If we were in a position where the Budget and welfare were agreed for 2015-16, that still would not answer the question on what the British Government mean by sustainability and what they meant in Stormont House when they said — this is in the document — that sustainable finances have to be agreed with the British Government. Given where we now are with a Conservative majority Government and what appears to be happening on 8 July, does it not cause you concern that it will be on their terms in a way that is damaging to our people?

**Mrs Foster:** Unlike the Member, I do not see conspiracies round every corner. Yes, there is a need to be vigilant, and we will be. For me, sustainability means that you have a balanced Budget. The only way to get a balanced Budget in this context is the implementation in full of the Stormont House Agreement. That is what I have been talking about, as I have said, ad nauseam throughout this Budget debate.

**Mr McCallister:** I am grateful to the Minister for giving way. My point relates to Mr Attwood's point about blaming the Conservative Government for bad faith for bringing a Budget on 8 July. When the SDLP first walked away from the Stormont House Agreement, which I suggest was some time round Christmas Eve, the day after it was agreed; voted against the first Budget in January or February time; voted against welfare reform all the way through; signed the petition of concern against welfare

reform and finally killed it off, who backed out of the Stormont House Agreement first: the SDLP or the UK Government?

**Mrs Foster:** I am not getting into the game of who blinked first, but there certainly have been very mixed messages coming from the SDLP, which is why I called them the Vicky Pollard of Northern Ireland politics. They say at meetings that they support the Stormont House Agreement, but they do not. The reality is that they do not support the Stormont House Agreement, so there is no point in saying, "Oh, x has broken the Stormont House Agreement", when they have not supported the Stormont House Agreement for some considerable time. I wish they were honest with people and came forward and said that they do not support the Stormont House Agreement because this farce of pretending to support it is a nonsense.

Mr Agnew said —

**Mr Attwood:** Will the Minister give way?

**Mrs Foster:** I do want to make some progress.

**Mr Attwood:** I can assure the Minister that this is the final time and is to confirm, if only for the final time, what our position is on Stormont House. It is that we said we would build upon the weak and rectify it, and we would implement the good. How much clearer can you be? We are not going to give to the London Government a blank cheque when it comes to the politics and the Budget of Northern Ireland.

**Mrs Foster:** Well, this is the new phrase that has come out of today. I am glad something new is coming out of today because there has been precious little. The SDLP's position in relation to the Stormont House Agreement is that they will implement the good and build on the bad. That is the new phrase for today, and undoubtedly we will hear a lot of that over the coming weeks. I am putting down a marker to journalists everywhere that that is the new phrase from the SDLP.

Mr Agnew said that he was not going to repeat what he said previously; he was going to reiterate it, which is, of course, a synonym for repeating it, and that is exactly what he did. He criticised the role of Invest Northern Ireland. He criticised my record as Enterprise, Trade and Investment Minister. He said that we had displaced jobs. It shows how little he knows of the process of foreign direct investment when one of the key elements of an assessment is in relation to displacement: you assess whether there is going to be any displacement. The nonsense that we have displaced local jobs is just rubbish.

Of course, he again failed to mention the global recession. He said that we needed to redistribute wealth, and gave us the Chairman Mao remarks again. He gave us his great leap forward in relation to rates again. He did not talk about growing the private sector or supporting private businesses to grow, and again showed that he had absolutely no aspiration for the economy here in Northern Ireland. That does not surprise me because, to be fair —

**Mr Agnew:** Will the Minister give way?

**Mrs Foster:** No, I am not taking an intervention. He has never suggested that he is in favour of small businesses or supporting businesses in Northern Ireland. He did not agree to the Stormont House Agreement, therefore there was no need to come forward with solutions. He can just

sit on the Back Bench and say no, and he is in very good company in doing so.

He can vote against the Budget and not worry about what that means for Northern Ireland because he is a one-man band, so he does not really have to worry. That is fair enough. If that is the way he wants to be remembered in Northern Ireland politics, he can vote against whatever he likes because it does not really matter; it is going to go through anyway. That is not really something that I would be proud of as a representative of a local constituency.

Mr McCrea was uncharacteristically brief, and we were all very grateful for that. His quote was that, if you look at Greece, having a mandate was different than having money. He made that point about the Greek situation.

John McCallister made a number of points in relation to where we find ourselves but his key point, from my perspective, was that we either do Stormont House or we do not. He said that it was a very clear decision that we had to make and that there was a need to get on with it.

I hope that I managed to respond to most if not all Members who raised an issue. The Budget Bill is essential to provide Departments with legislative cover to deliver public services here. We cannot forget that, regardless of the budgetary uncertainties facing the Executive and the Assembly. As I outlined in my opening speech, the decisions that we take as an Administration will have wide-ranging and long-term consequences for the future of Northern Ireland.

I hope that all Members — all Members — will keep that in mind and do what is right for the people we are sent here to serve. On that note, I commend the Budget (No. 2) Bill to the House.

**Mr Deputy Speaker (Mr Beggs):** Before we proceed to the Question, I remind Members that, as this is a Budget Bill, cross-community support is required.

*Question put.*

*The Assembly divided:*

*Ayes 60; Noes 19.*

## AYES

### Nationalist

*Ms Boyle, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.*

### Unionist

*Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Moutray, Mr Poots, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

### Other

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr Girvan and Mr McQuillan.*

## NOES

### Nationalist

*Mr Attwood, Mr D Bradley, Ms Hanna, Mrs D Kelly, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.*

### Unionist

*Mr Allister, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr McCallister, Mrs Overend, Mr Somerville, Mr Swann.*

### Other

*Mr Agnew.*

*Tellers for the Noes: Mr D Bradley and Mr Rogers.*

<i>Total Votes</i>	<i>79</i>	<i>Total Ayes</i>	<i>60</i>	<i>[75.9%]</i>
<i>Nationalist Votes</i>	<i>34</i>	<i>Nationalist Ayes</i>	<i>24</i>	<i>[70.6%]</i>
<i>Unionist Votes</i>	<i>37</i>	<i>Unionist Ayes</i>	<i>29</i>	<i>[78.4%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>7</i>	<i>[87.5%]</i>

*Question accordingly agreed to.*

*Resolved (with cross-community support):*

*That the Budget (No. 2) Bill [NIA 53/11-16] do now pass.*

6.30 pm

## Justice Bill: Final Stage

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

*That the Justice Bill [NIA Bill 37/11-15] do now pass.*

I have great pleasure, after some extremely long stages, in moving the Final Stage of the Bill, which has had a long journey from its original inception. Some of the policy content, for pressing reasons, was incorporated into the Legal Aid and Coroners' Courts Bill, which became an Act on 17 November 2014, and some has found its way into the Justice (No. 2) Bill, which I introduced earlier on.

For too long in this jurisdiction, justice legislation was criticised for adopting a piecemeal approach to the law. While there will always be a need to react to emerging trends and developments, since the devolution of justice I have made it my aim to approach much-needed legislative reform in a structured and focused manner. I hope that that is evidenced by the Bill that is before us now. It is a Bill that highlights the breadth and complexity of issues in the justice field that the Assembly now deals with as a matter of routine.

I should of course start by recording my thanks, as is traditionally the case. However, it is not just because it is tradition. I genuinely want to put on record my thanks to the Committee for Justice and, in particular, to the Chair, Alastair Ross, his predecessor, Paul Givan, and the Deputy Chair, Raymond McCartney, for their stewardship of the Committee's detailed scrutiny of the Bill and for its detailed and comprehensive report at the conclusion of Committee Stage. Of course, I thank the Committee's officials for the work that they do to keep matters running smoothly. I also want to thank the many officials in the DOJ, not many of whom have sat in the Box during the Bill's stages. They developed the content of the Bill from policy proposals into fully thought-out legislative provisions. I also thank those who have played an important part in ensuring that this significant piece of legislation progressed through the various stages of Assembly scrutiny, not all of whom annoyed me at different times.

I should also express particular thanks to the Office of Legislative Counsel for its exceptional work in crafting such a large and detailed piece of legislation at the outset and for its ongoing efforts in responding to a number of extremely challenging drafting demands in the approach to Consideration Stage and Further Consideration Stage. It is no exaggeration to say that we are only at this stage as a direct result of its expertise and willingness to go the extra mile to assist me as sponsor and my officials.

The Bill, at Final Stage, is a strategic and highly significant piece of legislation. I do not intend to outline in detail all the Bill's content, but it is appropriate to remind the House of the main themes of reform that we have been addressing. At its heart, the Bill improves services and support for victims and witnesses, with a victims' charter that will set out their entitlements and a witness charter that will set out the standards of service that witnesses can expect. We are introducing a legal entitlement to provide a victim statement to the court about the impact that a crime has had on a victim or their family.

My determination is to place victims and vulnerable witnesses at the heart of the justice system, which is an

aim that was, I understood, shared by the Committee for Justice. That is why I am a little disappointed that the Assembly stepped back from my original proposals to abolish preliminary investigations and the use of oral evidence at preliminary inquiries. Following speeches made by the two members of "Traditional Legal Voice" in the Assembly, the House voted at Consideration Stage to retain such hearings where, in the opinion of the court, they are required in the interests of justice. I believe that we had an opportunity to go further to protect the interests of the most vulnerable victims and witnesses, but I am grateful to the House for approving my additional amendments at Further Consideration Stage that work within the will of the House while taking positive steps to ensure that the needs of witnesses will be taken into account in deciding if oral evidence is really necessary.

A frequent criticism of the justice system, particularly from victims, is that cases take too long. The Bill delivers a number of provisions that will speed up criminal case progression, including measures to encourage people who are guilty of a criminal offence to admit their guilt at an earlier stage and statutory case management arrangements to enhance court control over case progression. There is a power to allow the Public Prosecution Service (PPS) to issue summonses without first having to obtain the signature of a lay magistrate and a new prosecutorial fine that will allow the PPS to offer penalties of up to £200, and compensation of up to £5,000 in the case of criminal damage, as an alternative to a case progressing to court.

Public protection and safeguarding arrangements are significantly improved by the Bill through the introduction of violent offences prevention orders or VOPOs. I must confess that the acronym does not appeal to those of us old enough to remember the Volkspolizei of the German Democratic Republic.

As a result of positive and proactive engagement with Dolores Kelly and her party colleagues, domestic violence prevention notices and orders are also created. Similarly, proactive engagement with Paul Frew and Lord Morrow results in child protection disclosures, allowing the consideration of disclosure of conviction information in relation to any offender who falls within our public protection arrangements.

Changes are made to the existing offence of child grooming to reduce the threshold for the commission of an offence; a new offence of sexual communication with a child is created; and the offence of causing or allowing the death of a child or vulnerable adult is extended to include "suffering serious physical harm".

Other reforms in the Bill seek to improve the effectiveness and the efficiency of the justice system. A single territorial jurisdiction is created for Magistrates' Courts and County Courts, and the opportunity for the use of live video links in courts is increased. Arrangements for the disclosure of criminal record checks are improved, making it more efficient and transparent. The changes include making criminal record checks portable and allowing online updating, which has been long awaited by Access NI and its clients. There are additional protections relating to the information that can be disclosed and the ages of those subject to criminal record checks. An appeal mechanism has been created for the filtering scheme to allow old

and minor convictions to be removed from some criminal records in certain circumstances.

Significant amongst the range of other reforms, the Bill places the best interest principle in the aims of the youth justice system.

I regret that the media focus in the run-up to Consideration Stage and Further Consideration Stage was not on the substance of the sound policy content of the Bill but on issues relating to controversial measures being proposed for amendment by some Members.

The measures that I have highlighted give an outline of the Bill rather than a comprehensive breakdown. They give a sense of the many improvements to the justice system that I have introduced in the Bill and which the House has supported.

I said at Second Stage that I believed that the Bill was part of a blueprint for a better justice system for Northern Ireland. I am satisfied that its provisions, at introduction and as a result of subsequent amendments, will help to deliver a justice system that protects its citizens, treats victims with kindness and fairness, and makes the best use of scarce public resources. It is worth noting that 95% of the Bill's content as originally drafted has made it through, unmolested, to Final Stage.

I believe that the Bill is an important component in our ongoing programme of work to deliver a justice system that we can all be proud of. On that basis, I commend the Justice Bill to the House.

**Mr Ross (The Chairperson of the Committee for Justice):**

On behalf of the Committee, I welcome the Final Stage of a Bill that was described at Further Consideration Stage as exciting. It has had its fair share of amendments and petitions of concern. There is little doubt that it has undergone extensive and detailed scrutiny and debate, at Committee Stage and during the lengthy debates at Consideration Stage and Further Consideration Stage. As the Minister said, that has resulted in a large number of changes.

As I have stated previously, the Committee supported the main aims of the Bill: to speed up the justice system and improve the efficiency and effectiveness of key aspects of it. The Committee particularly welcomed the provisions and amendments that seek to improve services and facilities for victims and witnesses, many of which originated directly from the findings and recommendations of the Committee's inquiry into the criminal justice services available to victims and witnesses of crime, which it completed in 2012. The principles of the final Bill remain the same and have been enhanced by a number of amendments made during its passage through the Assembly.

I turn now to the provisions regarding preliminary investigations and mixed committals. I am personally disappointed that amendments were accepted so that there is provision for preliminary investigations in some circumstances and in what have been described as the "interests of justice". When the Committee considered the original proposals by the Department to abolish preliminary investigations and mixed committals, members noted that, whilst the proposals aimed to streamline the procedure for moving business from the Magistrates' Court to the Crown Court, the primary driver was to reduce the impact on vulnerable victims and witnesses. The amendment made at Further Consideration Stage

aims to reduce the likelihood of victims and witnesses experiencing the difficulty of having to give evidence twice. However, that situation could have been avoided altogether had the original proposals been supported, as agreed at Committee Stage.

Nevertheless, that is the power of the Assembly — to amend legislation — and I suppose that is proof of that power in action.

The amendments to provide for child protection disclosures and domestic violence protection orders are very welcome and will, undoubtedly, enhance the public protection arrangements already in place. I congratulate Mr Paul Frew and Mrs Dolores Kelly on instigating those. I think that it is also important to say that we welcome that the Minister and the Department decided to work along with both those individuals to ensure that the provisions that were proposed were got right and, in the case of Mrs Kelly, that they worked together to remove those amendments so that they were not moved on the day to make sure that we got the legislation right and provided the protection that Mrs Kelly sought for vulnerable women. It is a positive example of collaboration between Back-Bench Members and the Minister, and it should be commended.

The amendments made to provide for a new offence of communicating with a child for sexual purposes, to change the existing offence of meeting a child following sexual grooming, to reduce the evidence threshold and to enable the joint conviction of members of a household who cause or allow a child or vulnerable adult to suffer serious physical harm are also very welcome and will provide additional protections.

On what used to be clause 86, the Minister will, no doubt, be pleased that I do not intend to rehearse the Committee's position on Henry VIII clauses, suffice it to say that the Committee was pleased that the Assembly backed its view that powers provided in Bills to make ancillary provision by way of subordinate legislation should be for an exact purpose, rather than widely drawn.

The amendment made to Part 1 at Further Consideration Stage is much narrower in scope and effect but will enable the Minister, in our view, to make minor amendments to the Bill on the introduction of a single jurisdiction for the County Courts and Magistrates' Courts if necessary. That is the approach that the Committee suggested the Department should have adopted in the first place. I have no doubt that other Committees will wish to examine the position that the Justice Committee adopted and ensure that the Executive branch of Government have their powers curtailed when Committees feel it is necessary.

The Bill will improve the treatment of and services available to victims and witnesses of crime, facilitate improvements to the efficiency and effectiveness of the criminal justice system and enhance measures aimed at protecting children and vulnerable adults. It is, therefore, very welcome. There is, however, much more that can and, indeed, needs to be done on how the criminal justice system operates. I and the Committee have been spending a lot of time and focus in recent months considering and discussing with key stakeholders, including the Lord Chief Justice, legal professions and voluntary organisations, new and innovative ways of working that could be introduced in Northern Ireland, including the greater use of digitisation, online dispute resolution for certain types of



low-level cases and new approaches to interventions and diversions, particularly for young people.

As the Minister is aware, the Committee held three justice innovation seminars and undertook a recent visit to London to meet the Civil Justice Council, the Centre for Justice Innovation and Sir Brian Leveson, who has completed a review of efficiency in criminal proceedings in England and Wales. Next week, I and the Deputy Chairman will travel to The Hague to look at online dispute resolution as an example of where technology can be used to improve the justice system. Indeed, I note that a senior official in the Department of Justice has asked whether he can tag along, which is very welcome indeed.

With the current Budget position as it is, there is an opportunity and the stimulus to identify and adopt more innovative working practices, which will provide for a more dynamic, efficient and effective criminal justice system. I and the Committee intend to make recommendations to be taken forward as part of the next Programme for Government and future justice Bills.

I will conclude my comments on behalf of the Committee by again thanking the members of the Committee for their commitment and diligence in carrying out the scrutiny of the Bill, as well as the departmental officials who assisted the Committee in answering questions. I also thank the Committee officials who ensured that members were well informed of the issues that we had to discuss and for their assistance at various stages of the Bill. I also place on record again the appreciation of the Committee to the organisations that contributed to the legislative process by taking the time and effort to submit written and oral evidence at Committee Stage.

I will speak very briefly in a personal capacity. I sought and am very pleased to have received the support of the Assembly for my amendment, which provides for a scheme to enable prisoners released early under the conditioned early release scheme to undertake community service whilst on early release.

I hope that, in future, justice Bills will see greater use of alternatives to prison for suitable offenders and a greater use of restorative sentences when appropriate.

**Mr McCarthy:** Go raibh maith agat, a LeasCheann Comhairle. Like the Chair, I welcome that this is now the Final Stage of the Bill.

It is a good example of how a Department presents a Bill and it is taken through the process in the Assembly. Someone once said that, when a Minister lays a Bill in front of the Assembly, it belongs to the Assembly, and the Assembly has the ability and power to enhance it or amend it appropriately. This Bill is a good example of that process at work.

#### 6.45 pm

The Chair provided a commentary on the Bill and how it was taken through Committee Stage. I thank him for his stewardship of the Bill, and I thank Paul Givan, who was the Chair when the Bill first came to the Committee. I endorse the Chair's words about the Committee staff and all the organisations and individuals who provided evidence. The departmental officials, on a number of occasions outside the Committee, met privately with the parties and me and the Chair to explain aspects when we sought clarity on some of the amendments that were proposed.

In the previous debate, I made this point because sometimes — the Minister has alluded to this — the headline for the Bill was reduced to one or two items, important as they were. There are many aspects to the Bill. The Committee report is in three volumes, coming to over 1,000 pages, so it was subjected to good scrutiny. That sometimes goes unattested in public or media commentary, but that is, perhaps, just the nature of the beast.

When you look back on the changing or making of law, you find that all aspects — each and every one — are important. However, I think that the Committee did very valuable work in the 'Inquiry into Victims and Witnesses of Crime'. The Minister mentioned in his address that the inquiry allowed us a perspective. Some of the items that we will shortly all vote for and that will be enacted were part of that journey through the inquiry, during which we were well informed by people who have seen the justice system from the other side, so to speak. They informed us well on improvements that could be made to make the processes better for anyone who came into contact with the system.

The Bill, which was called "Faster, fairer justice" — it was called by a number of names — has to be effective and to underwrite the principle of ensuring access to justice. I think it does that. During its passage, the idea of the interests of justice predominated. We found a good balance for that in early guilty pleas and the role of the solicitor, and in PEs, PIs and mixed committals we created the proper balance. The Chair referred to how other people contributed to the debate around public protection. All in all, we have a very rounded Bill.

The Chair has outlined some of the work that the Committee is now undertaking on innovation, and I have absolutely no doubt that, at the end of that process, much like the 'Inquiry into Victims and Witnesses of Crime', we will see the Committee help to shape some of the ideas. I am sure that the Minister will introduce more Bills to the Assembly and Committee. Certainly, we want to be part of the process of informing and ensuring that, whatever legislation goes through the Assembly from the justice end, we will be there to advise and support the Minister along the way. Those are my concluding remarks.

**Mr A Maginness:** I support the Bill and thank the Minister for bringing it through. The Bill was very worthwhile and a very valuable exercise. I know that the Minister had certain ambitions that were not fulfilled; nonetheless, his interaction with the Committee was very constructive, and credit should go to him for showing flexibility when it was necessary. The Bill and the debates on it provided opportunities for all of us on the Justice Committee to contribute and for other Members of the Assembly who are not on the Justice Committee to put forward provisions and aspects of justice that found favour with the Assembly. That was important. In particular, Mrs Kelly's contribution in relation to domestic violence was worthy. The Chair of the Committee, Mr Alastair Ross, has acknowledged that, and the Minister has also acknowledged that.

Very often in the Assembly and more frequently outside the Assembly, Committees are ignored, particularly by the media, but the role of the Justice Committee and, indeed, other Committees in the Assembly is very important. I believe that the role of the Committees has been very constructive. I pay tribute to the Chair of the Committee, Alastair Ross, and to the Deputy Chair, Raymond McCartney, for giving leadership to the Committee and

dealing with issues in a professional manner and in a non-partisan manner, in the main. We cannot leave all our politics behind us when we enter the Committee Room, but there was a collective effort on this Bill in particular, and it was exhibited on the Floor of the Assembly. The Committee, quite rightly, should take credit for the good work that it has done, and the media should note that Committees of the House do good and constructive work.

The example that the Chair raised — I know that the Minister was unhappy about it — about the Henry VIII clause was an important assertion by the Assembly of its right as an Assembly to challenge a Minister and to challenge Executive power. That is why we are here. We are here to scrutinise but also to challenge. It was important work that we did, and the outcome, which was, effectively, a compromise, was a good one and lays down a template for other Bills and other Departments. It is important that we bank that and note that.

I note what the Minister has said about the “Traditional Legal Voice” in the Assembly, but I think that there is room for an independent professional voice coming through to help guide the work of the Assembly. I hope that it is wise counsel, but it is up to the Assembly to either accept or reject that view of legal matters. The work that was carried out in relation to preliminary investigations was important and was helpful in retaining something that, I believe, is of value, if not to the extent that it was before, and therefore allowing progress to be made in efficiency and speeding up the justice system and in protecting witnesses and victims in the justice system. That has been an important theme throughout the work of the Committee, and it is important to remember that.

A number of innovations have been put forward through the provisions of the Bill, and they are to be welcomed. It is another step forward in trying to renew our legal system. We are making progress there, but there is more progress to be made. I have no doubt that further Bills will come to the House that will assist in modernising our system of justice, and I fully support that. On behalf of my party, I express our support for the Bill as it has been amended, and I thank everybody who contributed to the work in the House and in Committee, in particular the officials from the Department of Justice and the staff of the Justice Committee.

**Mr Swann:** There have been many tributes paid to the work of the Committee and the officials. As someone who neither served on the Committee nor sat through any of the evidence sessions, but paid interest as the Bill came through its very stages, I want to be completely partisan and thank and pay tribute to Tom Elliott, the Ulster Unionist member of the Justice Committee who saw this Bill from its initiation through to the day before the Final Stage, when he had to go to another place. I hope that it is a better place, but only he can let us know that.

The Bill before us today has at its core three aims: to improve services for victims, speed up the justice system, and improve the efficiency and effectiveness of the key aspects of the justice system. In large part, the Bill succeeds. It is lengthy and detailed, but there are aspects of it that are particularly welcome, and I propose to touch on a few of them.

We welcome the commitment to introduce violent offender prevention orders in Northern Ireland. This will allow the

court to place relevant conditions on the behaviour of a violent offender. We also support Part 4 of the Bill, which contains provisions that will improve the experience of victims and witnesses in the criminal justice system, clearly setting out the services that are to be provided and the services that victims and witnesses can expect to receive. There is a large number of clauses on that, and I have no doubt that the general public will support any measures that help victims and witnesses as they navigate their way through our justice system. I am confident that the victim and witness charters will assist by setting out the services that are available, who provides those services and the key stages in the process at which victims and witnesses can expect to receive information on their case.

I believe that the public will also support clause 82, which provides the Justice Department with the power to introduce a community service scheme, having first consulted with the Probation Board for Northern Ireland. There will also be widespread support for clause 97, which introduces domestic violence protection orders. Those provide the police and courts with powers to issue protection notices and orders aimed at ensuring the immediate protection of victims or potential victims of domestic violence.

Like Mr Maginness, we wish to pay tribute to Dolores Kelly and her SDLP colleagues. I commend both her and her party for their persistence on those issues. For too long, domestic violence was not taken seriously enough by the authorities but, fortunately, times have changed, and these provisions are a clear demonstration that this Assembly is not shrinking from its responsibilities to protect the vulnerable.

In conclusion, I refer to two amendments that were unsuccessful, namely the attempt to impose a minimum seven-year sentence on those who commit serious assaults against the over-65s and the amendment to the regulations in regard to shooting and firearms. The Minister knows that I have a long-standing interest in the legislation for young shooters, especially in the sporting field, so I hope that those issues can be revisited and resolved in the interests of the Department, the Committee and all the stakeholders. We support the Final Stage of the Bill.

**Mr Dickson:** I very warmly welcome the opportunity to speak on the Bill at its Final Stage. As others have said, the Bill went through very detailed scrutiny in the Committee. It really was Committee work at its best; of that there is absolutely no doubt. We have had two Chairpersons and the expertise of members around the table. We did not always agree — that is what this is all about — but we respectfully listened to each other's views and took all of them in, which was vital to the processing of the Bill. We have had a number of very lively and interesting debates in the Chamber as the Bill moved forward, including on issues that the Bill was perhaps never intended to deal with.

It would be remiss of me to not thank the Committee staff, Department of Justice staff and others, including those who came to us from outside, for all the work that they put into helping us shape the Bill, which is at its Final Stage this evening. I also wholeheartedly commend the Minister on the level of cooperation that he and his officials have given over the last few weeks, which has allowed for the refinement of some amendments and the

welcome abandonment of others that might not have been appropriate.

The ultimate aim is to ensure that we produce good law with the consent of the Assembly. Certain elements were not part of the Department's original proposals, and, on other issues, the Minister has shown considerable courtesy in the face of challenging opposition, particularly in dealing with emotional and sometimes contentious issues. Any commentary on the Bill should highlight how Members worked together, particularly the contributions of Mr Frew and Mrs Kelly in making changes.

### 7.00 pm

The Bill makes a number of very positive reforms to our justice system, which helps to take us forward to a 21st-century justice regime that, importantly, is fit to serve the interests of society and those who have to use the justice system. Following the passage of the Bill, a number of major reforms will come into the justice system, including our single court jurisdiction for County Courts and Magistrates' Courts. New prosecutorial fines will also be introduced for low-level offences, meaning that not every case needs to be heard in a Magistrates' Court, thus taking pressure out of the system.

Reform of the criminal records system, which the Minister referred to in his opening remarks, means that Access NI changes and checks will be much easier in the future. People with minor convictions will be able to appeal their inclusion on Access NI certificates, and there will be an automatic appeal for those who are convicted under the age of 18. That is very welcome and progressive. There is, indeed, progressive reform to ensure that people with convictions that are irrelevant to their job are not unfairly excluded from the labour market, which will aid their further and fuller integration into society.

In many ways, these are common-sense reforms that reduce costs and streamline our court system. As I have said on the amendments that have been made on child protection disclosure, although this was already available in some cases, the amendment formalises the process. I commend the Minister and Mr Frew in particular for working closely together to ensure that the amendment is aligned with the procedures of the Department.

Vitality, the Bill will go a long way to make the justice system work better for victims and witnesses. The Committee did a great deal of work on that area. A new victim statement will be introduced that will allow for the impact of crime on victims and their families to be impressed on a court, giving peace of mind that the experience has not been forgotten in the often challenging legal processes of a court case. Victim information sharing will also help to provide victims with the information and support that they need in progressing through the legal system. It is regrettable, however, that the Assembly decided to retain preliminary investigations, even if it is in more exceptional circumstances. This system has the potential to remain costly to our legal system but can have a profoundly traumatising effect on vulnerable witnesses and victims who are asked, effectively, to give their evidence on more than one case at a time during a trial. Other common-law jurisdictions such as England and Wales and the Republic of Ireland have abolished such procedures successfully, and I hope that, one day,

the Assembly will choose to take that step for Northern Ireland.

It is also worthwhile mentioning my regret for the need for petitions of concern more than once during the previous stages. However, for the Alliance Party and me, this was to prevent what would have become bad and dysfunctional law. For mandatory sentences, and contrary to what some Members seem to think, an independent judiciary is hugely central to any democracy. Our judiciary should not be subservient to any other branch, be it executive or legislative. A nation is almost certainly a sham democracy when the judiciary is too timid to challenge other branches of government. I am grateful, therefore, that this amendment, among others proposed, was not incorporated into the Bill. However, this means that, going forward, we have a considerable set of highly positive reforms for our justice system. In the future, it will be more efficient, rationalised and responsive to the needs of citizens and, vitally, to the victims of crime.

The stages of this Bill have demonstrated the immense merit of the Department and the Assembly cooperating, as I have said before. I place on record my thanks to the Minister, his departmental officials and Committee officials for keeping the Committee informed and working thoroughly through the most difficult aspects of the Bill in a conciliatory and hugely constructive manner. I give my wholehearted support, and that of the Alliance Party, to the Bill at its Final Stage. We look forward to the Justice (No.2) Bill, which was introduced earlier today, supporting the Minister in continuing his work to build a judicial system and a justice system that are fit for the twenty-first century.

**Mr Ford:** I start by thanking all those who contributed to the debate for the overwhelmingly positive tone in which comments have been passed, in particular the positive comments about my officials and even, at times, positive comments about me. That is an example of good work being done between the Committee and the Department, which is characteristic of the way that things have been for the last five years. The fact that the Chair was able to highlight the fact that, on his proposed visit to The Hague to look at the issue of mediation — was it mediation?

**Mr Ross:** Online dispute resolution.

**Mr Ford:** Online dispute resolution — sorry, I cannot read my own writing. The fact that a departmental official is working with Committee officers is a good example of that continuing in different ways. As has been highlighted from all parts of the Chamber, we have seen an example of the diligence and hard work of people, whether Committee members, Committee staff, my officials or those who made representations, to ensure that the Bill made progress and met the needs of the Assembly.

I repeat the comments that I made at the beginning in thanking, in particular, Dolores Kelly and Paul Frew for the way in which they engaged on their proposed additions to the Bill. We were able to get a good agreement on those because they came out early and we were able to negotiate and discuss them. Alastair Ross mentioned his amendment. He may be amused to know that, just today, I received a letter asking what could be done to ensure that prisoners and those who had recently been discharged from custody could assist in working on environmental schemes as part of community service. I am not sure whether or not that was inspired by a friend of

the Committee Chair, but it was an example of where he has clearly hit a public mood. We will look to see how that can be carried through.

Overall, we have seen some very positive work and a Bill that has been much enhanced by a lot of efforts. However, I do have to disrupt this notion that we are all in complete agreement by referring again to the late and, on my part, lamented clause 86 and remind Members that, in the debate on the Bill, we amended the Human Trafficking Act because there was a fundamental flaw in the definitions of charities as they related to work in protecting the child victims of human trafficking. Had the Bill not been available, we would have been using exactly the same provisions that exist in the Human Trafficking Act to make that necessary amendment to ensure that organisations like the NSPCC and Barnardo's could be recognised in Northern Ireland. There are reasons for that, and the fact that a lawyer arrived from London and told people that it was not a good idea does not necessarily counteract the reason why we did it. Nonetheless, on this particular point, as on others, we have reached a compromise, and I am not going to disturb the good nature of the House any more —

**Mr Ramsey:** *[Interruption.]*

**Mr Ford:** — lest I cause Mr Ramsey to laugh any more.

**Mr Ramsey:** Sorry.

**Mr Ford:** We have seen amendments that were produced at a late stage and not well drafted being rejected, and we have seen other amendments that came in either through the Committee or individual Members who discussed them early carried through. That shows the good work that has been done. Mr McCartney made the point that the original Committee inquiry into services for victims and witnesses was a perfect example of how that has carried forward in large measure, though not quite to the abolition of PIs entirely, into this Bill. We welcome that that has been done. It is an example of positive constructive work.

The balance, as Alban Maginness highlighted, is between scrutinising and challenging, which can always be an issue. However, I think that we have a reasonably good balance between the Committee and the Department in that respect.

It is something that will hopefully be an example to others. I have no doubt that there are very few people outside watching this debate at 7.10 pm to take note. I take pleasure, however, from the fact that sitting beside Robin Swann is a new Member of the House who is to be a new member of the Justice Committee. I welcome Neil Somerville to his first justice debate. I hope that he has learnt the lesson of the constructive, positive engagement that his predecessor Tom Elliott was part of as well.

**Some Members:** Hear, hear.

**Mr Ford:** That good negotiation and compromise has delivered results across the justice system generally and, in particular, in the Bill. I trust that the 11 members of the Committee, including Mr Somerville, will take part in that as we begin the work on the Justice (No. 2) Bill, which was introduced in the House this morning.

With that, I commend the Bill to the House and thank all Members for their contributions, not just this evening but over the months of scrutiny in Committee.

*Question put and agreed to.*

*Resolved:*

*That the Justice Bill [NIA Bill 37/11-15] do now pass.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments while we change the top Table.



(Mr Speaker in the Chair)

## Committee Business

### Sammy Wilson MLA: Conduct Investigation Report

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. Mr Wilson will have 10 minutes to make his contribution. All other Members who are called to speak will have five minutes. As a valid petition of concern was presented on Monday 29 June on the motion, the vote will be on a cross-community basis.

Before I call the Deputy Chairperson to move the motion, I wish to draw the attention of the Assembly to the fact that the embargo on the report was not observed and that the content has been openly discussed prior to the debate. I am not minded to say anything more at this stage other than this: Members know full well that the embargo protocol is well established and that the place for debate on such reports is in the Chamber, not in the press. The leaking of the Committee report is inappropriate. In future, where individual Members have aired their views in the press prior to a debate, I will be inclined to deny them the use of the Assembly's time to repeat what they have said outside. For clarity, that means that they will not be called to speak.

7.15 pm

I also wish to give some advice about how I expect this debate to be conducted. This is a debate about a report from the Committee on Standards and Privileges, and I fully expect there to be differences in the opinions that Members will express in their contributions. Last night, we had an excellent example of a vigorous debate on an amendment on which Members — some of whom will be involved in these proceedings — had strongly different views. That debate was conducted with complete respect, and there is no reason why I should not expect the same of this debate.

I have no wish to prevent Members from engaging in robust debate, but I expect contributions to uphold the standard of respect and to deal with the content of the report rather than the personalities and the personal integrity of those inside or outside the Chamber. So let me clear from the outset that I will intervene and advise when I consider that any Member is in breach of the standards that I expect. If they persist, they will be asked to resume their seat. If that is clear, we can proceed.

**Ms Lo (The Deputy Chairperson of the Committee on Standards and Privileges):** I beg to move

*That this Assembly, in consideration of the report of the Committee on Standards and Privileges [NIA 238/11-16], censures Mr Sammy Wilson MLA.*

Mr Wilson has been found to have breached the Assembly's code of conduct. The Committee's report sets out all the relevant detail, which I will now summarise.

A complaint was made by Mrs Dolores Kelly in relation to Mr Wilson's conduct at a meeting of the Committee for Social Development on 16 October 2014. At that

meeting, the Committee heard evidence from Stephen Brimstone, the then special adviser to the then Minister for Social Development. This was as part of its inquiry into allegations made in a 'Spotlight' programme in relation to Housing Executive contracts. Mr Jim Allister had been questioning Mr Brimstone, when Mr Wilson interjected to object to Mr Allister's approach. It was Mr Wilson's subsequent comments and tone about which Mrs Kelly complained. In particular, Mrs Kelly complained about Mr Wilson's reference to witnesses as "dodgy", Mr Wilson's behaviour towards the Committee Chairperson, Mr Wilson's reference to Mr Allister as a "thug" and Mr Wilson's aggressive tone and language.

The commissioner investigated her complaint and, amongst other things, interviewed Mr Wilson. He established that Mr Wilson had neither offered an apology for what he had said at that meeting nor had he any intention of doing so. The commissioner also recognised that the facts in this case were not in dispute. The sole issue for him, therefore, was whether the admitted conduct of Mr Wilson was in breach of the provisions of the code of conduct. The commissioner concluded that Mr Wilson's comments about the witnesses and the Chairperson did not amount to a breach of the code. The Committee agreed with these conclusions. The commissioner found, however, that Mr Wilson's "thug" comment did amount to a breach of the code. He said that the ordinary meaning of the word "thug" —

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

**Ms Lo:** No, I am sorry, I have a lot to go through.

He said that the ordinary meaning of the word "thug" has criminal and violent overtones, and that, during his interview, Mr Wilson had accepted this. However, although Mr Wilson does not believe Mr Allister to be a criminal or violent person, Mr Wilson has at no time publicly clarified that he did not mean his comment in this way. The commissioner said that untruthfully describing someone as a "thug" was an abusive and gratuitous personal comment that amounted to an unreasonable and excessive personal attack on Mr Allister, and that it contravened the respect principle set out in the code.

The Committee noted that Mr Wilson had cited his right to freedom of expression as a defence to the allegation that his comments had breached the code. The commissioner had acknowledged that due regard must be paid to article 10 of the European Convention when considering whether Mr Wilson's comments had breached the code. The commissioner set out how he had done this, and was satisfied that Mr Wilson's "thug" comment was not protected under article 10.

The Committee was already aware that, in certain circumstances, a public authority can be entitled to restrict a person's right to free expression, but decided to seek its own legal advice anyway. After reflecting on that advice, the Committee discussed whether a finding that Mr Wilson had breached the code in this case would be both prescribed by law and necessary in a democratic society to protect the reputation or rights of others. The answer in both cases was yes.

The Committee was satisfied that Mr Wilson's "thug" comment was a gratuitous personal insult that did not attract enhanced protection under article 10.

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

**Ms Lo:** I am sorry; I cannot. While the Committee acknowledges the importance of Mr Wilson being able to exercise his right to freedom of expression, the right to be insulting does not outweigh the public interest in ensuring that Mr Allister's reputation and rights were protected.

The Committee did not believe, however, that Mr Wilson's conduct had brought the Assembly into disrepute. Mr Wilson's conduct was unacceptable and fell below the required standard. However, the Committee has never previously found that a Member's conduct brought the Assembly into disrepute and decided that it is not going to do so on this occasion.

The Committee wrote to Mr Wilson and told him that he should apologise to Mr Allister for his "thug" comment. The Committee had agreed that an appropriate apology from Mr Wilson would allow it to report that the matter had been resolved. However, Mr Wilson did not apologise to Mr Allister: in fact, he made it clear that he had no intention of doing so.

It is highly regrettable that Mr Wilson did not apologise. The commissioner and the Committee have concluded that he breached the code of conduct. Mr Wilson should have acknowledged and accepted that outcome and apologised. An appropriate apology from Mr Wilson to Mr Allister would have provided a fitting and proportionate resolution to the matter. The Committee believes that Mr Wilson's failure to apologise leaves it no other option but to recommend that the Assembly impose a sanction upon him for his failure to comply with the code. The Committee believes that the censure of Mr Wilson is a proportionate sanction relevant to the seriousness of the breach.

Before I conclude the speech on behalf of the Committee, I want to say some words in a personal capacity.

*[Interruption.]*

**Mr Speaker:** Order.

**Ms Lo:** Unlike any other Assembly Committee that I have experience of, the Standards and Privileges Committee has often been influenced by party politics when dealing with complaints against Members. People may say that that is politics, but this Committee, above all others, should have members who rise above tribal divisions and set a good example by being impartial and being respectful to each other.

**Mr Givan:** Hear, hear. Well said.

**Mr Speaker:** Order.

**Ms Lo:** Members are there not to defend party interests; they are there to uphold the expected code of conduct of MLAs.

It is disappointing, if not unsurprising, that a petition of concern has been tabled. That is yet another example of the DUP's abuse of power.

The commissioner reported his determination on the complaint against Mr Wilson to the Committee on 18 March 2015. Despite the commissioner's clear indication that Mr Wilson's "thug" comment was not protected under the European Convention on Human Rights (ECHR), the Committee sought its own legal advice, which it considered at the meeting of 15 April. Even when the legal advice was consistent with the commissioner's view,

the Committee deferred making a final decision until the following meeting, on 20 May, which, conveniently, fell after the May elections.

I know that Mr Wilson referred to the Commissioner for Standards negatively during a television interview last week in response to the commissioner's finding. It sounded similar to what had been said in two closed sessions of the Standards and Privileges Committee. That calls into question the impartiality and objectivity of some DUP members.

It is a matter of real regret that the Committee has had to bring the motion to the Chamber. On behalf of the Committee, I ask the House to support the motion.

**Mr Campbell:** I will begin my comments with a word of condolence to Mr Bain, who, I understand, suffered the loss of an immediate family member only yesterday. Our sympathies are with him in that loss.

This issue has been around for some time now. The person who is alleged to be at the centre of it is, of course, Mr Wilson, because of the comments that he made at a Social Development Committee meeting that was investigating the infamous 'Spotlight' saga, which did not amount to a row of beans, despite a number of people attempting to make it so. There was a series of questions posed by Mr Allister repeatedly and ad nauseam to one witness in particular, but not exclusively, and that witness was Mr Brimstone. One would have thought that any person on the Social Development Committee, let alone a Queen's Counsel, would have known after being told a second time, "I am not answering any questions in relation to internal party positions", to not persist a third time. When he did persist a third time, I said that he had done so, and the Chair, of course — he did a perfectly inadequate job of chairing the Committee, because every time there was a row he lifted his papers and said, "The meeting's over; we're calling it" — then lifted the ball and left the pitch. That is what happened on more than one occasion.

Mr Allister was reminded, as was the Chair, on the third time that he tried to get Mr Brimstone to answer a question that he had perfectly legitimately said that he would prefer not to, but he persisted in asking him a third time. When he got the same response, he asked him a fourth time, and when he got the same response he asked him a fifth time. If that is not badgering a witness, I do not know what is badgering a witness. Of course, the Chair did not draw Mr Allister's attention to that, but I did. The Chair did not, and it was the Chair's job to do so.

Then, of course, Mr Wilson made the comment that he made, which was the "thug" remark. There is a lot of talk about what constitutes robust political debate and what does not. What concerns me is that there have been a number of investigations by Mr Bain into other individuals' conduct in Committee. On some occasions, people who were in the Committee and either overheard or took part in the disputed words were asked to give some evidence to Mr Bain. After Mr Wilson made the comment about which Mrs Kelly complained, I made this comment in the Committee:

*"I think, Chairman, it was said in the political context."*

**Mr Ross:** I thank the Member for giving way. I think the context that he has built is useful for the Assembly, but does he also find it odd that the Committee would bring

forward a motion like this today, one week after a new code of conduct was passed by the Assembly that not only enshrines freedom of speech for Members, citing article 10, but that separates out the aspirational principles from the enforceable rules because the Committee recognised that the Nolan principles are almost impossible to define and to come to a conclusion about? Is that not a bit odd? Does that not strike the Member as odd?

**Mr Speaker:** The Member has an extra minute.

**Mr Campbell:** I am glad I gave way, then, in that context. I think that not only is it odd but that a lot of Members here obviously do not do irony very well.

On the issue of what constituted the “thug” remark, Mr Bain actually asked Mr Wilson:

*“You perhaps recall that Mr Campbell interjected that you had used the word ‘thug’ in the political context?”*

Not only did I say what context it was used in, but Mr Bain acknowledged that that had been done in the Committee. The more important thing is this: when I did that in the Committee, of all those who are now rounding on Mr Wilson — those who were on the Committee, the Member who made the complaint, the Chairman and all the others — not one said, “No, Mr Campbell, you are wrong; that was not the context in which it was used”. When I put the correct context in which Sammy Wilson made the comment, not one member of the Committee said, “No, that is wrong. It is incorrect. It was not used in that context”.

### 7.30 pm

Then, Mr Bain went off to talk about a physically violent person or criminal. In what realm would anyone in the Chamber or watching the debates take that sort of context out of what was said, particularly when a person sitting beside the Member who said it explains immediately afterwards what the context was and was not challenged? Nobody challenged it. They challenged it afterwards, when Mrs Kelly ran off as quickly as possible. I do not know why Mr Allister did not do it. He was probably tabling more questions about the price of mint imperials in the Chamber. That is probably what he was about. Of course, he has to get his priorities right.

**Mr Speaker:** The Member’s time is almost up.

**Mr Campbell:** The unwillingness of the Chair to deal with the issue has to be dealt with here today. Mr Wilson has a right under free speech to say what he said. Nobody should be surprised by it. I would say that he has nothing to apologise for.

**Mr F McCann:** It is wonderful to stand here today and listen to the events according to Gregory Campbell, which certainly bear little resemblance to my memory of the Committee meeting.

I would like to start by expressing our condolences to Douglas Bain on the death of his brother.

The motion of censure before the House today could have been avoided. The Committee on Standards and Privileges would happily have dealt with this in Committee, but Sammy not only ignored this but ignored the Committee for Social Development’s plea for him to apologise for his insults.

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

**Mr F McCann:** No, thanks.

His behaviour led twice to the suspension of the Committee inquiry that was under way at the time. His outbursts during the Committee meeting totally upset the smooth running of the Committee, and his continued antagonism towards the Committee Chair, accusing him of being biased, added to the general feeling that his intention was to disrupt Committee business while certain people were in the process of giving evidence. There was a general opinion that his comments about witnesses being dodgy and his general approach to the inquiry poisoned the smooth running of Committee business. The complaint made by Dolores Kelly, which related to the meeting of 16 October, could also have been avoided, had Sammy repented and treated other Committee members with respect. *[Interruption.]* This was not to be.

Mrs Kelly, in her complaint, pointed to the aggressive nature of Mr Wilson’s behaviour. She went on to say that his conduct had done damage to the reputation of other Committee members and the Committee itself. The Commissioner for Standards gave a detailed breakdown of his findings in the Committee report and found that Mr Wilson, by his actions, broke the code of conduct and had damaged public confidence and trust in the Assembly.

In the Committee itself, we had much debate on whether Mr Wilson was in breach of the code. I believe that, if he had offered an appropriate apology to Mr Allister, the Committee would have reported that the matter had been resolved, and that was included in the report. The Committee set a date for the apology of 29 May, but Mr Wilson informed the Committee that he would not apologise to Mr Allister for the comment. The report went on to say that it was highly regrettable that Mr Wilson did not apologise. Both the commissioner and the Committee concluded that a breach of the code of conduct had taken place. It has tabled the motion that Sammy Wilson be sanctioned. It was not a unanimous decision. The DUP people on the Committee would not support the findings, so we are where we are. Once again, we have the DUP putting in a petition of concern in order, not for the first time, to protect its members from censure. *[Interruption.]*

**Mr Speaker:** Order. There is far too much barracking of people who are making a contribution. There are people engaging in it who have their name down on this list. They need not expect to be called if that continues. OK? They will not be called, so they can make the choice. Go ahead.

**Mr F McCann:** Thank you, a Cheann Comhairle. Ultimately, we are all losers in this because it sends out the signal that the Assembly cannot investigate the bad behaviour of Members. Even though most members agreed that a certain road should be taken to hold that member to account, the party then closes ranks. I hope that the new code of conduct is treated differently by party groups and individual Members alike. Not doing so would make a nonsense of not only the code but the credibility of the Assembly.

**Mrs D Kelly:** I welcome the ruling of the commissioner and the endorsement of that ruling by the Committee on Standards and Privileges. I appreciate that it has been a lengthy investigation, but anyone who observed the Committee for Social Development proceedings on the day the incident occurred could not but have been appalled by the behaviour of Mr Wilson and some of his

colleagues in relation to the disruption caused to the work of the Committee.

Members would do well to reflect on why they are elected to serve in the Assembly and what their functions are as members of a scrutiny Committee. It is to hold the Minister and the Department to account in the discharge of their functions on behalf of the citizens here in the North.

Members are right to say that this part of the Committee inquiry was around the findings and reporting of the 'Spotlight' programme and Red Sky. Anyone who watches not only that section of that Social Development Committee inquiry but other sections will see how the DUP deliberately disrupted proceedings and accused all members, including the Chairperson, of not being objective and not carrying out their functions in a proper manner.

There is one aspect of this investigation that I regret, which is the finding by the commissioner that the reference to previous witnesses being dodgy was not one that he felt that he could uphold. Quite frankly, I was appalled by the bullying behaviour in the treatment of Miss Jenny Palmer by her party colleagues at that time. If anyone was a victim or deserved an apology, it was Jenny Palmer and those who refused to buy into the DUP doctrine of putting the party first. Yet again this evening, as we debate the report, we see that, rather than do their duty as scrutineers and people who are supposed to uphold the best principles of leadership and be role models for young people, younger politicians and the communities that they serve, they put the party first. That is a shame on all of you. *[Interruption.]* We are not dealing with some novice politician or parliamentarian; we are dealing with an experienced person who serves not only in this Assembly but at Westminster. When I was considering putting forward this complaint, I asked whether that standard of behaviour, which many saw as more a street corner-type approach than one befitting a parliamentary Committee inquiry, would be acceptable in any other jurisdiction. I have to say that the answer that came to my mind and obviously has come in the findings of the Committee on Standards and Privileges and the commissioner was "No, it would not".

**Mr Campbell:** I thank the Member for giving way. She will recall me saying in my speech about my giving what I believed was the correct context in which it was used, which was a political context. Can she explain why she did not dispute that explanation, just as Mr McCann did not explain why he did not dispute it?

**Mr Speaker:** The Member has an extra minute.

**Mrs D Kelly:** Thank you, Mr Speaker. As I and Mr McCann said earlier and, indeed, as the Deputy Chair of the Committee on Standards and Privileges eloquently illustrated, my complaint was threefold: the abuse of the Chairperson of the Committee, Mr Alex Maskey; the reference to previous witnesses as "dodgy witnesses"; and, as for Mr Allister, he is well able, I am sure, to defend himself. He is no shrinking violet, I would suggest, and no Member would consider him such. Nonetheless, the DUP, on that day, got out of hand. They disgraced themselves, they disgraced their party, they disgraced the House, and they disgraced the role and function of a parliamentarian.

I am pleased that the Committee came to this conclusion, and I hope that somewhere in the depths of the DUP — if not in its Assembly team, perhaps in its council teams, where there were people like Jenny Palmer, who was

prepared to put her head up and to stand up and be counted for what is right and good — they can show some respect for democracy. This is a democratic finding. The DUP, after the St Andrews Agreement, were crowing about all the safeguards they had put in place to hold Ministers to account and around the conduct of MLAs, but, yet again, it is the conduct of a DUP Member that is called into question before the House. I very much welcome the findings of the report, and I remind the DUP that, after seven drafts, an apology from Mr Brimstone to Jenny Palmer is, as I understand it, still outstanding. It is she who is owed an apology and is the victim of the how the DUP and, in particular, Mr Wilson, conducted themselves.

**Mrs Overend:** At the outset, I add my sympathies to the commissioner, Douglas Bain, on his recent loss.

It is with some frustration that I take part in the debate, especially considering that it marks the end of a disappointing year in the performance of the Assembly. The facts of the case are clear. In brief, Stephen Brimstone was appearing before the Social Development Committee to account for his role in alleged wrongful political interference in the Housing Executive. In the opinion of Mr Sammy Wilson, he was a weak and vulnerable witness, despite being an experienced political adviser. Mr Wilson took exception to the manner of questioning by Mr Allister. He proceeded to call Mr Allister a thug — not necessarily the worst form of abuse, but unparliamentary and unbecoming of the language that an experienced political operator should use. A complaint was subsequently lodged, and Mr Wilson was, indeed, found to have broken the code of conduct. He has since been given multiple opportunities to apologise but, every time, has refused to do so. As a result of that stubbornness, the Committee on Standards and Privileges has been forced to bring the debate, simply because Mr Wilson was not mature or reasonable enough to say sorry.

The whole thing gets even more ridiculous. Instead of letting this debate run its course, the DUP, for whatever reason, felt that this comment has a disproportionate impact on one community. Well, it must have done, because it has lodged a petition of concern. I want to be clear: the DUP — the largest party in Northern Ireland and the current holder of the office of First Minister — has tabled a petition of concern on the failure of one of its MLAs to say sorry. That is, frankly, quite pathetic. The original comment was misguided but not fatal. How Mr Wilson and his party have responded in the seven months since is pitiful.

Let us just look at the context while we have this debate. This is the last major discussion in the Assembly before the summer recess and it comes at the end of what has been a totally dysfunctional and underwhelming year as far as the Assembly and Executive are concerned. The Assembly only today passed a Budget that does not add up. It looks likely that the opportunity of corporation tax has been squandered, and crucial public services all around Northern Ireland are starting to unravel as we hand back £2 million a week to Westminster. Instead of talking about the fact that the Assembly cannot pay its bills, we are talking about the fact that a 62-year-old man, not only a Member of this House but a Member of Parliament, could not say sorry when he was clearly in the wrong.

While the world is looking at Greece, you would be forgiven for thinking that it is business as usual here.



This entire episode is a complete waste of time, a waste of the Committee's time and a waste of public money, because goodness knows how much has been wasted — *[Interruption.]*

**7.45 pm**

**Mr Speaker:** Order.

**Mrs Overend:** — on the Commissioner for Standards. If the Assembly is even to return in September, it collectively needs to get its act together.

**Mr Buchanan:** I oppose the motion and will make my comments short and to the point. I am not opposing the motion simply because Mr Wilson is a member of my party. I know that he is well able to speak for himself. I am doing it because the motion is in contravention of article 10 of the European Convention. We are prohibiting freedom of expression. We need to take a step back in the Chamber tonight and ask ourselves whether we want to stymie politics and debate to the extent that we deny each other freedom of expression in the House in particular debates. I do not think that we want to do that. That is exactly what the motion is about.

Throughout the entire process, we, as a party, have been consistent in our opposition to this action, even in the Committee. We hear about the Committee report, but I want to make the House aware that the report does not have the unanimous support of the Committee. It has been put through the Committee only by a majority vote. I am a newcomer to the Standards and Privileges Committee, having been on it only for the last two meetings, and what I have witnessed from the other parties around the table has been nothing more than schoolboy politics. It is something that we would perhaps see in a primary school. That is what we have witnessed as the standard and level of the other parties around the table. It is no wonder that, in the eyes of the public, the credibility of the House is going down the drain.

**Mr Spratt:** I thank the Member for giving way. You will have heard the Deputy Chair talk about the legal advice that the Committee got. Will you agree that the Deputy Chair gave a pretty dodgy summary of the legal advice to the House? She did not take into full account what was said in the very clear and full legal advice that we got from our legal advisers.

**Mr Buchanan:** I agree with the Chair of the Committee. It is a pity that the proposer could not spell out exactly what legal advice the Committee got.

As we sit in the Chamber tonight, miracles will never cease. The SDLP's Dolores Kelly is now the advocate for the TUV leader, Jim Allister, in bringing such a ludicrous complaint before the House on his behalf. I am trying to work out whether Dolores is now the TUV puppet or mascot. I do not know which it is, but it certainly has to be one of them. From reading the report, it is clear that the remark that appears to have caused so much concern was made in a political context during a rousing exchange in the Committee. One would have thought that most of us in the House would be politically mature enough to take it on the chin, but, alas, there are those who beat their breast to be in the House and to be the political giants of it and who want to dictate to other parties and other Ministers what they should and should not be doing but, when something like this comes along and hits them, they become nothing

more than political jelly babies. You know what? They are perhaps not as sweet as the jelly babies that you can buy in a shop. That is the image that we have of the other political parties around the Chamber tonight.

Let us look at the questioning of Mr Wilson by Douglas Bain and how he looked into the criminal nature of the comment. One wonders where he was coming from in all this and how he got the idea that it was criminal in nature. Mr Wilson has nothing at all to apologise for. What are we Members elected to the House to do? To serve the people and to deliver for the people. The last Member talked about corporation tax and welfare reform. Well, do not look at us: we are not the party holding it back. Look at the parties that are holding it back— the parties that are involved in all the petty wrangling. As our constituents and those outside look into the Chamber and see exactly what we are debating, it is no wonder that they shake their head and say that, really and truly, the credibility of the House is going down the drain.

Fra McCann more or less condemned the DUP for putting down a petition of concern. Fra has a short memory. Does he forget that they opposed the motion to sanction Gerry Kelly? The rest of us may remember things, but it appears that the party opposite has a very short memory. It is time that all you people, and you other parties that take things so personally, begin to realise that you are here to serve the people as politicians. For goodness' sake, step forward and give that political leadership for the people you are here to represent rather than bringing such petty things before the House.

**Mr Spratt:** At the outset, I send my condolences to Douglas Bain. However, can I also say, as one who has been investigated — not once, but twice — on the same issue by the same Douglas Bain that I found him to be a pompous, arrogant, self-serving and patronising individual? I have heard Members from the other side of the House say exactly the same thing about him. He is not someone with whom it is pleasurable to do business.

From the very outset, I think that Mr Wilson hit the nail on the head when he said that, in Mr Bain's interview with him, Bain had already made up his mind. He had made up his mind on the basis of how he decided to interpret the word "thug".

**Mr A Maginness:** On a point of order, Mr Speaker. The Member referred to the Commissioner for Standards, an officer who serves the House. He has impugned the commissioner. In fact, he affirms that across the Chamber now. Is it in order for that charge to be made against the commissioner? Surely it is totally inappropriate, given the fact that the commissioner is an official of the House, has responsibility for standards and has made a report. Is it appropriate, is it proper, for a Member of the House to make such abusive allegations against the commissioner?

**Mr Speaker:** First of all, I accept the point of order. It is my view that Members, including the Member who has the Floor, are well aware of the conventions surrounding officers. I was listening very carefully, and will continue to listen very carefully, to the remarks made. I will intervene if necessary. In my view, we are here to discuss a report from one of our Committees. We are not here to discuss the personality, performance or status of any individual who is an appointed official of the Assembly. If that is not clear, let me make it clear: I believe that the Member who

has the Floor is very close to the point at which I will feel obliged to intervene. I am putting down that marker.

**Mr Campbell:** On a point of order, Mr Speaker. I seek your guidance. Mr Maginness appeared to be very close to implying that he was going to consider making a complaint about Mr Spratt's attack on the commissioner.

If he were to do that, who would investigate the complaint against the commissioner?

**Mr Speaker:** That is quite obviously not a point of order. I listened carefully to what Mr Maginness said, and he went nowhere near the inference that you drew.

Mr Spratt has the Floor and is perfectly entitled to discuss the content of the report. I will protect his right to express his views, but there is a limit to abusing an officer of the Assembly. Mr Spratt, I do not want you to go any further than that; otherwise, I will feel obliged to stop that line of debate on the spot and move on.

**Mr Spratt:** Thank you for that advice, Mr Speaker. I do not intend to refer to the individual again. The point that I was trying to make is that it is true that there is no mechanism in the House to have the commissioner investigated. I would have asked for an investigation had I had an avenue to do so, but there was no avenue.

Let me give you another scenario: if a young, vulnerable person who is a civilian comes along and makes serious allegations against a Member of the House, allegations that are then investigated by the commissioner, and she is so traumatised by the commissioner that she has to walk out and cannot give evidence again to him because of the way in which she was stressed and traumatised, there is no avenue for that individual to make a complaint. I think that is something that is sadly lacking in the House.

In the speech that was written for her, the Deputy Chair made very pointed remarks to suit her argument in relation to the legal advice that came to the Committee, because the legal advice was very, very clear. At the outset, the legal adviser stated:

*"I would advise that it is not entirely clear in my view whether the thug comment made by Mr Wilson would be classified as a form of political expression or not."*

Here is the telling bit, however:

*"Only a court could decide authoritatively whether the comment is to be regarded as a form of political expression."*

What the Committee —

**Mr Agnew:** On a point of order, Mr Speaker. Am I right in thinking that legal advice provided to a Committee is in itself privileged and that disclosing it in a public forum is in itself a breach of privilege?

**Mr Speaker:** If someone were, in fact, to present that set of circumstances, but it is a matter for Members themselves to decide whether they are reflecting the advice that they heard. I am quite clear that, even if there is only one set of advice, across the table in a Committee or across a debating chamber, people will have different opinions about what was said, what was meant or what the import of it was.

The straightforward answer to your question about whether that advice is privileged is yes, of course it is. What I hear is a discourse describing how that advice was represented by the Deputy Chairperson in making her contribution. For me, that is the cut and thrust of debate. You do not have to agree, but the Member is entitled to make that point if that is sincerely his point of view and one that he wants to bring to the attention of the Assembly.

**Mr Spratt:** Thank you for that advice, Mr Speaker. The point that I was trying to make is that the Committee totally ignored that particular part of the legal advice. I thought that that was wrong, and that was why I and other colleagues consistently voted against. Only Mr McCann, more power to him, has had the grace to point out that this was a split decision all the way. The Deputy Chair never mentioned that once in her remarks. It was split from the beginning. Yes, it is a political forum, but we were not —

**8.00 pm**

**Ms Lo:** Will the Member give way?

**Mr Spratt:** No, I will not give way, because you would not give way to me, so why should I give way to you? I have heard enough of your ramblings for this evening.

The bottom line is that Mr Wilson's right of expression and freedom of speech have been seriously abused, in my view, by the commissioner and by the other members of the Committee. That is why we have put a valid petition of concern in tonight. As previously pointed out, the party opposite did so for Mr Kelly. If it had been a member of Sinn Féin or the SDLP that had been in front of the Committee for the same thing, I would be voting with them and supporting them tonight. So, shame on them, and no lectures from Anna Lo about petitions of concern. You signed one the other day.

**Mr A Maginness:** I take this opportunity to express the SDLP's sympathy to Mr Douglas Bain on the death of his brother.

Having heard from DUP colleagues across the way, the question on my mind is why we have an independent Commissioner for Standards in the House. Mr Bain is the commissioner, and he is an independent office holder. He was appointed by the House in order to consider complaints in relation to standards. That is a very important role, and he has carried out that role, I believe, in a proper fashion. If we attempt to undermine his independence, impugn his motives or simply say that what he has done in his determination is nonsense, biased, or whatever, are we not undermining not just Mr Bain, but the actual office of commissioner within the House? If we undermine that office, are we not, therefore, undermining the standards that we as Members should aspire to? That is the central question that springs to mind, having heard what DUP colleagues have been saying.

I am deeply, deeply unhappy with the stance that the DUP has taken collectively in relation to the issue. We have a Committee for Standards and Privileges, and the importance of that Committee is that it looks at an independent report given by the commissioner. He comes to conclusions, and the Committee assesses those conclusions. In this instance, the Committee accepted his conclusions — by a majority, I accept that — but the point has to be made. The Committee has authority within the House, and the commissioner has authority in terms of

investigation and so forth. If, having considered all those matters in the round, we do not accept those reasonable conclusions, are we not undermining the very standards that we seek to establish within the House?

**Mr Givan:** I appreciate the Member giving way. He makes a very cogent argument around standards and undermining the office. How does he reconcile that with the report of 2013 on Gerry Kelly, which recommended the sanction of exclusion from the House for five days for an unlawful action, and which his party signed a petition to veto? *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** I was a witness to the incident that you have referred to. I was a witness of truth and fact in relation to it, and I can tell you that I believe that Mr Kelly, on that occasion, did not act wrongly.

Let me continue. Look at this report today, and look at what the commissioner found. He said —

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

**Mr A Maginness:** No, I cannot give way.

He said, and this is the central aspect of his report:

*“untruthfully describing someone as a ‘thug’ is an abusive and gratuitous personal comment ... despite the fact that it was made in a political context by one politician about another, I do not accept that the comment was protected by the right to freedom of expression enshrined in article 10 of the convention. I do not accept that it amounted to an unreasonable and excessive attack on Mr Allister and that it contravened the respect principle set out in the code.”*

The point that I make is this: the commissioner came to a conclusion. He acted independently, rejected two aspects of the complaint that Mrs Kelly made and came to a reasonable conclusion. That conclusion should be accepted, even by the party of which Mr Wilson is a member.

In any other political institution, you would find that parties rise above partisanship and accept the independent advice given by a commissioner in relation to the behaviour of a Member of the House. The facts are indisputable, and Mr Wilson did not, in any way whatsoever, contest the facts. In the ordinary sense and meaning of *thug*, can anyone in the House honestly say that that is an acceptable standard to attribute to any other Member? I believe that common sense dictates that that is the right standard —

**Mr Speaker:** Thank you.

**Mr A Maginness:** — for the House —

**Mr Speaker:** Thank you.

**Mr A Maginness:** — and that it would be shameful for us to accept otherwise.

**Mr Newton:** Obviously, I oppose the motion. I am a fairly recently appointed member of the Standards and Privileges Committee, like my colleague Mr Buchanan. The Standards and Privileges Committee has a role to play. It has the remit of being one of the pillars that supports the Assembly. It has to perform that role in a transparent and open manner, and it has to examine the behaviour of Members against the standards agreed by the

House. That said, as Mr Alastair Ross said, underpinning all that is the freedom of speech.

I cannot understand where the Deputy Chair of the Committee is coming from in her remarks. She indicated that it is not to defend party interests and she accused the DUP of an abuse of power. How, when we lost the vote, is it an abuse of power? I do not understand that at all.

**Ms Lo:** Will the Member give way?

**Mr Newton:** Do I get an extra minute, Mr Speaker?

**Mr Speaker:** Yes.

**Mr Newton:** I will give way.

**Ms Lo:** You did not hear me properly, obviously. I said that the abuse of power was using the petition of concern to try to block the motion.

I would like to take this opportunity, and I thank the Member for giving way, also to respond to what Mr Spratt said earlier when he would not let me in.

**Mr Newton:** Mr Speaker, I am not giving way —

**Mr Speaker:** Order.

**Mr Newton:** I am not giving way —

**Mr Speaker:** You conceded the Floor.

Ms Lo, bring your remarks to a close. It is meant to be a brief intervention.

**Ms Lo:** I will be brief. There was a reference to someone writing my speech. Of course, someone writes the speech for the Chair or Deputy Chair to move any motion, so you are actually criticising staff of the Committee, who wrote truthfully —

**Mr Speaker:** I told you that it should be a short intervention. Please resume your seat.

**Mr Spratt:** On a point of order, Mr Speaker. I think that it is wrong for the Chair to say that. There was no suggestion that the Committee Clerk, who probably wrote the speech, was being criticised in any way. He is not being criticised. I never at any point during my remarks criticised the Committee Chair. In fact, I have the highest regard for the Committee Chair and the Committee staff, so the Deputy Chair should withdraw those remarks. I ask you to ask her to withdraw those remarks immediately, because they are totally out of context with what I said, Mr Speaker.

**Mr Speaker:** First of all, I did hear the remarks about how the speech was probably written for Ms Lo. People can check Hansard for themselves —

**Mrs D Kelly:** Exactly.

**Mr Speaker:** Let me finish. People can check Hansard for themselves and decide whether that was an implication about the person who wrote the report. I believe that you, Mr Spratt, have put your remarks on the record, and you, Ms Lo, have done likewise. People should read Hansard and maybe come to the conclusion that we have, on occasion, departed from the standards that we expect in the House.

**Mr Newton:** It is an abuse of privilege for the Member to ask me to give way and, when I do give way to her, she abuses that privilege by criticising another Member.

**Mr Speaker:** You are using your time up.

**Mr Newton:** I think it is indicative of the attitude of the Chair, and a similar attitude has been prevalent the whole way through this debate.

Anyway, here stands the accused. Here he is. Where is he? *[Laughter.]* He has moved. Where has he gone? He is here anyway, waiting for the hangman.

**Mr Spratt:** He's on the run.

**Mr Newton:** He is on the run. He is here waiting for the hangman. He has been accused of the very minimum that the Standards and Privileges Committee could impose on him, which is that he should apologise to Mr Allister. Mr Allister has not been running around seeking an apology, but Mrs Dolores Kelly said of Mr Wilson:

*"He is not a novice. He is an experienced parliamentarian and he should know better."*

If it was an insult, and Mr Allister will tell us whether he felt insulted at that time by the terminology, is it not strange and sad that there is such pettiness from an experienced parliamentarian that she would run off to defend not herself or any other member of her party but an experienced parliamentarian such as Mr Allister? Indeed, why is it, when we are debating one aspect, one accusation against Mr Wilson, that that experienced parliamentarian, the deputy leader of the SDLP, finds it appropriate to bring other aspects of the report into it and accuses the DUP of having disregard for her party, accuses the DUP of having disregard for the House and accuses the DUP of having disregard for the other Members? In fact, she named the Member. It is a matter about which she knows absolutely nothing, except what has been reported in the media. It is the very, very minimum.

The question has been asked about how that party treats its members. We have just been through a process that shows how the party leader has been treated and the respect that has been shown to him. Surely Mr Speaker — you mentioned this in the Chamber in the last number of days — you do not want to stymie robust political debate in here but you are demanding that respect be shown in the Chamber. That should underpin every aspect.

The word that was used was used in a political context. I could substitute other words in other contexts. I could use the words "combatant", "belligerent" or "bully". However, I could also use another word instead of those three, and that word would be "champion".

The political context is where the debate was taking place, and Mr Wilson has nothing to apologise for.

**Some Members:** Hear, hear.

**Mr Allister:** I do not quibble at all with the rough and tumble of politics. I am probably one who gives as good as he gets, but I will say that, when a remark is made that conveys that I am of a criminal and violent tendency, I do object. I have encountered in my professional life enough thugs to know what the word means, and it is not a pleasant word. When it is said in a gratuitous way and, according to the commissioner, in an untruthful way, because of lack of belief by he who speaks it that it is true, it makes the matter worse.

## 8.15 pm

Sammy Wilson is better than this. He is a very able parliamentarian. He is eloquent, effective and persuasive, but, making the remark that he made, I think, says more, sadly, about him than it does about me. Why did he stoop so low on that occasion? I think that the answer lies in the fact that it was, on his part, a concerted and perhaps predetermined attempt to sabotage the Committee because the evasive, scheming Mr Brimstone had been flushed out. He was caught in the headlights of truth. He had nowhere to go, and, on cue, in comes Mr Wilson to divert and to save the day and to secure the abandonment of the Committee. It was not the first time that it had happened. It happened on an occasion when Mr McCausland was there. The same tactic, or a similar tactic, was deployed on that occasion. That was the nature, the purpose and the motivation, I believe, of what happened on that occasion.

In those circumstances, saying something that he did not believe, it seems, and, therefore, something untruthful, one might have thought that he might have been man enough to face up to that and to apologise, and an apology would have been perfectly acceptable to me — *[Interruption.]* — but, of course, the DUP does not do sorry. It is never wrong. It is in its DNA — *[Interruption.]* — that it is never wrong. Indeed, some of them will recognise which DUP grandee this phrase came from, but they work on the premise, "You never admit you are wrong because it is a sign of weakness". To me, it can be a sign of strength, but, within the DNA pool, sadly, of most in the DUP, that is the belief. You never admit that you are wrong because it is a sign of weakness. That is why, on this occasion, there has been the inability to face up to this matter and, instead, there has been all sorts of abuse poured on Mr Bain, and I join others in offering my condolences to him.

Mr Bain was introduced to this House with a speech from a DUP man Mr Alastair Ross. On his appointment, Mr Ross told us that he would make an excellent commissioner, meeting the demands for skill, wisdom and judgement. *[Interruption.]*

**Mrs D Kelly:** Will the Member give way?

**Mr Allister:** Yes.

**Mrs D Kelly:** Will the Member also acknowledge that the reason — *[Interruption.]* — why I lodged my complaint — *[Interruption.]*

**Mr Speaker:** Order. *[Interruption.]*

**Mrs D Kelly:** — was to stand up for standards of decency and good behaviour in this House?

**Mr Speaker:** Order. I did not hear a single word of what Mrs Kelly just said. I will give you the opportunity to repeat it. Use the mic if necessary. I want order on this side of the House so that we can all hear. This is meant to be a debate, and people are meant to listen as well as speak.

**Mrs D Kelly:** Thank you, Mr Speaker. I was just asking Mr Allister whether he agreed that the rationale behind my complaint was to stand up for decency; it was not to be a defender of Jim Allister of the TUV.

**Mr Speaker:** The Member has an extra minute.

**Mr Allister:** I confirm that I had no knowledge that Mrs Kelly was making a complaint, nor did I ask anyone to make



a complaint. She did what she did because she thought what happened was wrong, and I respect her for that.

**Ms Lo:** Will the Member give way?

**Mr Allister:** No, I must finish this point.

Faced with this legitimate criticism, what does the DUP do? In the most wimpish of actions, they run round to the Business Office with a petition of concern, another human shield for Sammy Wilson. How pathetic. Instead of being men and facing up to the criticism and the facts, they run like wimps to the Business Office. *[Interruption.]*

**Mr Speaker:** Order. I call Mr Sammy Wilson. *[Interruption.]* Order. You have 10 minutes, which gives you plenty of time to set out your case. If you take any interventions, I will not award you any extra time.

**Mr Wilson:** Thank you, Mr Speaker. I start off with an apology: sorry we got it wrong as far as Mr Bain was concerned.

I will start by saying that I welcome the debate. I have been waiting for the debate. Indeed, I have probably prolonged my time in the Assembly to take part in the debate, because there is an important issue at stake. That issue is whether we, as an Assembly, tolerate interference in freedom of speech in the Assembly by a bureaucrat who wishes to impose his standards on us rather than allow freedom of expression, which there should be in any debating chamber. That is the crucial part that people have to bear in mind when looking at the report.

People have made much about the petition of concern. Quite frankly, I do not care what the outcome of the debate is, but the reason for the petition of concern was very clear. This whole episode is not about people being concerned about the standards in the Assembly, and it is not about whether people have abided by the code of conduct. This is all part of the ongoing petty, party political point-scoring exercise that started when Sinn Féin and the SDLP set about attacking Nelson McCausland.

I make no apology for the way in which I addressed Jim Allister on that occasion, because he willingly allied himself with Sinn Féin. In fact, he became the most effective cosh that they had during that, and he was rewarded for it by a Chairman who gave him far more leeway than anybody else in the Committee ever got. If the definition of “thug” is a member of a gang, a professional assassin or someone who seeks to do their victim in by stealth, I think that the term “thug” was appropriate and therefore still stands. As far as I am concerned, Mr Allister willingly allowed himself to be used as a tool by Sinn Féin.

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

**Mr Wilson:** No, I will not give way, because I do not have time.

For that reason, I will not make an apology. I will not do an insincere apology. By the way, for the record, I do sorry if I have to do sorry, but I only do it if I am genuinely sorry and believe that I have made a mistake that has to be corrected. I have no difficulty in doing that.

I accept that Mr Allister did not make the complaint. Indeed, I suppose, in my opposition to Mr Bain’s report and the Committee’s report, I am standing up for Mr Allister as much as I am for every other Member of the Assembly. If the Commissioner for Standards heard some of the things

that Mr Allister has said in the Chamber when he is not on the side of Sinn Féin and is not in cahoots with them, if he heard some of the things that he has said about Sinn Féin, he would be apoplectic. He would have a heart attack. If there is anybody who uses language that Mr Bain would find offensive and would think stands outside the code of conduct, it is Mr Allister, who has the same approach to politics as I do, which is that this is a debating Chamber where you have a bit of fire in it, you have a bit of passion in it, you have a bit of enthusiasm in it, you put a bit of fervour into it and, if you are angry, you are angry and, if you are mocking, you are mocking.

This is the whole point about the report. If we accept that we allow the commissioner upstairs to dictate his view of what a debating Chamber should be, we do harm to all of us who like to see a bit of fire and passion in debate. Of course, he did not have to make the complaint because the Ena Sharples of the Assembly was happy to go running. She is maybe not so much “the harridan in the hairnet” as “the busybody on the Benches”. Of course, she is well known for criticising members of her own party, as her party leader will tell you. In fact, a rather unkind remark was made to me when I talked about this debate to one of her colleagues in Westminster who, rather unkindly, told me, “Don’t take her on; she’s bigger than you”. That is maybe an indication of what the relationships are like in the SDLP. She took the complaint —

**Mr Speaker:** Mr Wilson, I caution you: I think that you are getting far too close to being very personal in your remarks. If that continues, I will have to stop you.

**Mr Wilson:** Indeed, Mr Speaker, you are absolutely right. I told the Member off in the corridor of the House of Commons for making such an unkind remark.

**Mr Speaker:** OK, but I am taking exception at you telling all of us.

**Mr Wilson:** I only use it to show the divisions that there are in the SDLP.

What kind of individual have we got who is laying down and who made this report? First of all, there is an irony. The day I met Mr Bain was about three months after he had written letters and made threats and things like that. It was two days after Prime Ministers and world leaders had walked through the streets of Paris demanding freedom for a satirical magazine to use abusive satire against the beliefs of hundreds of millions of people in the world who describe themselves as Muslim. Yet, while world leaders were marching in defence of that, Mr Bain thought that it was OK for him to have an investigation of whether somebody in this Assembly could use robust language. It kind of showed how out of touch — or it showed the difference that there is.

One of the bits in the interview that I really enjoyed was when, at one stage, he demanded from me an answer that I could not give him. I had not read the Hansard reports, and I had not done any work for it because I was not all that concerned. He pointed at me and said, “I can bring you back here until you give me an answer.” I pointed back at him, and I thumped the table. He recoiled in horror, eyes bulging, mouth gaping, lips twitching, face paling. When he finally recovered himself, in his most magisterial voice he said to the note taker, “Let it be recorded that Mr Wilson thumped the table and pointed his finger at me.” Is that the kind of person we want dictating the kind of language

and the way that we can conduct our debates here? He does not even understand that, when you want to stress and make emphasis etc, that is the way you behave. He would find much of what goes on here offensive because, in the world of quango-crawling bureaucrats with their oily handshakes and their —

**8.30 pm**

**Mr Speaker:** Please sit down. Mr Wilson, I understand that you are at the epicentre of the report, which you have made very little reference to. The personal attacks on an officer of the Assembly are unacceptable. Would you speak to any other officer of the Assembly like that or approve of that? Consider that. Maybe you should temper your remarks before I have to intervene and stop that type of discourse. You can rush to your feet and thump the table if you wish, and I will respond to that appropriately. I suggest that we discuss the report, and I am giving you every opportunity to do so.

**Mr Wilson:** I do not know who you mean. If you thought that I was referring to Mr Bain as a quango-crawling bureaucrat, I had not mentioned him. I was just saying that, in the world of bureaucrats, where you do not cause offence because that would stand in the way of and impede your career, you will not engage in the kind of language that we engage in. In the House, we debate issues that make people angry, that people are concerned about and that people are frustrated about. Of course, we will use all the weapons of language. We will use all the methods that there are in debate. The words that we use and the manner in which we use them are all-important.

All that I can say is that the Standards and Privileges Committee may feel that it has a good chance to have a snipe at a member of the DUP, but let it bear in mind that, if we go down the route that we are heading, instead of having a debating Chamber here, we will have a languid, slumberous essay-reading centre that will be of use to nobody. That is not what this place should be about. For that reason, I believe that people should reject the report and its findings. Indeed, the SDLP and Sinn Féin ought to remember, as was pointed out, that they are and have been quite happy, for their own party political interests, to protect people who have been guilty of far worse offences than I have been accused of. Members should think of their own interests, think of the interests of the Assembly and kick the report out where it should be.

**Mr Agnew:** Before summing up on behalf of the Committee, I wish to make a few personal comments as a member of the Green Party. First, I thank Mr Spratt, who has most recently chaired the Committee. I read today that he intends to retire, and I want to thank him for his service to the Committee. To his replacement as Chair of the Committee, whoever that shall be, and to the other members of the Committee, I make a bit of a request as someone who, since being elected, has seen it as a privilege to take part in the Committee and recognises the position that we have. The point about party political point scoring has been made. In complaints made to the Committee and in how Committee members have sometimes responded in Assembly debates, it has become very party political. I believe that the Committee is a quasi-judicial body and should act as such. When Members step through the door into those meetings or we take our closed sessions, there is no need to play party politics. We

should consider a complaint on its merits and on the basis of the evidence presented to us by the commissioner. We should give a corporate response. Indeed, on a previous complaint, I suggested — it was agreed by the Committee — that only the Chair should make public comment. Unfortunately, that was not upheld, despite the agreement of the Committee — one member broke it — but that was the right approach and it is how we should go forward as a Committee. We already have — *[Interruption.]*

**Mr Speaker:** We cannot hear this presentation properly. The Member has the Floor and has the same right to be heard as anybody else in here. People who do not have the manners or have no interest in what he is saying should leave the Chamber and leave the rest of us who want to hear it in peace to do so.

**Mr Agnew:** Thank you, Mr Speaker. We already have an Executive who publicly squabble and, indeed, where one member takes another member to court. That in itself sets a bad example for these institutions.

The Standards and Privileges Committee should set a standard; we should act corporately and speak with one voice.

**Mr Spratt:** I thank the Member for giving way and for his remarks at the start, but I will be back to haunt you for another month in September: I haven't gone away, you know.

In relation to what you have just said, is it not proper and right that the Committee should also, given its status, take into account legal advice clearly given by a member of the legal team of the Assembly? It failed to do that; it accepted only the point that suited certain individuals on the Committee.

**Mr Agnew:** I thank the Member for his intervention. I disagree with it. I am pleased to hear that he will serve as Chair for a while longer.

We should act corporately. When there is division in the Committee, I would like to see, rather than having Committee members disagree with one another in the Chamber, those who disagree with the corporate decision being at least silent if they cannot reflect the view of the Committee.

That is all that I am going to say as an individual Member. I will move on to summing up on behalf of the Committee as best I can, acknowledging that there was a division on this issue and that it was a majority vote.

I am disappointed by the tone that the debate has taken at times. Some contributions have been unnecessarily fractious, at times personal and at odds with the principles of respect and good working relationships that the Assembly endorsed only last week. We should recognise that, when Members display a lack of respect and courtesy, it lowers the public's view of the Assembly.

No one is trying to sanitise or remove all colour from political debate; we accept entirely that the cut and thrust of politics means that, from time to time, there will be robust exchanges. Members need to have a thick skin when being criticised by their opponents. In fact, there is a long and honourable tradition of parliamentary insults through the years across the political spectrum, from Disraeli and Churchill to Healy and Foot. There are memorable examples of pithy political put-downs; they can be acerbic and confrontational but also eloquent and witty.

But let me be clear: calling someone a thug does not fall into that category.

I want to address the point that Mr Wilson's right to freedom of expression meant that he was entitled to make those comments. The Committee has consistently said — as recently as last week — that it supports and upholds Members' right to freedom of expression, even when Members are expressing views that are offensive or provocative. We also recognise that the law gives enhanced protection to political expression and that it protects not only the substance of what is said but the form in which it is conveyed. Therefore, in the political context, emotive and aggressive comments that would not otherwise be acceptable are tolerated.

However, previous judgements have made it perfectly clear that the enhanced protection does not apply to politicians when they are making gratuitous personal insults. That is the case law in terms of the European Convention on Human Rights, which defines freedom of expression. The Committee was satisfied that Mr Wilson's "thug" comment was an untrue and gratuitous personal comment rather than a form of political expression. In coming to that conclusion, the Committee spent a considerable time considering legal advice and precedents. We considered the context of the meeting and what Mr Wilson said before and after the comment. We believe that Mr Wilson's decision not to clarify his comment publicly was revealing as to the context in which he meant it.

Speaking more generally, I emphasise that the right to freedom of expression should not be misunderstood as allowing Members to bully or harass others. Clearly, that sort of conduct is unacceptable. That is why the existing code and our new code provide that Members should not subject others to unreasonable and excessive personal attack.

I also want to address the claim that Mr Wilson's outbursts had, on two occasions, led to the suspension of meetings of the Committee for Social Development. Beyond a finding of bringing the Assembly into disrepute, the current code is silent on such matters. The new code of conduct, agreed last week by the Assembly, provides that Members shall not:

*"act in any way which improperly interferes ... with the performance by the Assembly of its functions".*

Therefore, if a Member's behaviour in Committee was so improper, unreasonable and persistent that a Committee was unable to exercise its functions, that Member could be in breach of the new code.

Objectivity and impartiality should be at the heart of what we are doing here. An independent investigation by the Commissioner for Standards has concluded that Mr Wilson breached the code of conduct. The Committee on Standards and Privileges has also concluded that Mr Wilson breached the code of conduct. Mr Wilson was given the opportunity to apologise, but, regrettably, he has decided not to do so. If he had done so, we would not be having this debate today. However, as he has not apologised, the Committee really has no other option but to recommend the imposition of a sanction. To do anything less would undermine the measures —

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

**Mr Agnew:** I will.

**Mr Spratt:** You said that the Committee had "no other option". The Committee did, of course, have another option, which it voted on, and that was to do nothing. However, again, it was a split vote. Therefore, there was another option, not just the option that you refer to.

**Mr Agnew:** I will clarify my comments for the Member, which Mr Wilson chose not to do. When I said that we had no other option, I meant it as a figure of speech, in that the only option for the integrity of the Committee was to recommend the imposition of a sanction. To do anything less would undermine the measures that we have in place to ensure that Members are accountable for their conduct.

I conclude my remarks by reminding all Members of the importance of treating others with courtesy and respect. Our new code provides that Members should show respect and consideration for others at all times and should work responsibly with other Members of the Assembly for the benefit of the whole community. While the new code also upholds Members' right to freedom of expression, Members are nonetheless required not to subject anyone to unreasonable and excessive personal attack.

I hope that Members will respect this requirement and that this is the last time that the Committee needs to bring forward a report like this one. I urge the House to support the motion.

**Mr Speaker:** Before putting the Question, I reiterate this point that I made earlier: Mr Bain is an appointed officer of the Assembly. He was appointed Commissioner for Standards because we thought that there was a need to protect those standards and that there would be occasions, from time to time, when it would be necessary to remind ourselves of the standards that we should adhere to. I do not think that anybody has changed their mind — this debate certainly would not change your mind — that we need a Commissioner for Standards.

It is very regrettable that there were personalised references to an officer of the Assembly, despite repeated advice that it should not happen. I think that that has done significant damage to the public reputation of the Assembly. It does no good at all, and it brings no honour and pride to anybody. It was a departure from standards, yet again, and I very much regret that.

**Mr Attwood:** On a point of order, Mr Speaker. Further to the comments that you have — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Attwood:** Further to your comments, will you review the Hansard record to determine whether action should be taken against any Members in the Chamber for words and terms of abuse that they used, even if, during the debate, no action was taken. I ask that you review Hansard to reflect on the words that were used to determine whether now, after the debate, some appropriate action should be taken that is consistent with the comments that you have just made.

**Mrs Foster:** Further to that point of order, Mr Speaker, I ask you to review not only this debate but the Budget (No. 2) Bill debate, in which a Member referred to Ministers in Westminster as "donkeys". That needs to be looked at as well. If we are to start down this road, that is what we are going to have to engage in, Mr Speaker.

**Mr Maskey:** On a point of order, Mr Speaker.

**Mr Speaker:** Is it a different point of order?

**Mr Maskey:** No, it follows on from the previous point of order and your remarks.

**Mr Speaker:** Right, it is further to that point of order.

**Mr Maskey:** In the earlier part of the debate, a number of Members expressed their condolences to Mr Bain on his very recent bereavement. On behalf of our party group, I want to disassociate us from some of the remarks that were made by people tonight. They were grossly and utterly insensitive and offensive. Given the bereavement, it is important that we disassociate ourselves from those remarks.

**8.45 pm**

**Mr Speaker:** You have made those remarks on the record, but they are not actually germane to the point of order.

I fully intend to review Hansard. I will do that through the lens of protecting robust debate in the Chamber. I know that privilege attaches, but I am seriously concerned about how close people came to overstepping the mark.

I remind Members that the vote on the motion will be on a cross-community basis.

*Question put.*

*The Assembly divided:*

*Ayes 37; Noes 33.*

## AYES

### Nationalist

*Mr Attwood, Mr D Bradley, Mr Dallat, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr F McCann, Ms McCorley, Mr McElduff, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Maskey, Mr Ó Muilleoir, Mr Ramsey, Mr Rogers.*

### Unionist

*Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Kennedy, Mr McCallister, Mrs Overend, Mr Somerville, Mr Swann.*

### Other

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr Agnew and Ms Lo.*

## NOES

### Unionist

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson.*

<i>Total Votes</i>	<i>70</i>	<i>Total Ayes</i>	<i>37</i>	<i>[52.9%]</i>
<i>Nationalist Votes</i>	<i>18</i>	<i>Nationalist Ayes</i>	<i>18</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>44</i>	<i>Unionist Ayes</i>	<i>11</i>	<i>[25.0%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>8</i>	<i>[100.0%]</i>

*Question accordingly negatived (cross-community vote).*

## Private Members' Business

### Rates (Relief for Community Amateur Sports Clubs) Bill: First Stage

**Mr Speaker:** Before I call the Member to introduce the Bill, I advise the House that the Bill's sponsor, Mr Daithí McKay, has written to inform me that he cannot be in the Chamber today and has designated Mr Barry McElduff to move the First Stage of the Bill. Mr McElduff has written to me and accepted the designation.

**Mr McElduff:** I beg to introduce the Rates (Relief for Community Amateur Sports Clubs) Bill [NIA 59/11-16], which is a Bill to amend the Rates (Northern Ireland) Order 1977 to make provision for relief from non-domestic rates for registered community amateur sports clubs.

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

**Mr Speaker:** That constitutes the Bill's First Stage, and it shall now be printed.



*Motion made:*

*That the Assembly do now adjourn. — [Mr Speaker.]*

## Adjournment

### Comber Greenway

**Mr Speaker:** The proposer of the topic will have 15 minutes, and all other Members who wish to speak will have approximately six minutes.

**Mr Newton:** Thank you, Mr Speaker, for staying on after such a long day and, indeed, given that this is the last day of term. I also thank the Minister for being here. I recognise that, out of his time and very busy schedule, he has taken the opportunity to be here.

I think that this project potentially has real benefits for the entire community and particular benefits for the east of Belfast city, those parts of the Lisburn and Castlereagh City Council area where it runs through and, indeed, the Ards and North Down Borough Council area. It is referred to as the Comber greenway. I want to refer to it as a starting point in the east of the city at Holywood Arches. It runs from that point through to Comber. It has a seven-mile stretch that is free from all traffic. It runs through some traffic intersections, but those are relatively small, where they cross over a main road. It is also designated as part of the National Cycle Network running from Belfast. It is known as the Comber greenway because it was the Comber railway line at one stage.

#### 9.00 pm

It offers us an opportunity for traffic-free cycling. The better part of it is a stretch of tarmac that was laid following the railway surfacing being dug up and major sewerage pipes being laid. It runs from the Holywood Arches, a feature that is starting to develop as a hub in that part of the city. It is a hub that has a large amount of potential. Part of the area is being developed by the East Belfast Partnership and will include in the not-too-distant future, via social investment fund money, a tourism facility, and it will be a focal point within the area. There are other investments planned for that area. They are certainly not major investments in the sense of what government sees but investments that will help to lift the area. So it is the starting point from this side of the city.

As the Comber Road continues towards Dundonald, the route diverts briefly from the old railway line along a section of riverside path known as Millmount Road. Millmount Road will be featured on Saturday as part of Second World War celebrations to mark children being evacuated from east Belfast to a place of safety from German bombers.

The route skirts around the Enler river and farm lanes, using a number of bridges that have been reinstated. It is virtually flat and offers a wonderful opportunity for investment, potentially, by the Minister. It would not be hard to describe it as the potential flagship project going through the three areas that I spoke about. It has the potential to be a leading-edge project in all that it could bring to the table. For the Minister, it has the potential to be a jewel in the crown of his cycling network. You could

describe it as a top prize, but, to deliver the project, a visionary approach and a cocktail of funding are required.

What might the route deliver in the longer term? It has the potential to improve, given that it is brought up to standard. The standard that one might think about is the standard of the Connswater Community Greenway, where the figures indicate huge increases in people using Belfast City Council parks and river walkways, enjoying them to such an extent that some figures show a 73% increase in people going past specific points.

More people are using the parkway and allowing themselves to exercise, which has implications and benefits for the Health Minister, who I welcome, even though he is sitting on the Back Benches today. The parkway can be used for walking, cycling and jogging, and has the potential to be used by primary and post-primary schools for the study of wildlife and nature, as is happening on the Connswater greenway.

One of the features certainly of the Connswater greenway and potentially of the Comber greenway is community buy-in. Whether a project is in Northern Ireland, England or America, getting the community to buy into the project is key. That means communication and selling the advantages. Selling the advantages involves looking at the health benefits, the educational benefits and the potential for it to become a community-owned asset, in which the community will invest its time in the early stages of the project, to advise what would be of benefit to the community and how any changes that had to be made would be viewed and, indeed, to ensure overall success in delivering it.

I was approached today by the BBC about this debate, and they made the point that dog walking in these areas is controversial because of dog fouling. They also mentioned that people have been injured. I know of one gentleman who was knocked off his bicycle when using the Comber greenway and, in fact, ended up with a broken leg. Again, the key is to have areas designated, where walkers can walk, joggers can jog and cyclists can cycle, and you get a harmonious relationship between all three that delivers the benefit.

I accept that the Regional Development Minister is here tonight and that, if it is to be delivered in the longer term, this project might well need a joined-up approach from various Departments and that there would also need to be a strategic look at the overall benefits.

I will just speak for a few minutes on the economy. Investing this amount of money to provide this type of facility offers us an opportunity to deliver something for the economy as well. I have referred to investment around the Holywood Arches and to where there is the potential for more. If this were to go ahead, there would be the potential for small shops around the Holywood Arches to benefit and, indeed, for other businesses to emerge as part of the strategy. There is the old Neill's Hill halt. The base, the platform waiting area on the Comber greenway, is still there. Right on the edge of it, in the Dundonald area, is the Hanwood Centre, which has the potential to exploit the walkers, cyclists and joggers who might use the area. It is a community asset with the ability to offer much more than it does at this time. It is unique in how it is organised, run and funded. It did not receive any funding from Castlereagh Borough Council, but is a self-sustaining project. There would be opportunities for other small

businesses to emerge along that seven-mile stretch. There is also the potential for the Minister and other Ministers who might be involved to apply for European funding.

Just in closing, I want to refer to the Minister's strategy at this time, the Northern Ireland cycling strategy.

It was launched back in June 2000 by a very young looking Minister for Regional Development from the time, Mr Peter Robinson. The introduction to the strategy says:

*"Transport is an integral part of modern life. Increased mobility has provided enormous economic and social benefits through widened opportunities for work, leisure, holidays and the choice of where to live."*

Having said that, it says:

*"Despite the benefits of increased motorisation, there is growing acceptance that the price society is paying for its mobility is too high, through short and long-term effects on health, road traffic collisions, environmental damage and noise pollution".*

I believe that this project offers a partial solution in that area to Minister Kennedy's cycling strategy. It requires a degree of joined-up thinking, and Belfast City Council may have a role to play through the 'Belfast Active Travel Action Plan 2014-2020', which is, obviously, current. It asks why active travel should be a priority. I will mention two aspects, the first of which is "healthier people". It says:

*"Being active everyday by walking and cycling, has many positive benefits for physical health including reducing the risk of coronary heart disease, stroke, obesity and type 2 diabetes."*

Finally, the action plan makes a point about connected communities. It states:

*"People living in heavily trafficked streets have fewer friends in their neighbourhood when compared to people living in lightly trafficked streets."*

The project has the potential to not only realise the Northern Ireland cycling strategy and the Belfast Active Travel strategy, but to make a major contribution to the health and well-being of our people, to the recreation of our people and to the development of business potential and offer something to those who live in that area and further afield. That would be a major flagship project.

**Mr Lyttle:** As a Member of the Assembly for East Belfast and chairperson of the all-party group on cycling, I am very grateful for the opportunity to speak strongly in favour of protecting, maintaining and developing the Comber greenway, which is an outstanding approximately seven miles of traffic-free cycleway and walkway in east Belfast and beyond. I thank the Member for bringing forward the debate this evening.

On the wall of my Assembly office is a letter from seven-year-old Oisín Doran. It was received by my predecessor and deputy leader of the Alliance Party, Naomi Long, and it inspired much of her work to ensure that the Comber greenway was not used for the Belfast rapid transit bus system, as previously supported by some Members of the Assembly. It reads:

*"Dear MLA, please let us keep our Greenway. The bees need it. We always cycle on it. The trees give us*

*blackberries and oxygen. Oisín Doran, Seven years on this planet."*

I think that Oisín, in his tender seven years, summed up very well the importance of that traffic-free cycleway and walkway to the people of east Belfast and well beyond. It is an absolutely vital green space to support a natural ecosystem and sustainable active travel, and it promotes health and well-being, community development and community connectivity in an age when sedentary lifestyles pose a significant risk to all of that. It is essential, therefore, that we continue to protect, maintain and develop that outstanding community asset.

In my short time, I would like to recognise the excellent work of the active travel charity Sustrans in helping us achieve this aim, particularly the Sustrans volunteer wardens, who do sterling work to help maintain and promote safe use of the Comber greenway.

### 9.15 pm

It has been a pleasure for me to support the work of Sustrans, with the Minister for Regional Development and Transport NI — formerly the Roads Service — in working to ensure that we have installed toucan crossings throughout the journey of the Comber greenway, and at key points of the greenway, to ensure that walker and cyclist safety is maintained throughout its course. I am glad to support Sustrans' calls for specific support from the Minister for Regional Development, for the Comber greenway, and in three key ways in particular. Number one is to see a master plan for the development of the Comber greenway, a clear strategy, and a costed action plan. Two is to see modest capital improvements, and three is support for the one-path initiative.

The reason for the master plan is, in part, to see better connectivity to key areas across the Comber greenway, such as Dundonald, Ballyhackamore and Tullycarnet — as the proposer already mentioned — and North Road. It will ensure that the greenway can be made even more accessible to neighbourhoods and businesses in the surrounding area, as well as to the outstanding project of the Connswater Community Greenway at the Holywood Arches, where there will be a fantastic C S Lewis civic square, which will be a real nodal point of both greenways in east Belfast. Indeed, ensuring greater connectivity between greenways was a key recommendation of the Committee for Regional Development's cycling inquiry and, I am sure, something that the Minister would support as part of his cycling strategy.

Number two is capital improvements. There is a call to see, in particular, improvements to lighting on the Comber greenway, to assist with evening travel in winter months. Similar improvements are proving a real success on the other outstanding greenway in east Belfast, the Connswater Community Greenway. I hope that is the type of improvement that the Minister is minded to support.

Number three is the one-path initiative. There is a wide range of users on the greenway, and that is to be welcomed. There are walkers, dog walkers, joggers and cyclists, but we want to see a one-path initiative that will ensure proactive engagement with all users, awareness campaigns and, perhaps, the provision of basic equipment to promote and ensure mutual respect and understanding on the Comber greenway, delivering shared use without

the need for segregation, and to ensure safe enjoyment of this fantastic asset.

If we can achieve that level of support for development on the Comber greenway, we can really maximise the immense benefit and potential of this outstanding, traffic-free greenway. It is, of course, a vital part of the cycle network, and will be vital to the Minister's cycling strategy, but it can be much more than just a transport corridor. We should have a vision for the Comber greenway to be an outstanding natural ecosystem and a linear park, to promote the active lifestyles needed for health and well-being, community, tourism and economic development in east Belfast, and well beyond. I hope we can hear that type of support for the Minister for Regional Development this evening.

**Mr Douglas:** Thank you for staying for tonight. I always wanted to use one of these lecterns, so I am glad they left them behind. I also thank the Minister for taking time out tonight. I want to declare an interest. I am a trustee with the Connswater Community Greenway and, as the proposer mentioned the Hanwood Centre in Tullycarnet, I am also a director of that. Again, I want to thank my colleague, Robin Newton, for bringing this very timely Adjournment debate.

As most Members have said already, the Comber greenway is a wonderful asset for the residents of east Belfast and, indeed, the whole of Belfast, and beyond. Since it opened in 2008, the Comber greenway has become one of Northern Ireland's most popular walking and cycling routes. While it functions as a traffic-free commuter route, it is also used for leisure and has effectively become a linear park. Following the line of a former railway, the route goes from Comber to east Belfast, passing through tranquil countryside with views of Stormont, Scrabo Tower and the Belfast hills. We all know that the greenway is part of route 99 of the National Cycle Network, linking with the new Connswater Community Greenway to connect to the Titanic Quarter and Belfast city centre.

The numbers and types of users of the greenway have increased significantly over the past number of years, and the Minister will recognise that; it is used by walkers, joggers, dog walkers and cyclists. Interestingly, it is estimated that last year more than 200,000 trips were made on the Comber greenway. Sixty-one per cent used the greenway on weekdays; 48% were cyclists and 46% were pedestrians. I use the greenway regularly and have noticed the increase in cyclists, particularly since the Giro d'Italia and the Gran Fondo. Twenty-four per cent of users commute to work on the route; that is important because it takes people off the roads as they head to work along that beautiful corridor. Sixty per cent could have used a car for their journey but chose not to. Eighty-six per cent said that the route helped them to increase their level of activity. I am sure that the Health Minister, who is here as an MLA, would recognise that.

The greenway's contribution to Belfast was recognised at a European level when it received the prestigious European greenways award in 2009. I remember the First Minister being at the launch of the Connswater Community Greenway. He said that it was great for east Belfast but that the Comber greenway must not become the poor relation. While the Comber greenway is a great success, there is concern that, without further investment, it will fail to meet its potential. The nearby Connswater

Community Greenway, which is under construction as has been outlined, is setting new standards for public communication corridors. It is imperative, therefore, that the Comber greenway is not left behind. To prevent that from happening, I agree with the previous contributors that a development plan is essential.

I congratulate the Minister and the Department for Regional Development in moving ahead with the Belfast rapid transport scheme; it will be a world-class public transport system that will run alongside the Comber greenway in east Belfast. Together, they have the potential to provide this area of the city with a world-class sustainable transport system. They should be developed, promoted and marketed together. The Comber greenway is owned and maintained by Transport NI to road standards. However, that is one of the difficulties, because the grass is only cut as the route is perceived as a road, unlike many of our parks. Some additional maintenance is undertaken by local authorities. It is seen by local people as a park and should be developed and maintained as such, as is the Lagan towpath, which is part of the Lagan Valley regional park.

The Comber greenway could have as many visitors as the Lagan Valley regional park, were it to be treated more as a linear parkway. It certainly requires tree and shrub maintenance, regular grass cutting, frequent rubbish collections and lighting. That is one of the things that I ask the Minister to consider. My experience with the Connswater Community Greenway was that, initially, a number of residents did not want any lighting, but once we had partial lighting on it some of those residents who had not wanted it at first asked us to provide it. As my colleague said earlier, lighting is essential late at night and on the dark nights during the winter. We need some sort of costed development plan and joined-up approach.

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

**Mr Douglas:** Yes, I will.

**Mr Weir:** I thank the Member for raising the issue of lighting. He mentioned linear parks, and there is a linear park in Bangor. It is vital to get the lighting correct, not just for the safety of people travelling on the route. If you leave things too dark, at some stage in the development of a linear-type park there is a danger that it will become a haven for antisocial behaviour. It is important that we preserve the best of the Comber greenway to ensure that nothing of that nature happens there. Lighting is a crucial element.

**Mr Douglas:** I thank the Member for his intervention. I agree with him. We want to encourage the use of lighting, because it encourages women in particular to use the greenway. Moreover, people cycling along do not know what may be lying on the path.

I am delighted that we are here tonight, and I encourage the Minister to try to help support the development of the Comber greenway.

**Mr Speaker:** I call Simon Hamilton.

**Mr Hamilton:** It is unusual to be called by that name in the House.

I am glad to be able to participate in the Adjournment debate. I have very much enjoyed it and the contributions thus far. I join others in congratulating Mr Newton on securing it. The Member represents the East Belfast

constituency. Given that the greenway is called the Comber greenway, I think it apt and appropriate that the debate have a perspective from my home town of Comber, at the other end of the greenway.

The greenway has been a fantastic success. Although it is called the Comber greenway, it is something that is shared and in the shared ownership of a community right from the heart of Belfast out into a rural County Down setting. The greenway has been an undeniable success since its creation, close to a decade ago. I have to admit that I was sceptical about its chances of success at the start. That scepticism was somewhat assuaged by the fact that it was to be a temporary measure. Mr Lyttle mentioned that it was designated to be, and had been for many years, since the end of the Belfast and County Down Railway, for transportation purposes. It was earmarked to be used, at least in part, in an early iteration of the Belfast rapid transit scheme. I know that it is a controversial issue in some parts of east Belfast, but, as someone who believes that we got rid of the Belfast and County Down Railway and a commuter railway network before we even had commuters, there is still a bit of me that harbours a desire to see rapid transit, or something of that kind, extend out as far as Comber, and perhaps even further afield, but that is a discussion for another day, and perhaps for another Budget.

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

**Mr Hamilton:** I will.

**Mr Douglas:** The Member mentioned Comber. People like me cycle from the Castlereagh Road out to Comber. I go there for tea or coffee. In fact, the First Minister has bought me lunch in Comber. I want that in Hansard.

**Mr Hamilton:** There have been occasions when you and others have appeared at my office looking for me during the working week. Of course, I have been out working, as you would expect. *[Laughter.]* I have watched the greenway become a great success. I have watched it be used by local people and by people from further afield — the operative word being “watched”.

If I can take credit for one thing, it is the development of the enhancement of the greenway. When I was a member of the then Ards Borough Council, I got the council to agree to separate a little bit of The Square in Comber aside for a bike rack. Having a constituency office in Comber, I could identify that the greenway was being used increasingly. People were coming down the greenway and into Comber but had nowhere to park their bikes safely. They were parking them at various locations and using local coffee shops. Mr Douglas may even have been one of those people. The council agreed to install a bike rack, and it is well used.

The greenway has clearly brought some success for local businesses. Comber is a destination for cycling. If there were maps of places to go cycling, Comber would be on them. That has been made the case, unofficially, by the fact that people are using the greenway, coming out of Belfast and ending up in Comber. The fact that Comber is a cycling destination is something that was recently affirmed by the fact that the Gran Fondo went through it. It was great to see that happening.

There have been other enhancements down through the years. I was very pleased to be able to work with officials from Roads Service, as was, to ensure that a bridge

was placed at Ballyrainey Road. It was potentially a very dangerous crossing point, at which people had to exit the greenway and go down one slipway and up another. Thankfully, there were no issues, but it had the potential to be quite dangerous. Thankfully, Roads Service responded and put a bridge in.

**9.30 pm**

I think that there is potential, and I agree wholeheartedly with Mr Newton, Mr Lyttle and Mr Douglas that there is the potential to develop the greenway further, now that it has moved from that temporary status to something much more permanent. One of the ways in which we can crack that future development is to settle the issue of ownership and responsibility. The points made by Mr Newton and Mr Douglas around that are very pertinent. Even though there has been a role for many, it has never really been the responsibility of the Department for Regional Development, it has never really been the responsibility of the local councils and it has never really been the responsibility of Sustrans. They all have mucked in and played their part, whether that has been with funding or maintenance or in some of the developments, but nobody has really had ownership of it. My view, which I share with others, is that perhaps the new local councils could play a greater role in taking it forward — perhaps along the lines of a park, as Mr Douglas outlined.

It is well and diversely used. There are issues around the safety of people who are on bikes and the use of the greenway by walkers and people who walk their dogs and, if some of those safety issues can be addressed, there may well be a case for some voluntary delineation of use between cyclists and others on the greenway. There are issues with access, particularly at the Comber end. There is not as much access between Millmount and Comber as there is in urban Belfast, as you might expect. Whilst it might seem wrong to talk about having parking close to it, there are some people who like to drive a little bit and then cycle, using the greenway from a point further on down its route.

Finally, there is a need to consider how we can link the end of the Comber greenway, which ends at the Comber end just a little shy of Comber itself, into the town centre in a way that is consistent with the recently published master plan. The Comber greenway has been a huge success and, now that it is becoming a more permanent fixture, it is only right and proper that we reflect on its success. I thank Mr Newton for providing the opportunity to do that this evening. We can reflect on that success and collectively consider how we can improve this fantastic facility.

**Mr Kennedy (The Minister for Regional Development):** Mr Speaker, I am not clear as to how long I have to speak.

**Mr Speaker:** You have 10 minutes.

**Mr Kennedy:** Thank you. That is very helpful.

I thank the Member for tabling the debate. I also thank the other Members for contributing, and those other Members who attended — it is a considerable distance from North Down and, particularly, South Antrim — to come and listen to a debate on the Comber greenway. It is important, and I listened with interest to the comments and issues raised by Members.

On a general note, I have made very clear my commitment to cycling. I think that that is acknowledged by everyone.



My commitment has been motivated by the benefits for individuals and communities that I have seen cycling deliver elsewhere. The health and lifestyle benefits are well understood. I note the attendance of the Health Minister, unusually called Simon Hamilton in this debate. The impact that cycling can have on the social and economic fortunes of communities is striking; in particular, dynamic local communities and vibrant economies, forward-looking communities with a clear sense of potential and inclusion. I want our communities to share in that, and that is why I want to promote and develop a successful cycling culture in Northern Ireland.

My vision for cycling here is to give people the freedom and confidence to use the bicycle, and my ambition is to increase the number of people who walk and cycle in Northern Ireland. Clearly, it is a long-term project because change does not happen overnight. It requires all of us, whether in the House, in local government or in communities, to work together to drive that change. That is no easy task, but, as I look back over my last few years as Minister and see what we have already achieved, it is a challenge that I am confident we are up to. Together — already, I believe — we have transformed the cycling environment in Belfast. Through Belfast on the Move and the Belfast bike share scheme, ordinary people increasingly have the opportunity and confidence to get on their bike. We see huge activity and huge benefits in the city centre. Despite the challenges of the economic downturn, Belfast city centre is an increasingly vibrant and dynamic place and an attractive place to be. Our cycling revolution has been a key factor in that transformation.

Of course, it is not just about Belfast. We see the same in other places, such as Londonderry and other towns and cities where we have invested in cycling. However, we need to build on this and, to continue our journey, we need to extend the opportunities and benefits out from our city centres into our communities. That is the key objective that I have set for my bicycle strategy. The development of greenways, such as the Comber greenway, will be an important part of delivering that vision.

Over the last year, I have been working with key stakeholders to develop ambitious proposals for new cycling routes that will join up what we have and fill in the gaps. They will extend out from the centre and create real opportunities to promote cycling and link communities with key services. Members know that my Department is working on a bicycle network plan for Belfast. Its purpose is to outline my ambition to develop eight key high-quality radial cycling routes for Belfast, one from each of the principal points of the compass to the city centre. The plan will set out what we need to do to improve the existing infrastructure and develop new continuous and coherent infrastructure to bring high-quality cycling routes within the reach of most people in the city. I propose to consult on this plan later this autumn. I believe that the Comber greenway will form the eastern route.

I was very happy to listen to the proposals made by Members and the suggestions made this evening for the improvement of Comber greenway. I will continue to bid for the resources to deliver an ambitious plan of investment and I look forward to support in this Chamber in doing so.

Let me say that the Comber greenway is a well-used cycling route that continues to attract walkers and cyclists. I want to build on that. I assure Members that developing

the Comber greenway will be a key part of my proposals to develop a cycling network. The construction of the new cycle bridge across the Ballyrainey Road by my Department in partnership with Sustrans and Down Rural Area Partnership, referred to by Mr Hamilton, is a small example of my commitment in that regard.

My remit and that of my Department covers the public road and being substantially off-road provision, I see the development of greenways as an area where there is an opportunity for local authorities to take ownership. That point was well made earlier in the debate. We must create partnerships as we move forward. I believe that, in the various arms of central government and local government, we can usefully provide a regional strategic direction to the development of greenways, including the Comber greenway. I set up the greenways working group last year to work with other bodies to give an overall sense of direction in order to bring individual local projects together and develop a regional greenway network across Northern Ireland. Alongside that, I have looked at opportunities to secure funding, not only from the Executive but from elsewhere, to deliver those projects and I am delighted to have secured opportunities for EU greenway funding through the INTERREG programme. So, I think the opportunities are there.

I am conscious that, in the contributions of Members, everyone is positive towards this and I very much welcome that. Mr Newton mentioned the potential for a flagship project of which Comber greenway would become the jewel in the Crown, and I see opportunities for that, working with the local authorities and other government agencies. The benefits of cycling are not just environmental or in health; it is down to lifestyle, and that touches on a number of Departments within the Executive as well as local government, so opportunities have to be opened up there. Mr Lyttle reminded us of the letter that was received in the constituency office highlighting the need to, at that point, protect the Comber greenway. We have done that, and I think that we have done more and need to continue to do more.

Mr Douglas is a noted cyclist and coffee drinker, particularly in Comber. I hope that the First Minister was paying; that is all I can say. He has been an enthusiastic champion for cycling not only in East Belfast but has been encouraging to me, as Minister for Regional Development, as we seek to carry forward a Northern Ireland-wide strategy. I thank him for that.

Mr Hamilton made important points about Comber and how it can be developed and assisted. I certainly have no doubt that cyclists and walkers contribute significantly to the local economy there. I think that is important for tourism and other matters. Ownership and who might best be responsible for carrying forward such things have to be addressed.

I want to give some careful reflection to the ideas that we have heard, such as those about a master plan that will move things forward not only for the Comber greenway but for cycling generally. I am very pleased and optimistic, as Members pack up and prepare to get their buckets and spades ready for summer recess, that we have at least left this place on a positive note tonight for the potential for cycling. I thank everyone for their contribution.

*Adjourned at 9.42 pm.*

# Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.



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# Written Ministerial Statements

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## Employment and Learning

### Launch of Consultation on New Further Education Strategy for Northern Ireland

*Published at 11.00 am on Friday 10 July 2015*

**Dr Farry (Minister for Employment and Learning):** I wish to inform the Assembly that I am today publishing a consultation on the development of a new further education strategy for Northern Ireland.

#### Background

Through the implementation of "Further Education Means Business", the current strategy for further education in Northern Ireland, colleges have undergone a remarkable transformation in terms of the support they provide to employers, and the quality and economic relevance of the provision they deliver to individual learners.

The main achievements in recent years were the restructuring of the sector from 16 colleges to the current six large regional colleges; the provision of a curriculum that is more focused on the needs of the economy; colleges working closely with employers to understand their needs better and, more broadly, to support economic development; supporting social inclusion, for example through widening participation measures and the provision of programmes to increase levels of literacy and numeracy; and improved quality in all aspects of college provision.

As a result of this, the colleges are key players in the implementation of the Programme for Government, and in particular delivering on the Northern Ireland Economic Strategy, Skills Strategy, the STEM Strategy and the Innovation Strategy.

#### Future Direction of Further Education Colleges

However, in light of the unprecedented level of change that we now face, for example in terms of digital technologies, global mobility, increased economic competition and challenges to government funding, I decided to develop a new strategy for further education. This is not to say that the current strategy, with its strong economic focus, is not correct. Quite the reverse. But I want to ensure that our colleges build on their many achievements and their much good practice to become the genuinely world class sector that I know they can be.

In June 2014 I launched 'Securing our Success: The Northern Ireland Strategy on Apprenticeships', and last month I launched 'Generating Success: The Northern

Ireland Strategy for Youth Training'. These strategies will be instrumental in determining the nature and content of a significant proportion of the provision to be delivered by the further education colleges in the future.

The skills barometer, the strategic advisory forum and the sector partnerships that will be established as part of the implementation of the apprenticeship programme and the youth training system will be instrumental in identifying skills demand and in ensuring that professional and technical qualifications meet the needs of employers and the economy. Further education college staff will have a critical role to play in working with employers and other key stakeholders with regards to qualifications and programmes of learning. They will be representatives on the strategic advisory forum, and will have a particularly prominent role in working with employers and other stakeholders on the strategic partnerships to design and develop high quality and economically relevant qualifications and curriculum.

These qualifications will not only form the basis for apprenticeships by occupation, but will also be the basis for professional and technical qualifications that are delivered at level 3 through mainstream further education provision. Importantly, this will ensure that further education colleges and other training organisations deliver qualifications that are valued by employers and learners, and other users of qualifications, particularly in terms of their high economic relevance.

As the youth training system will prepare 16 to 24 year olds to progress into Level 3 apprenticeships or level 3 further education provision, the programmes of learning and qualifications offered through youth training will have to facilitate that progression. The youth training strategy envisages that the mechanisms described above to design and develop qualifications and curriculum for apprenticeships will also be used for provision at level 2, again with vital involvement of further education colleges. The strategy has also introduced the concept of a baccalaureate with a number of core components including a relevant professional and technical qualification, literacy and numeracy where required and the development of employability and enterprise skills through mandatory work placements. Significantly, the youth training strategy also proposes that the new youth training system will, effectively, replace further education provision at level 2 for young people, and Training for Success at level 2.

Colleges, together with universities, will be the primary deliverers of the new apprenticeships system, and, with partners, they will be key deliverers of the new youth training system at level 2. Therefore, as I have stated



above, these new programmes will determine the nature and content of a significant proportion of the provision to be delivered by the further education colleges in the future, and so will be an important aspect of the proposed new further education strategy.

### **Vision for further education**

My vision for the further education sector is that colleges will be recognised locally, regionally, nationally and internationally for high quality and economically relevant education and training provision. They will be focussed on achieving excellence in delivering the skills needed for current and future jobs. Finally, they will be ambitious for their learners, for their region, and for the contribution they make to improving the competitiveness of the Northern Ireland economy.

### **Further Education's Dual Role**

I am very conscious of the challenging dual role that colleges play. They are pivotal to the development of strong and vibrant economies through the provision of professional and technical skills, increasingly at higher levels, and through the many ways they help employers to innovate and to develop new products and markets. However, they also have an important responsibility to help to fight poverty and support social inclusion by providing those with low or no qualifications, or who have barriers to learning, with the skills and qualifications they need to find employment – in particular the essential skills of literacy, numeracy and ICT.

To achieve this vision, and to fulfil the important, but challenging, dual role that colleges have to adopt, the future direction for further education here will be built around four key imperatives. These are:

- ensuring the highest quality provision of learner education and training;
- developing the talents of those already in work and those seeking to enter employment, in order to provide a pipeline of suitably qualified individuals at all levels to meet employers' needs, including indigenous companies and inward invest projects;
- supporting employers to more innovative and competitive, and to source new markets; and
- encouraging and supporting economic participation of those who are furthest from the labour market, to the benefit of individuals the economy and wider society.

### **Process**

In taking forward the development of this consultation, a range of information has been considered and used to inform a number of policy commitments, including an underlying evidence base setting out the economic and social context that is specific to the further education sector, desk research of key literature and research papers, an analysis of the best practice that is present in our own further education colleges, and in other parts of the world, a detailed statistical analysis of further education activity, and consultation with key stakeholders.

An accompanying supporting evidence document has been produced to provide more detailed information on areas such as the strategic context, related strategies and recent reforms and developments which impact on

the work of colleges. This document also presents a summary of the findings from research on international policies and practices, case studies of best practice in the Northern Ireland further education colleges, and statistical information on college enrolments and performance, in terms of learner retention, achievement and success.

### **Themes**

The consultation is built around the following themes:

- Economic Development
- Social Inclusion
- Curriculum Delivery
- Excellence
- International Dimension
- Governance
- College Partnerships
- Funding Model and College Sustainability
- Promoting the Further Education Sector

### **Economic Development**

Colleges will continue to have a key role to play in identifying the skills and qualification needs of individual employers, with a particular focus on those sectors which are important to rebalancing and rebuilding the economy of Northern Ireland. Colleges also provide direct support to employers, for example, up-skilling their employees and supporting them to become more competitive, to innovate and to source new markets. Working alongside Invest Northern Ireland, colleges also have a crucial role to play in ensuring a pipeline of highly skilled individuals to support inward investment.

### **Social Inclusion**

Colleges will continue to support social inclusion and social cohesion. Colleges' primary and distinctive role in social inclusion is to provide individuals with the skills and qualifications they need to gain employment and to become economically active, with all the benefits that brings to individuals, the economy and society. In addition, education is one of the clearest indicators of other life outcomes.

### **Curriculum delivery**

The curriculum for professional and technical subjects provided to learners is crucial. Delivery will be flexible and imaginative, and will make full use of technology to engage learners and enhance the teaching and learning experience. The use of technology in transforming professional and technical education, and the manner in which it is accessed, will create value for employers and individuals.

### **Excellence**

Excellence will be at the heart of everything that colleges do, particularly in terms of improving the quality of provision that is delivered and monitoring and evaluating the outcomes that have been achieved. College lecturers in Northern Ireland are already well qualified, and this will be enhanced to ensure that they have strong pedagogical skills and have up to date industrial knowledge in their areas of expertise. The Department and colleges will also take steps to ensure that we elicit meaningful feedback from learners and employers on the quality and relevance

of the services provided to them, and that this is used to inform the on-going quality improvement processes in colleges.

### **Internationally Connected**

Colleges have become increasingly focused on the need to operate in an international arena. Colleges will continue to build upon the excellent partnerships that have already been created with employers and educational institutions across the world to maximise student and staff exchange opportunities.

### **Governance**

Colleges and the Department will work together to maximise the benefits to colleges and their customers of the Non Departmental Public Body (NDPB) status, while also addressing any challenges posed.

### **College Partnerships**

Working in partnership with others was an important theme in Further Education Means Business, and is just as important now. Colleges will make use of shared services to enable them to operate with maximum efficiency, and will share the excellent practice that is present throughout the sector to enable them to deliver services to learners and employers to the highest standards of quality. Colleges will also work in partnership with other educational institutions, with government departments, with the new district councils and with the voluntary and community sectors to deliver effectively to the employers, individuals and communities that they serve.

### **Funding Model and College Sustainability**

The Funded Learning Unit will be reviewed to underpin future priorities for the sector.

### **Promoting the further education sector**

Colleges will work together with the Department to identify ways in which to promote the further education sector.

### **Consultation**

This consultation sets out, and seeks views on, 18 policy commitments across the themes I have outlined above, to build upon current strengths in a way that will establish a world class system of further education in Northern Ireland.

From today, these policy commitments will be the subject of public consultation over the next 12 weeks.

## **Environment**

### **Drumclay Crannóg Excavation: Action Plan**

*Published at 1.00 pm on Thursday 25 June 2015*

**Mr Durkan (The Minister of the Environment):** I am announcing today the publication of an Action Plan in response to the Review of the context of the excavation at a Crannóg in Drumclay Townland, County Fermanagh, on the route of the Cherrymount Link Road.

The primary purpose of the Review was to look at the reasons why this excavation became necessary at Drumclay Crannóg, and the role of the Department and, in particular, the Northern Ireland Environment Agency, in the decision-making process concerning the treatment of archaeological remains at this site prior to July 2012. The key finding of the review notes that the circumstances which resulted in the excavation of Drumclay Crannóg were a result of both systemic weaknesses as well as human judgement. The review team made a number of recommendations to improve the operation of the regulatory regime.

I welcome Professor Cooney's Review and his findings. There is no doubt that there were weakness in the system here and human error. Alex Attwood MLA, in his role as Minister of the Environment, took an unprecedented approach to dealing with this site, and I commend him for it. The outcome was the delivery of one of the most important archaeological excavations ever undertaken in Northern Ireland, one of the most important excavations on the island of Ireland, and indeed one of the most important undertaken in northwest Europe. This was an internationally-important excavation, one of major significance now and for future generations.

My department fixed a problem; it is important that lessons are learned from what happened so that we can continue to improve how these kinds of works are conducted in the future. It is possible that, had more robust enforcement action been taken at an earlier stage, some of the problems that emerged could have been avoided. However, my predecessor, supported by his officials, took swift action to deliver this excavation.

The Review was commissioned to see how the processes involved in the management of the excavation of an historic site should be done better, and specific lessons that need to be learned and practices to be adopted.

I have considered the findings of Professor Cooney's report, and for my part I am now publishing an Action Plan to implement the report's recommendations, with significant progress already being made.

It is particularly important now, with the major changed arrangement of government departments planned for May 2016, that the lessons from Drumclay Crannóg are not forgotten. This is why I am making this Written Statement to the Assembly on this matter: the excavations at Drumclay Crannóg were and are of considerable public interest, and my department's Action Plan is similarly important.

Throughout the excavation there was tremendous interest, from the public at large as well as politicians and professional archaeologists, in the excavation. Local elected representatives, as well as the Environment

and the Culture Arts and Leisure Committees from this Assembly, visited the site. Alex Attwood MLA opened the site to the public, allowing as many people as possible to see the excavations as they happened.

I am heartened by that interest, something that has been reinforced throughout my time as Minister of the Environment. The huge interest that was shown throughout the excavation of Drumclay Crannóg reinforced for me how much people value their heritage, and how important it is for wider society to know about, and take part in, discovering our rich and unique archaeological heritage. By delivering on the Action Plan developed in response to Professor Cooney's report, we will help ensure that the public interest in our archaeological heritage is better-served now and in the future.

Full details of the Action Plan, including a complete copy of Professor Cooney's report is attached and has also been published on the Department's website at

<http://www.doeni.gov.uk/built-report-drumclay-crannog-review-of-context-of-excavation-2015.pdf>.

## Finance and Personnel

### Public Expenditure: 2014-15 Provisional Out-turn and 2015-16 June Monitoring Technical Issues

*Published on Thursday 16 July 2015*

**Mrs Foster (Minister of Finance and Personnel):** The purpose of this Statement is to inform the Assembly of the outcome of 2014-15 Provisional Out-turn and the Executive's agreement to a range of technical issues relating to the 2015-16 June Monitoring Round.

In the context of the current impasse on Welfare Reform and the impact that is having on the Executive's Budget this year, I have deemed it prudent to separate the June Monitoring Round into two parts. The first part deals with a number of technical issues, the details of which are contained within this statement.

It is my intention to bring a second paper on the June Monitoring Round to the Executive in the near future addressing the very serious issues facing the Executive's Budget in 2015-16. I will report the outcome of this to the Assembly once Executive agreement has been secured.

#### 2014-15 Provisional Out-turn

The Provisional Out-turn position is important since it provides a strong indication of departmental budget management performance during the last financial year and also determines the amount of resources that the Executive can plan to carry forward through the Devolved Administration's Budget Exchange Scheme (BES).

I am pleased to say that underspend in 2014-15 was below the levels permitted under the BES and therefore no funding for public services has been lost as a result of departmental underspend in 2014-15.

Before detailing the amounts that the Executive can now plan to carry forward into the 2015-16 financial year, it is necessary to highlight the individual departmental position.

#### Departmental Outcome

The departmental Provisional Out-turn returns resulted in total underspend of £33.6 million in terms of Resource DEL and £18.4 million in respect Capital DEL. The tables attached provide detail on the performance for individual departments. However, it is worth highlighting a few key issues.

Members will note that the Department for Regional Development has exceeded its non ring-fenced Resource DEL allocation by £11.7 million. It is extremely disappointing that the Minister was unable to live within his Resource DEL allocation for last year despite having been aware of the pressures facing his budget for some time. It would appear that the Minister managed his Budget on the expectation of an in-year allocation from the Executive that did not materialise due to the constraints facing the Executive's Budget last year. Overspending against an Executive agreed allocation is an extremely serious matter that puts in jeopardy the Executive's ability to manage its Budget effectively and live within its HM Treasury control totals. Such a breach would normally warrant an equivalent reduction in the amount of Resource DEL allocated to DRD in the current financial year. However,

given the significant pressures facing the department this year it has been decided that no penalty will be applied in this instance.

I am somewhat surprised by the quantum of Resource DEL underspend declared by some departments at Provisional Out-turn given the levels of pressures reported by departments throughout the in-year monitoring rounds conducted last year.

Whilst the performance across a number of departments has been disappointing, I wish to highlight the performance of DOJ where underspends of £18.3 million (1.7%) on Resource DEL and £4.9 million (7.8%) on Capital DEL are very significant in the context of the overall Budget Exchange Limits. Up until this year DOJ underspend was subject to a separate carry forward arrangement outside of the Budget Exchange Scheme. However this arrangement has now ended and DOJ underspend now counts towards the overall Budget Exchange thresholds. In order to ensure that no funding is lost to Northern Ireland it is critically important that levels of underspend are minimised across all departments.

The performance of a number of the minor bodies has also been disappointing in percentage terms with NIAO incurring an underspend of 4.6 per cent and PPS recording an underspend of 3.3 per cent on Resource DEL. It is crucial that all bodies, irrespective of size, adhere to the highest standards of financial management throughout the year and declare any reduced requirements to the Executive at the earliest available opportunity.

Finally it is worth noting the significant improvement in the financial management of DHSSPS over the course of the last year with the latest Provisional Out-turn data showing an underspend of only £1.6 million on Resource DEL compared to an overspend of £13.1 million in the preceding year.

### **Budget Exchange Scheme (BES)**

The BES is an initiative that bestows significant financial flexibility to the Devolved Administrations. This initiative, formulated by DFP and accepted by HMT, allows for carry forward of year-end underspend from one financial year into another.

This carry forward is determined at the NI block level meaning there are a number of other issues that must be taken account of in addition to departmental underspend. In terms of Capital DEL the £4.0 million overcommitment following the 2014-15 January Monitoring Round will reduce the amount available for carry forward. Also £3.4 million of the Capital DEL underspend reported by DETI relates to the Super Connected Cities programme which is subject to separate carry forward arrangements, and so will not form part of the amount available to the Executive in 2015-16. The £0.3 million underspend relating to ring-fenced Financial Transactions Capital (FTC) is also subject to separate carry forward arrangements, however, this will be available for the Executive to allocate to suitable FTC projects in 2015-16. This means that we can now plan to carry forward £10.7 million of conventional Capital DEL into 2015-16.

With respect to Resource DEL we must take into account the £13.9 million that the Executive agreed not to allocate in January Monitoring. In addition, RRI interest payments in 2014-15 were £0.4 million lower than forecast. As a

result the Executive can now plan to carry forward £47.9 million of Resource DEL into 2015-16.

The BES carry-forward mean that we are now able to use £47.9 million Resource DEL and £10.7 million Capital DEL and £0.3 million FTC to address pressures existing in this year.

It should be noted that the amount of resources carried forward under the BES will be subject to adjustment at Final Out-turn later this autumn. Under the BES arrangements, I will write to the Chief Secretary at the time of the Westminster Supplementary Estimates (usually December) to formally agree the amounts to be drawn down.

### **2015-16 June Monitoring**

#### **Background**

The starting point for this monitoring round must be the Budget 2015-16, agreed earlier this year, which concluded with an over commitment on Resource DEL of £58.4 million and £2.3 million on Capital DEL.

The focus continues to be on non ring-fenced Resource items (hereafter simply referred to as Resource expenditure, or Resource DEL, for simplicity).

The ring-fenced Resource DEL is strictly controlled by HM Treasury and funding cannot be moved out of this area. Therefore this is handled separately with changes to this area shown in the tables attached. My officials will continue to monitor the position over the course of this financial year.

As Members will be aware, there are significant challenges facing the Executive's Budget in 2015-16 and I propose to bring a separate paper to the Executive in the near future setting out in detail the full range of pressures facing the Executive.

There are, however, a number of important technical issues relating to the June Monitoring Round which the Executive has now agreed. These include a number of adjustments that impact on the overall level of resources available to the Executive as well as the allocation of centrally held funding to departments. These technical issues are detailed below.

#### **2015 UK Budget and Chancellor's 2015-16 In-Year Reductions**

The Chancellor's 2015 March UK Budget had implications for our budget position in this financial year in the form of additions from Barnett consequentials amounting to £10.9 million Resource DEL and £0.5 million Capital DEL.

Thereafter, on the 4th June, the Chancellor outlined details of in-year reductions to Whitehall Departments. The Chief Secretary to the Treasury advised that the impact for Northern Ireland through the Barnett formula is reductions of £32.9 million Resource DEL and £5.5 million Capital DEL. The Chief Secretary has advised that the Executive can choose to defer the reductions to 2016-17 and the Executive has subsequently agreed to this deferment.

#### **Budget Exchange Scheme – Carry Forward from 2014-15**

As set out in the Provisional Out-turn section above the Executive can now plan to carry forward £47.9 million Resource DEL and £10.7 million Capital DEL. The



actual level of resources to be carried forward will not be confirmed until later in the year after Final Out-turn information is received from departments, however the funding detailed will be made available in this monitoring round.

### **Public Sector Pensions**

Budget 2015-16 set aside £122.5 million Resource DEL to meet pressures arising as a result of revaluations to a number of public sector pension schemes. As a result of work over recent months to determine the split of this overall pressure across individual schemes and departments, the pressures identified by departments total £124.2 million which is slightly more than the level of funding set aside. The Executive has therefore agreed to increase the funding set aside for this pressure by £1.7 million allowing departmental pressures related to the revaluation of public sector pension schemes to be met in full. Details of the allocations to departments are detailed in the tables accompanying this statement.

### **Social Investment Fund**

OFMDFM has advised that £5.0 million of Capital DEL set aside for the Social Investment Fund is no longer required in this year. The Executive has agreed that £3.2 million of this can be used for the Together: Building a United Community programme with the remaining £1.8 million being returned to the Executive for reallocation

In addition to these substantial changes a number of smaller adjustments have also impacted on the overcommitment position. These include the return of £0.3 million Resource DEL to DOE in respect of receipts in 2014-15 from the Carrier Bag Levy as they can only be used to fund environmental programmes, £0.4 million Capital DEL to fund costs associated with the establishment of a Chinese Consulate in Belfast and £0.1 million Resource DEL for the Executive's cash management charge.

### **Asset Management Unit Receipts**

Members will recall that the Executive set a capital receipts target of £50 million in this year. The Asset Management Unit in SIB has been working closely with DFP and departments in recent months to identify opportunities to realise this target. The work has resulted in adjustments totalling £21.8 million now being factored into departmental budgets in this monitoring round. This includes a number of asset disposals across departments, including; £2.5 million in DE, £1.8 million in DFP and £2.5 million in DHSSPS. Also £15.0 million will be removed from DSD related to Co-ownership refinancing.

Members should note that the £15.0 million easement relating to Co-ownership housing is dependent upon Executive agreement to an allocation of £25.0 million ring-fenced Financial Transactions Capital. Details of my proposals on ring-fenced Financial Transactions Capital are set out below. The adjustments detailed leave AMU with a target of £28.2 million to be realised by the end of 2015-16. Work on this is ongoing and a further update will be provided in the October Monitoring Round.

### **Ring-fenced Financial Transactions Capital Funding**

The Executive's Budget for 2015-16 included ring-fenced Financial Transactions Capital allocations of £129.0 million

this year, including £40.9 million set aside for the Northern Ireland Investment Fund.

Departments have submitted bids in this Monitoring Round for ring-fenced Financial Transactions Capital of £104.5 million, including £100.0 million from DSD for Co-ownership Housing and £4.5 million from the Department of Employment and Learning for Computer Science facilities at Queen's University. The DSD proposal is to cover a four year period. The Executive has therefore agreed allocations of £25.0 million to DSD for Co-ownership Housing and £4.5 million to the Department of Employment and Learning for Queen's University Computer Science facilities.

Members will be aware from previous monitoring rounds that the Department of Employment and Learning does not have the legislative authority to issue loans to private sector entities. The allocation to Queen's University will therefore be processed through SIB.

The Executive agreed these allocations will be met from the £40.9 million set aside for the NI Investment Fund. Taking account of the £0.3 million carried forward from 2014-15, this leaves a balance of £11.7 million for that purpose. Whilst no reduced requirements in relation to ring-fenced Financial Transactions Capital have been declared in this round, there remains some uncertainty around a number of projects and as such it is prudent that we allocate funding to viable projects at this stage of the year.

### **Delivering Social Change/Social Investment Fund / Childcare Strategy**

As part of Budget 2015-16 the Executive set aside £11 million Resource and £15 million Capital in respect of the Social Investment Fund in this financial year. In addition, the Executive also set aside £3 million Resource for this year to fund childcare strategy initiatives.

In line with the intentions of Budget 2015-16, the Executive has agreed that allocations under the Delivering Social Change banner can be financed from the Social Investment Fund.

The Executive has agreed the following allocations under the **Delivering Social Change** banner to be processed in this monitoring round:

- **£1.2 million Resource to DHSSPS** for the Parenting Support Programme, Family Support Programme and Children's Hospice;
- **£3.1 million Resource to DE** for the Literacy and Numeracy Programme and the Nurture Unit Programme
- **£1.2 million Resource to DSD** for the Social Enterprise Hub Programme;
- **£0.6 million Resource to OFMDFM** for Support costs.

The Executive has also confirmed a number of allocations under the Social Investment Fund to be processed in this round:

- **£3.9 million Resource to OFMDFM;**
- **£2.0 million Capital to OFMDFM.**

Furthermore OFMDFM has advised of a number allocations from the Childcare Fund to be processed in this round. The proposed allocations include £0.5 million on Capital DEL. Since no Capital funding has been set

aside for the Childcare Strategy, the Executive has agreed that Capital set aside for the Social Investment Fund could be used for the Childcare Strategy. Allocations agreed include:-

- **£1.2 million Resource to DHSSPS** for the Brightstart School Age Children Scheme;
- **£0.2 million Resource to OFMDFM** for Staff Costs;
- **£0.5 million Capital to DHSSPS** for the Brightstart School Age Children Scheme.

Since this is funding accessed from existing central funds set aside by the Executive for this purpose, these transactions are handled as technical transfers (rather than allocations). These transfers mean that there is now £1.0 million Resource DEL and £7.5 million Capital DEL remaining in the Social Investment Fund for 2015-16 and £1.6 million Resource DEL in regard to the Childcare Strategy.

#### ***Together: Building a United Community (T:BUC)***

Budget 2015-16 set aside £10.0 million Resource DEL for the Together: Building a United Community Programme (T:BUC). The Executive has agreed as part of this monitoring round that this will be supplemented by £3.2 million Capital DEL funding transferred from the Social Investment Fund. The Executive has agreed the following allocations should be processed in this monitoring round:

- **£5.3 million Resource to OFMDFM** for Summer Interventions, Good Relations, Urban Villages and staffing and promotion costs;
- **£1.2 million Resource to DE** for Shared Education and Summer Schools;
- **£0.3 million Resource to DSD** for Shared Housing Schemes;
- **£0.5 million Resource to DCAL** for Cross Community Sport;
- **£0.7 million Resource to DOJ** for Removal of Interface Barriers;
- **£0.04 million Resource to DEL** for the United Youth Programme.
- **£1.0 million Capital to DE** for Shared Education;
- **£0.1 million Capital to DOJ** for Removal of Interface Structures;
- **£2.1 million Capital to DSD** for Urban Villages;

Since this is funding accessed from existing central funds set aside by the Executive for this purpose, these transactions are once again handled as technical transfers (rather than allocations). These transfers mean that there is now £1.9 million Resource DEL and no Capital DEL remaining in the T:BUC fund.

#### **Departmental Restructuring**

Members will recall that the Stormont House Agreement included a commitment to reduce the number of NICS departments from twelve to nine in time for the 2016 Assembly elections. The Executive subsequently agreed the number and functions of the NICS departments, with some refinement required as work on the Transfer of Functions Order progresses. While a Bill has not yet been introduced in the Assembly it is important that work is progressed to ensure the restructuring can be implemented within the required timescales.

This change will have a significant impact on the Budget process for 2016-17 due to commence in the coming months. With the change to a nine department structure planned for a few weeks into the 2016-17 financial year, the Executive has now agreed that the Budget should be conducted on the new departmental structure. The Executive has also agreed that preparatory work in relation to this can commence over the summer months.

#### **Position after June Technical Exercise**

Following the June Monitoring technical exercise there is an overcommitment of **£1.7 million** in respect of **Resource DEL** with **£10.3 million** of **Capital DEL** remaining unallocated.

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##### **2014-15 Provisional Out-turn**

Table A	2014-15 Provisional Out-turn – Non Ringfenced Resource
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Table C	2014-15 Provisional Out-turn – Ring-fenced Resource

##### **2015-16 June Monitoring:**

Table D	Ring-fenced Resource Expenditure
Table E	Public Sector Pension Allocations

**Table A – 2014-15 Provisional Out-turn – Non Ringfenced Resource**

	Final Plan	Provisional Out-turn	Underspend (-) / Overspend (+)	Underspend (-) / Overspend (+)
	£ million	£ million	£ million	%
DARD	194.7	194.6	-0.2	-0.1%
DCAL	100.3	98.9	-1.4	-1.4%
DE	1,957.7	1,950.9	-6.8	-0.3%
DEL	751.5	750.1	-1.4	-0.2%
DETI	202.2	199.6	-2.6	-1.3%
DFP	155.5	154.4	-1.0	-0.7%
DHSSPS	4,637.1	4,635.5	-1.6	0.0%
DOE	127.5	126.5	-1.0	-0.8%
DOJ	1,101.1	1,082.8	-18.3	-1.7%
DRD	344.5	356.3	11.7	3.4%
DSD	591.0	582.7	-8.4	-1.4%
OFMDFM	81.2	80.8	-0.4	-0.5%
AOCC	2.1	2.1	0.0	-0.6%
FSA	8.1	7.9	-0.2	-2.4%
NIA	40.4	40.0	-0.3	-0.9%
NIAO	8.1	7.8	-0.4	-4.6%
NIAUR	0.1	0.1	0.0	-0.9%
PPS	40.3	39.0	-1.3	-3.3%
<b>Total Departments</b>	<b>10,343.4</b>	<b>10,309.8</b>	<b>-33.6</b>	<b>-0.3%</b>

*Totals may not add due to roundings*

**Table B – 2014-15 Provisional Out-turn – Capital**

	Final Plan	Provisional Out-turn	Underspend (-) / Overspend (+)	Underspend (-) / Overspend (+)
	£ million	£ million	£ million	%
DARD	49.1	49.0	-0.1	-0.1%
DCAL	36.7	36.6	-0.1	-0.4%
DE	182.8	181.0	-1.8	-1.0%
DEL	55.7	55.3	-0.4	-0.7%
DETI*	33.1	29.4	-3.7	-11.3%
DFP	55.2	54.6	-0.5	-1.0%
DHSSPS	220.3	220.1	-0.2	-0.1%
DOE	12.3	11.9	-0.3	-2.8%
DOJ	62.4	57.5	-4.9	-7.8%
DRD	398.3	397.8	-0.5	-0.1%
DSD	182.7	178.9	-3.8	-2.1%
OFMDFM	54.0	52.9	-1.1	-2.0%
AOCC	0.0	0.0	0.0	-11.8%
FSA	0.1	0.0	-0.1	-95.0%

	Final Plan	Provisional Out-turn	Underspend (-) / Overspend (+)	Underspend (-) / Overspend (+)
	£ million	£ million	£ million	%
NIA	3.9	3.1	-0.7	-19.1%
NIAO	0.0	0.0	0.0	-7.5%
NIAUR	0.0	0.0	0.0	-65.4%
PPS	0.4	0.2	-0.1	-32.6%
<b>Total Departments</b>	<b>1,346.9</b>	<b>1,328.5</b>	<b>-18.4</b>	<b>-1.4%</b>

*Totals may not add due to roundings*

\* £3.4m of the DETI underspend relates to the Super Connected Cities programme. This programme is subject to a separate agreement with HM Treasury that will allow this underspend to be accessed in 2015-16.

**Table C – 2014-15 Provisional Out-turn - Ringfenced Resource**

	Final Plan	Provisional Out-turn	Underspend (-) / Overspend (+)	Underspend (-) / Overspend (+)
	£ million	£ million	£ million	%
DARD	12.8	12.7	-0.1	-0.7%
DCAL	6.0	5.6	-0.4	-6.1%
DE	0.6	0.5	-0.1	-13.5%
DEL	168.6	166.3	-2.3	-1.4%
DETI	2.7	3.5	0.7	26.8%
DFP	33.2	33.2	0.0	0.0%
DHSSPS	117.5	118.5	1.1	0.9%
DOE	4.4	4.5	0.0	0.3%
DOJ	78.8	69.1	-9.7	-12.3%
DRD	81.0	79.5	-1.5	-1.9%
DSD	5.3	3.3	-2.0	-37.5%
OFMDFM	1.0	1.0	0.0	0.0%
AOCC	0.0	0.0	0.0	-18.6%
FSA	0.0	0.0	0.0	-12.5%
NIA	3.3	3.3	0.0	0.0%
NIAO	0.2	0.2	0.0	-12.3%
NIAUR	0.0	0.0	0.0	0.0%
PPS	1.7	1.4	-0.3	-17.8%
<b>Total Departments</b>	<b>517.3</b>	<b>502.7</b>	<b>-14.6</b>	<b>-2.8%</b>

*Totals may not add due to roundings*



**Table D – June Monitoring Ringfenced Position (£ millions)**

		<b>Ring Fenced Resource</b>
<b>Opening Monitoring Resources Available</b>		<b>2.5</b>
<b>Reduced Requirements</b>		
DEL	Stranmillis College Depreciation	0.7
DSD	Reduced Impairment and Depreciation SSA	1.5
<b>Total Reduced Requirements</b>		<b>2.2</b>
<b>Allocation</b>		
DCAL	Depreciation	-0.6
DOE	IT Depreciation Costs	-1.4
PPS	Depreciation	-0.0
<b>Total Allocation</b>		<b>-2.0</b>
Reclassifications between Ringfenced/Non-Ringfenced		0.1
<b>June Monitoring Resources Available</b>		<b>2.8</b>

*Totals may not add due to roundings*

**Table E – Public Sector Pension Allocations (£ millions)**

<b>Department</b>	<b>Resource DEL</b>
DARD	3.1
DCAL	0.5
DE	34.7
DEL	5.2
DETI	1.1
DFP	3.1
DHSSPS	58.3
DOE	1.5
DOJ	7.5
DRD	1.6
DSD	5.6
OFMDFM	0.9
PPS	0.5
AOCC	0.0
NIAO	0.2
NIAUR	0.0
NIA	0.3
FSA	0.2
<b>Total</b>	<b>124.2</b>

*Totals may not add due to roundings*

## Office of the First Minister and deputy First Minister

### Launch of Consultation on Proposals to Extend Age Discrimination Legislation (Age Goods, Facilities And Services)

*Published at 11.00 am on Friday 3 July 2015*

**Mr P Robinson and Mr M McGuinness (The First Minister and the deputy First Minister):** Members will recall in our Statement to the Assembly on 19 February we stated that we intended to bring forward a public consultation on the proposals to extend age discrimination legislation (Age Goods, Facilities and Services).

In line with our Programme for Government commitment, we are today launching a consultation on policy proposals to extend age discrimination legislation to the provision of goods, facilities and services. The consultation document and details on how to respond to the consultation are available on the OFMDFM website.

This consultation document sets out policy proposals to protect adults and young people aged 16 years and over from discrimination on the basis of age in relation to goods, facilities and services, charities, premises, education, public functions, and private clubs and associations. The scope of the proposals is therefore broader than goods, facilities and services alone.

While the proposals are intended to prohibit harmful age discrimination, we recognise that some forms of differential age treatment can be a good thing. It is important to ensure that any new legislation only prohibits harmful or unjustifiable treatment that results in genuinely unfair discrimination because of age. It should not outlaw the many instances where it is justifiable or beneficial to treat people differently.

The consultation document sets out those areas where it is felt that different treatment of people of different ages is justified and where 'exceptions' to any future ban on age discrimination would be necessary to allow certain age-differentiated practices to continue.

The consultation will help us to establish a clear and robust policy position before legislation is brought forward in this area. It seeks views on the range of activities that should be covered by any future legislation on age discrimination, and on any exceptions that should be provided to ensure that the protection is effective and properly targeted.

This consultation will run for 14 weeks until 8 October 2015 and the process will be supported by a series of regional consultation events which will take place in Belfast and in each county. Details of the consultation events will be advertised on the OFMDFM website and in local papers. We would encourage everyone who wants to see a fairer and more equal society to engage with the consultation process by responding to the consultation questions or by attending a consultation event.

### Draft Childcare Strategy: Launch of Consultation

*Published at 11.00am Tuesday 28 July 2015*

Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister): In line with our Programme for Government commitment, we are today launching the draft Childcare Strategy for public consultation. The consultation document and details on how to respond to the consultation are available on the OFMDFM website as follows: <http://www.ofmdfmi.gov.uk/childcare>.

This draft Childcare Strategy has two main aims:

- **Developmental:** to give all our children the best start in life, preparing them for lifelong wellbeing and achievement, thereby creating the basis for a better, more prosperous future
- **Employment:** to enable parents to join the workforce, thereby enhancing prosperity, and to improve gender equality by enabling mothers to join the workforce, return to work and remain in work.

These aims are supported by seven key objectives: **availability, affordability, sustainability, diversity, quality, informed parental choice and an integrated approach.**

Delivering the Childcare Strategy and achieving its aims and objectives will require co-ordinated action across a range of government departments and services. We launched the first phase of the Strategy in September 2013, including a set of 15 Key First Actions to address the most immediate childcare needs and priorities identified during consultation and research. These initial steps focussed on: increasing the types of childcare provision most in need; building the skills base of the childcare workforce; providing parents with more detailed and user-friendly information; and establishing a partnership approach between Government Departments and the childcare sector.

In this, the full 10 year Strategy, we will now examine how we might build on those preliminary actions, making good any gaps. Firstly, we are proposing to develop our initial 15 actions into the 22 areas of development set out in this document. We will, for example, look at the options for extending the support we currently provide to school age childcare to cover the full range of childcare services and childcare providers. We will consider how to make childcare services more responsive to the needs of all parents, regardless of where they live, including the need for more flexible care, available outside of conventional working hours. Ways of making the financial assistance available with the costs of childcare more widely known and used will also be examined.

This draft Childcare Strategy has been developed on a co-design basis. The purpose of co-design is to ensure that stakeholder knowledge is taken fully into account during the development of the Strategy. Building on this and by continuing to work with the childcare sector and with childcare stakeholders, we will roll out the selected and affordable interventions and thereafter continue to monitor and evaluate the performance of our Childcare Strategy and report on our findings.

The consultation will run for 16 weeks until 13 November 2015, and the process will be supported by a series of regional consultation events which will take place in Belfast and other cities and towns. Details of the consultation events will be advertised on the OFMDFM website and will be publicised by our childcare stakeholders. We would encourage everyone who has an interest in this key policy area to engage with the consultation process by responding to the consultation questions or by attending a consultation event.

## Regional Development

### Utility Regulator's Review of the Impact of the Industrial Action in NI Water

*Published at 12.00 noon on Tuesday 30 June 2015*

**Mr Kennedy (The Minister for Regional Development):**

I wish to make a Statement to the Assembly in respect of the publication of the Utility Regulator's Review of the Impact of the Industrial Action in NI Water.

I asked the Utility Regulator, in February, to review NI Water's performance in managing the disruption to water supply in parts of Northern Ireland arising from the industrial action by NI Water staff. In particular, I asked the Regulator to focus on the impact on consumers and NI Water's actions in planning for and reacting to the event.

I now welcome the completion of the Review and the publication of the Report. I am grateful to the Regulator for undertaking this thorough Review on the Impact of the Industrial Action.

The Report focuses on five areas: the impact and cause of the water supply disruptions; contingency planning and implementation arrangements; internal and external communications during the incident; leadership and management and the financial impact of the dispute.

The Regulator's findings indicate that NI Water has made significant progress following the review of its handling of the 2010-11 Freeze / Thaw Incident, particularly in the area of communications with stakeholders and customers. However, the Report has identified areas where further improvements should be made. It details eleven actions which it requires NI Water to undertake, these are strategic and high level. NI Water has also identified a number of actions to be taken as a result of its own internal review, which informed the Regulator's work.

The Regulator has required NI Water to develop a work programme, by the end of June. This will include a plan to deliver all actions by the end of March 2016. In addition, the Company must highlight all actions relating to winter preparations and ensure that these are completed by November 2015. The Regulator will monitor NI Water's implementation of the actions against the plan.

Implementation of the actions required by the Regulator will improve the resilience of NI Water's assets and the Company's ability to respond to incidents in future.

In addition the pay settlement reached with NI Water employees secured the commitment of the Water Group of Trade Unions to work positively, actively and jointly with NI Water to make progress on the modernisation of working practices. I believe that this will also contribute to NI Water's goal of improving the level of service provided to its customers in future.

## Social Development

### 2015 Annual Report on the Concordat Between the Voluntary and Community Sector and the Northern Ireland Government

*Published at 3.00 pm on Tuesday 30 June 2015*

**Mr Storey (The Minister for Social Development):** As you are aware, the Concordat between the Voluntary and Community Sector and the Northern Ireland Government includes an undertaking for me to report annually to the Northern Ireland Executive and Assembly on the implementation of the Concordat and in accordance with these principles I wish to present Assembly colleagues with the fourth report. This report contains detail on the progress made against selected commitments contained within the Concordat, including a statement on the impact of the implementation of the 2015/16 Budget on voluntary and community organisations; and progress made against recommendations made by the Public Accounts Committee in their report 'Creating Effective Partnerships between Government and the Voluntary and Community Sector'.

The Concordat provides the blueprint for this Government and the Voluntary and Community Sector to work together as social partners to create more responsive and people-centred public services. The report presented today demonstrates that we are capable of working in partnership to achieve mutual aims with two of the most intransigent issues affecting the Sector being addressed and brought to fruition over the past twelve months. Last year the report gave an update on the progress made towards reducing bureaucracy in the administration of funding to voluntary and community organisations. Since then, this work has led to the publication of a Code of Practice which is now standard operating practice across all NI Executive Departments. This will make a significant impact on reducing the bureaucratic burden and bring benefits to Voluntary and Community Sector organisations while, in turn, the Public Sector will benefit from a streamlining of their grant making processes allowing resources to be redirected to more front line delivery of programmes.

Significant progress has also been made in the area of policy development with the Joint Forum gaining recognition as a vital link in the machinery of government in stakeholder engagement at the policy development stage. The Joint Forum has also provided a platform for Executive Departments to communicate with the Sector on key issues: presentations have included the Reform of Local Government (Department of the Environment), Welfare Reform (Social Security Agency), Innovation in Supporting Service Delivery (Department of Finance and Personnel), Enabling Success (Department of Enterprise, Trade and Investment), Public Sector Reform (Department of Finance and Personnel), and the Early Intervention Transformation Programme (Department of Health, Social Services and Public Safety).

While we can and should congratulate ourselves on addressing some of the long-standing issues of concern I am also acutely aware that Government's commitment to this relationship was recently in the spotlight during the implementation of the 2015/16 Departmental budgets. Our Executive has long espoused the contribution the

Voluntary and Community Sector makes to the social, economic, environmental, political, and cultural life of Northern Ireland but at the first 'real time' test of the relationship our commitment to the Concordat appeared to be found wanting. Despite recognising the contribution made by the Voluntary and Community Sector in delivering public services little consideration appeared to have been given to the support these organisations require in order to function, to the longer-term effects of these services no longer being available, the cumulative impact of multiple cuts and the unintended consequences to organisations who underwent a reduction of support from a number of funding departments at the same time.

Such was the concern that when it was brought to the attention of the First and deputy First Ministers they requested that their Junior Ministers carry out a review examining the impact of these funding decisions. I look forward to the findings of this review.

That said I am very pleased to commend this report to my Executive and Assembly colleagues and to endorse the progress made over the past year. The implementation of the Concordat commitments and the identification and resolution of issues can only assist Government and Voluntary and Community Sector in partnership working.

A copy of the report has been published on the DSD website and can be accessed from [http://www.dsdni.gov.uk/index/voluntary\\_and\\_community/vc-publications.htm](http://www.dsdni.gov.uk/index/voluntary_and_community/vc-publications.htm)





# Committee Stages



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# Northern Ireland Assembly

Committee for the Office of the First Minister and deputy First Minister  
24 June 2015

## Children's Services Co-operation Bill [NIA 44/11-16]

### Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Alex Attwood  
Ms Megan Fearon  
Mrs Brenda Hale  
Mr Alex Maskey  
Ms Bronwyn McGahan  
Mr David McIlveen  
Mr Stephen Moutray

### Witnesses:

#### In attendance:

Ms Éilis Haughey *Clerk of Bills*

**The Chairperson (Mr Nesbitt):** We move to consideration of the Children's Services Co-operation Bill. Last week, we heard from the Department that it has a revised Bill setting out the direction of its proposed amendments. You will recall that officials advised the Department that they wish to make further amendments following ongoing consultation with other Departments. We also saw correspondence from the Bill's sponsor giving his initial views on OFMDFM's proposals for the Bill.

Today, our task is to undertake formal clause-by-clause scrutiny of the Bill. Éilis Haughey joins us to aid our consideration. As ever, the Clerk and staff have prepared a number of useful and relevant papers. Departmental officials are not with us today to answer questions, but they have undertaken to provide responses if we submit any issues and will do that as quickly as they can.

Are there any general comments at this stage, members, before we get into clause-by-clause scrutiny? If not, we will proceed.

### Clause 1 (General duty)

**The Chairperson (Mr Nesbitt):** This clause creates a duty for Departments to work towards the achievement of six specified outcomes relating to the well-being of children and young people and to cooperate with one another to further the achievement of those objectives. The objectives are consistent with those listed in the children's strategy. Clause 1(4) allows OFMDFM to modify those objectives by subordinate legislation. That is the Bill as Mr Agnew envisaged it.

The Department proposes the inclusion of a new clause, "Well-being of children and young people", which will serve as a purpose clause and explain that the Bill is for the purpose of improving the well-being of children and young people. The six high-level outcomes are used to define well-being, and the text of the clause is at page 1 of the Department's revised Bill. The Committee indicated that it was content in principle with that proposal at last week's meeting. OFMDFM also proposes that clause 1 be amended to place a duty on "children's authorities" to cooperate with other children's authorities and other bodies in the provision of children's services. The meanings and definitions are set out in the interpretation clause. A duty is also placed on the Executive to make arrangements to promote cooperation. The text of that clause, "Co-operation to improve well-being", is provided at page 2 of the Department's revised Bill.

You will recall that officials agreed to consider with Office of the Legislative Counsel (OLC) colleagues whether the word "advance" could be used instead of "promote". That aside, the Committee indicated that it was content in principle with the proposal. Mr Attwood advised that he would reserve his position on all the proposed amendments until they have been considered further.

Mr Agnew suggested that clause 2(1) in OFMDFM's revised Bill should be amended to remove the wording:

*"so far as is consistent with the proper exercise of its children functions."*

That is the potted history of clause 1.

**Mr Maskey:** Is there any understanding on why he wants that amended? It is in the original Bill at clause 1.

**Mr Lyttle:** I understand that it is a Greenberg suggestion because it is considered a bit of a "get-out clause".

**The Chairperson (Mr Nesbitt):** Daniel Greenberg thought that the Department might be able to use that form of words to say, "I cannot help you because it is not consistent with the proper exercise of my functions". Éilis, can you add to that?

**The Clerk of Bills:** As far as I understand it, the explanation from the Department has been that "children's authorities" can include any Department. Departments may, at times, be filling potholes, cutting hedges or doing other things, and the Department thought that that phrase would ensure that there was appropriate room to exercise



a function without a procedure around consideration of children's well-being where that is genuinely not required rather than saying that, even if you are filling potholes, you need to stop and consider children's well-being. The argument was that:

*"so far as is consistent with the proper exercise of its children functions"*

suggests that, where those functions could have an impact on the well-being of children, you should consider that. That was consistent with the sponsor's advice and explanation at the start. So you have conflicting advice before you.

**Mr Maskey:** It does not register in my mind as a significant consideration; it is a bit subjective, to say the least.

**The Chairperson (Mr Nesbitt):** Ultimately, whatever legislation you put before officials, they will make a judgement call on it. They may say, "I have limited resources, and you are telling me to do this and do that."

**Mr Maskey:** If it ends up coming down to petty — I do not mean petty, but I cannot think of another word at the moment — considerations, it would mean, to me, that the Bill will be fundamentally flawed from the outset.

**The Chairperson (Mr Nesbitt):** In the real world, officials will make a judgement call on whether there is a stronger legislative demand on them to do a rather than b because if they do b, somebody will judicially review them and say that they should have done a because of the strength of the legal obligation.

**Mr Maskey:** What is the suggested amendment? If Steven is saying that he wants it amended —

**The Chairperson (Mr Nesbitt):** He is just going to take it out.

**The Clerk of Bills:** He wants to take the qualifying phrase out.

**The Chairperson (Mr Nesbitt):** There is no qualification for that. It diminishes the ability of Departments to say, "What you are asking me to do is not consistent with the proper exercise of the children's functions that rest with me."

**Mr D McIlveen:** My concern with it, Chair, is that to remove that sentence and remove the opportunity for government to challenge would effectively make the assumption that government is always wrong and that the other service providers are always right. There are very well-meaning groups and representatives in the sector, but, like everyone, they can get it wrong. If you remove that and set it in legislation that every children's authority must cooperate with other children's authorities and children's services, you are effectively removing the opportunity to challenge. That is something that we should always try to preserve as much as possible when writing legislation, so that, ultimately, the views of a group can be challenged if required. To me, reading it as a relative layman, removing that line would remove the right to challenge, and there would be a legal statutory obligation on everybody to cooperate, whether what they were cooperating on was right or wrong.

**The Chairperson (Mr Nesbitt):** Members, can we take a step back for a second? Normally, in clause-by-clause consideration, we would take the Bill as laid, in this case Mr Agnew's Bill, and consider it against amendments

from the Department, but, in this case, we do not have amendments from the Department so much as a new Bill — a total rewrite, almost. This clause-by-clause consideration is of Steven Agnew's original Bill. We can bear in mind what the Department is thinking, but it is not as neat as it would normally be, because it actually has a different number of clauses, and they indicated last week that there will be further amendments, not just to clause 4. In fact, I do not think that we can have confidence that any of the clauses, with the possible exception of the short title, might not be amended. So, we are not in the position that we would like to be in. That is not a criticism of the Department; it is just an observation of where we are.

First off all, it seems to me that, if we are broadly content with the direction of travel of the Department, we can, in this clause-by-clause scrutiny, as it refers to the original Bill, say that we are not content. We might also indicate that we are content with the direction of travel that the Department has indicated to us, but that we are also aware that, at this stage, we cannot have confidence that we have had sight of the final wording. The explicit purpose of clause-by-clause scrutiny is to look at the final wording, and leave it at that.

**The Clerk of Bills:** The Committee would be within its rights, if it wished, to pursue that course and to indicate if there were replacement clauses or directions that it would support.

**The Chairperson (Mr Nesbitt):** OK, so, what I said, plus, if we have consensus, we could say, "These are specifics that we have not seen that we would welcome."

**Mr Maskey:** Are you suggesting that we go through the original Bill, clause by clause? I was wondering whether there was a hybrid scenario, because, in a way, we are going through an exercise that is near enough pointless.

**The Chairperson (Mr Nesbitt):** It is academic, to an extent.

**Mr Maskey:** It has been changed with the consent, albeit caveated, of the sponsor of the Bill in the general direction of travel.

**The Chairperson (Mr Nesbitt):** As I understand it, in an ideal world, every word that we look at today would be in the Bill that would go to the Floor. Clearly, from what we were told last week, that is not the case, but we cannot wait because we have taken an extension to the Committee Stage and we cannot have an extension to an extension, so we have to do it today.

**Mr Maskey:** Do we have to go through it formally clause by clause?

**The Chairperson (Mr Nesbitt):** Yes, but it is the original, so, if we are content with the direction of travel that the Department is taking, we can say that we are not content with the original clause. If we take it step by step, are we all happy that we are not content with the original clause 1?

**Mr Attwood:** I am a wee bit cautious about that. I can understand why, on one reading of clause 1(1), it could be a get-out clause. You would have to read it in such a strict and suspicious way, and I do not think that that is the proper way to read it. On the other hand, I remember having an experience where the Department tried to argue with me that doing something was not consistent with the proper exercise of the functions of the Department.

I will give you an example. Money came from the Coastal Communities Fund in London, and DFP asked which Department wanted to take it on. I got advice that it was outside our competence and that we would not want it, as it was not consistent with the functions of the Department. Of course, I said that coastal communities are environmental and developmental and that those aspects fall within the competence of our Department, so we took it. If they can find a bit of space, officials will sometimes say "This is not our business, so goodbye.". I do not have the sort of global suspicion of the Department that might be suggested by saying that this is a get-out clause. I am not trying to go as far, in my position, as to say that we are more inclined toward the Department at this stage. That might well be case, but not at this stage.

**The Chairperson (Mr Nesbitt):** I take that point and, yes, of course there will be opportunities, as with almost all legislation, for officials to take a position and a judgement call.

I propose that there are three things that we can do for clause-by-clause. First, on each clause, we can decide whether we are content with what Mr Agnew has laid; if we are not, whether we are broadly content with the Department's direction of travel, which is another yes or no question; and, thirdly, whether there is something further that we would like to see included. We may have to vote on some of the issues, and that is fine, because we are not where we would like to be.

**The Clerk of Bills:** It is worth reminding members that the sponsor has indicated to the Committee that he has been working closely with the Department and with other stakeholders and is heavily engaged and quite supportive of what has been achieved so far with the alternative proposals that will come forward.

**The Chairperson (Mr Nesbitt):** To cut to the chase, if the sponsor was sitting here with a vote, he would oppose clause 1? He would oppose his own clause 1?

**Mr Lyttle:** Exactly, yes.

**The Chairperson (Mr Nesbitt):** Because he has been persuaded through his journey, particularly with officials, that it can be better. Right at the beginning —

**Mr Maskey:** That is without dealing with the issue of "so far as is consistent", because I would prefer to keep that in.

**The Chairperson (Mr Nesbitt):** We might decide that we have not taken a position on that. It would be fair if we say that we do not have a consensus on whether that should be in or out, would it not?

**The Clerk of Bills:** That is a separate amendment that comes from the sponsor rather than the Department. The Committee would be doing the right thing to make a decision on the departmental amendments before you and to take a separate decision on whether you agree, do not agree, or just note the —

**Mr Lyttle:** I have a brief comment in addition to that. You have the original direction of travel from the Department; you also have amendments that have been suggested to the Department by the sponsor. Do we need to take a view on those as well? There are three things to take a view on, effectively, even if the third is very brief and only affects, I think, three clauses.

**The Chairperson (Mr Nesbitt):** You are quite right, Chris. The first thing that we will take a view on is the clause as laid in the original; the second is a view on the amendments that we are aware of, bearing in mind that we know that there will be more from the Department; the third is whether there is anything outside the other two that we wish to see included.

**Mr Lyttle:** Can I run an example of that? Not content with clause 1 in the original Bill; not wholly content with the direction of travel proposal by OFMDFM; content with the suggestion from the sponsor for the amendment to OFMDFM's direction of travel for clause 1. That would involve the removal of "so far as is consistent".

**The Chairperson (Mr Nesbitt):** Are members content with that approach, at least as a way of getting started?

**The Clerk of Bills:** One final technical point. The amendment from the sponsor to remove "so far as is consistent" would technically be an amendment to the Department's amendment. They are not necessarily competing with each other. You can support the Department and then decide whether it should be amended to reflect the member's point.

**Mr Lyttle:** It is not an ideal way of doing things, but there is probably no other way.

**The Chairperson (Mr Nesbitt):** We have to find a way to kick this on. Members, we have the original clause 1 as laid. Are we content with that?

*Question, That the Committee is content with the clause, put and negated.*

**The Chairperson (Mr Nesbitt):** No. We have a proposed new clause from the Department, "Well-being of children and young people", at page 1 of the revised draft Bill. Are we content with that?

**Mr Maskey:** I suppose this is to protect everybody, because we are all very conscious that there could yet be some changes, minor or major. Everybody wants to caveat what we are agreeing to. We are agreeing to this, subject to further information. You might get a line in there that covers everybody. I agree with the version put forward by the Department. It might change depending on clause 4 and something else —

**The Chairperson (Mr Nesbitt):** Are members broadly content with the direction of travel of the Department's new proposed clause, "Well-being of children and young people", subject to sight of the final wording?

**Mr Attwood:** And answers to the points raised by Steven Agnew in his memo. Steven says that the Department uses different words in clause 1(2). They may seem minor, but he wanted an explanation for the differences. Officials also indicated that there would be a consultation before any of the outcomes were changed under clause 1(4).

**The Chairperson (Mr Nesbitt):** I get all that, Alex. I am just wondering whether, "subject to sight of the final wording" does not cover all that, and give you the ability to come back and say —

**Mr Attwood:** As long as it means that, I am happy.

**The Chairperson (Mr Nesbitt):** — "I do not accept the final wording, and the reason is that I am not satisfied that you consulted as you promised with the Bill sponsor", or

whatever number of reasons you may wish to propose. Is that OK?

**Mr Attwood:** That is how I will interpret that.

**The Chairperson (Mr Nesbitt):** Are we content, members?

**Mr Lyttle:** I am probably not, Chair. I am more supportive of the third way proposed by Stevie, which is not to include:

*"so far as is consistent with the proper exercise of its children functions".*

In his email, he proposes another new clause 1. His suggestion for clause 1 was just the removal of "so far as is consistent", then?

**The Chairperson (Mr Nesbitt):** We are not content with clause 1. Chris, I will go back again, you were making an objection to the second part.

**Mr Lyttle:** Yes, I was slightly mistaken there, Chair.

**The Chairperson (Mr Nesbitt):** It is very confusing.

**Mr Lyttle:** Is, "so far as is consistent" in clause 2?

**The Committee Clerk:** It is in clause 2.

**The Chairperson (Mr Nesbitt):** We will come to that in a minute. We are content with the direction of travel of this new "Well-being of children and young people" clause, subject to sight of the final wording. We now have the other part of what was clause 1, which the Department is now calling "Co-operation to improve well-being". Apart from Chris, who we are going to come back to in a sec, is anybody else not content with the broad direction of travel of this new "Co-operation to improve well-being" clause, subject to sight of the final wording?

**Mr Attwood:** That is my position as well, as I outlined.

**Mr Lyttle:** That probably covers my position on this, in fairness. As I understand it, the sponsor has made a suggestion to the Department to make a change to the Department's version. It is conceivable that the Department may accept that proposal, and your form of wording would give us scope, if it changes in that way, to be content with the general travel.

**Mr Maskey:** So we are not content with clause 1 of the original Bill. Are we now asking whether we are content with the new clause 1 proposed by the Department, subject to final wording?

**Mr Attwood:** We are now at clause 2, though.

**Mr Lyttle:** But that is what happened for clause 1; you are correct.

**The Chairperson (Mr Nesbitt):** The original clause 1 has become two clauses. We have done the first bit, and this is the second bit. This is where:

*"so far as is consistent with the proper exercise of its children functions"*

comes in. The Department wants it, but the Bill's sponsor now does not.

**Mr Maskey:** We want it in, but, if somebody comes up with a better formula, we will look at that. We would prefer to go with what —

**The Chairperson (Mr Nesbitt):** So, you want it in, you want it out, you want it —

**Mr Lyttle:** I think that that form of words allows me to. The state of flux is that the sponsor is working, as far as I am aware, with the Department. There is a good working relationship there. It is possible that the Department — well, I do not know —

**The Chairperson (Mr Nesbitt):** Everything is possible.

**Mr Lyttle:** It is a possibility that the Department may accept that suggestion. If it does not, the form of words that says "subject to the final wording" allows me, if I am not content with the final wording, to say that I am not content.

**The Clerk of Bills:** Chair, I should have said earlier that, in relation to the phrase:

*"consistent with the proper exercise of its ... functions",*

the Committee had been talking about how that was in the original Bill and how the Department has it in this version. Actually, the Department's version in this Bill is different; it is talking about:

*"the proper exercise of its children functions"*

whereas the original Bill was talking about:

*"the proper exercise of their functions".*

Arguably, that departmental version is narrower again.

**Mr Lyttle:** That is a good spot.

**The Chairperson (Mr Nesbitt):** OK, but I think that everyone is content that, subject to sight of the final words — whatever form of words — it gives everybody the opportunity to come back and say, "I'm not happy, and here's why."

**Mr Lyttle:** I think that "children functions" is too narrow, so that is fair enough.

### **Clause 2 (Co-operation report)**

**The Chairperson (Mr Nesbitt):** Having agreed clause 2, we are going on to clause 2 of the original.

The original clause says that OFMDFM is required to publish a report at least every three years on progress towards achieving the specified outcomes, the extent of cooperation as required by clause 1 of the Bill as drafted, and efficiencies achieved or opportunities identified for further cooperation. Other Departments are also required to cooperate with OFMDFM in the preparation of the report, which will be laid before the Assembly. That is the original.

The Department proposes to amend the clause to expand the report to include outcomes and progress as well as cooperation. The report will be produced every three years. It will consider how the well-being of children and young people has improved or not, and it will reference cooperation across Departments. Mr Agnew has suggested that the Executive should commission an independent report on the operation of the Act.

**Mr Attwood:** We do not know, but I understand Steven to be saying that he is satisfied that, on the co-operation report clause 2 from OFMDFM, he is satisfied with the broad direction of travel but not the part that refers

to who does the report. That seems to be what he is saying. I would support Steven on the requirement for an independent report, but it seems to me that the broad direction of travel of the new clause 2 is right.

**The Chairperson (Mr Nesbitt):** So, can I say, going back to our formula, that, first, we are not content with clause 2 of the original Bill as laid?

*Members indicated assent.*

**The Chairperson (Mr Nesbitt):** Secondly, are we broadly content with the direction of travel of the departmental amendments, subject to sight of the final wording?

**Mr Maskey:** That is now clause 6, is that right?

**The Chairperson (Mr Nesbitt):** But, in this case, we have a proposal, I think, from Mr Attwood — and this is beyond agreeing with the direction of travel — that we accept Mr Agnew's amendment, which would give the reporting function to an independent body.

**Mr Lyttle:** I think it should be every year.

**The Chairperson (Mr Nesbitt):** Here is Mr Agnew's amendment, folks:

*"For each reporting period, the Executive must commission an independent report on the operation of this Act."*

It does not say who the independent body would be.

**Mr Maskey:** I think the institutions have to produce the report, whether or not an independent report is done. Every Department has to report on what its duties are. We can understand that.

**The Chairperson (Mr Nesbitt):** However, Steven is specific in stating that it is given to an independent body rather than, say —

**Mr Maskey:** That would have to be over and above what the Departments would have to do anyway, whether annually or —

**The Chairperson (Mr Nesbitt):** Departmental officials would not be doing it. They would simply be servicing an independent body with the data.

**Mr Maskey:** I cannot see any situation whereby a Department would not have to produce a report on what it is doing. You may have an independent report also, but I would not be agreeing with that. I am happy enough to support the direction of travel of clause 6 until somebody brings something additional or new into it that I can live with or work with. At this moment in time, however, I would not be not content with any additional —

**The Clerk of Bills:** The Committee could consider that or table that as a Committee amendment if it wished, in addition to the reporting clause. So you would have clause 6 requiring the Executive to produce the report, and the Committee would be within its rights to propose that an independent report be an additional obligation and additional clause. It does not have to be a yes or no to what is being proposed by the Department and the sponsor at this point.

**The Chairperson (Mr Nesbitt):** OK.

**Mr Lyttle:** That would give us an opportunity to debate it at the next stage.

**Mr Maskey:** If people are agreeing to that, that will be over and above what the Department would have to report on anyway. The Department cannot do work and spend money, and not report on what it did. An independent review or report might be additional and worthwhile. I am not supportive of that at this point in time, but I might be convinced later. Éilis is right.

**The Chairperson (Mr Nesbitt):** The Department is saying that for each reporting period, the Executive must prepare a report on the operation of the Act. Steven is saying that for each reporting period, the Executive must commission an independent report on the operation of the Act. Are you proposing a Committee amendment that says, in addition to the requirement on the Executive to prepare a report on the operation of the Act —

**Mr Maskey:** I am saying that I am content with clause 6 as proposed by the Department.

**The Chairperson (Mr Nesbitt):** OK, so you do not want an independent report.

**Mr Maskey:** No, I am not convinced of the necessity of it. I think Éilis has explained it for me well. Even if you do agree to have an independent report, the Department will still have to report on its work.

**The Chairperson (Mr Nesbitt):** You are content with the proposed clause 6(1) from the Department.

**Mr Maskey:** I might — [*Inaudible.*] — but that could be done by way of a Committee amendment.

**The Chairperson (Mr Nesbitt):** Does somebody want to propose Steven's amendment?

**Mr Attwood:** Yes.

**The Chairperson (Mr Nesbitt):** Do we have a seconder for Alex in proposing? Do we need a seconder? We do not need a seconder. We will just have a vote. Any other thoughts?

**Mr D McIlveen:** It is too vague, given what Steven has said. At this stage, it could mean anything. Does he mean a rapporteur? Does he mean the Human Rights Commission? Does he mean an arm's-length body? There is no detail.

**Mr Lyttle:** I presume that the proposer may well bring that as an amendment at the next stage, whether we do or not.

**The Chairperson (Mr Nesbitt):** Do members want to go to a vote on this?

**Mr Attwood:** That point that I was going to make is a general point. The correspondence from OFMDFM is from 11 June, and Steven's reply is from 16 June. Everybody was working to a tight deadline because of the Committee meeting last week. I get a sense from Steven's document generally that there could be more to come or that there will be more adjustments to what he has in the document, including on an independent report. The principle of independence is what I support, because draft clause 6 from OFMDFM is all about the Executive. You can restrict it to the Executive doing it themselves, in whatever way they choose, or you can stretch it to say that it has to be independent. Remember that this is every three years: it is not like they are going to have an ongoing review of what is happening every six months.



**Mr Lyttle:** Can I check whether it is three years? I cannot find a time period. OK, it says, "not more than three years".

**The Chairperson (Mr Nesbitt):** And because it is every three years, it will become a very significant report. NICCY would have a legal, statutory obligation to pore over it, and NGOs and voluntary and community sector bodies would be poring over every word in every line. So there would be a lot of independent scrutiny.

**Mr Maskey:** These are three-year reports, which is grand. I cannot see a situation where, in between, you would not be having an annual one.

**The Chairperson (Mr Nesbitt):** Sure.

**Mr Maskey:** As long as we were conscious that that is what they were going to do. That still does not deal with the issue of independence. I would prefer to deal with that at a later stage, because I could yet be convinced.

**Mr Attwood:** I am not going to push it to a vote, because the independence thing is a principle rather than something more concrete. I note that Alex said he could yet be convinced, so we could go about that bit of business. I definitely think that, if we just give this to the Executive to do in any way of their choosing, we close down our options. Our job is to ensure that the greatest rigour is brought to these things. The likelihood is that the greatest rigour is going to come from someone who is independent.

**The Chairperson (Mr Nesbitt):** OK. So, we are not content with clause 2 as laid, and we are saying that we are broadly content with the direction of travel indicated by the Department, subject to sight of the final wording.

*Members indicated assent.*

### **Clause 3 (Sharing resources and pooling funds)**

**The Chairperson (Mr Nesbitt):** Clause 3 of the original Bill is the enabling power that allows Departments to establish pooled budgets and share resources to achieve the specified outcomes. OFMDFM's revision retains the enabling power to pool budgets and share resources, but it amends clause 3 to reflect the requirements in the revised Bill in respect of cooperation and the adoption of a children and young persons' plan. So, staff, goods, services, accommodation or other resources can be provided to another authority and contributions made to a central fund. Members may recall that the officials advised last week that a further amendment may be required to enable Departments to establish the fund in the first instance, before they can start pooling. Mr Agnew has other ideas in respect of pooled budgets, but the actual final text for potential amendments has not been worked up. Do we have a consensus in saying that we are not content with clause 3 as laid in the original Bill?

*Members indicated assent.*

**The Chairperson (Mr Nesbitt):** What about the broad direction of travel with regard to Department versus sponsor?

**Ms Fearon:** I would like to see it tightened up a bit and tying the fund or the pooling of resources to the agreed children's plan in clause 4, because it leaves it quite open.

**The Chairperson (Mr Nesbitt):** Megan, the departmental amendment, as we stand at the moment, on sharing of resources and the pooling of funds — clause 5(1), says:

*"This section applies to a children's authority for the purposes of exercising any functions in accordance with ...*

*(b) a children and young persons plan."*

Do you want "as defined under section 4"?

**Ms Fearon:** It just says "a plan". It could be any plan.

**The Chairperson (Mr Nesbitt):** So if we said:

*"a children and young persons plan under section 4" —*

**Mr Lyttle:** Is that a mistake, potentially, by the Department? There is no plan mentioned in section 2.

**The Chairperson (Mr Nesbitt):** Subsection (2) has "arrangements under section 2 (co-operation)".

**Mr Maskey:** It needs to be linked to what —

**The Chairperson (Mr Nesbitt):** It would be consistent with 5(1)(a) to make 5(1)(b) "under section 4", and also clearer. Is that what you mean, Megan?

**Ms Fearon:** Yes.

**The Chairperson (Mr Nesbitt):** Is everybody content with that?

**Mr Lyttle:** Can we ask why the Department has linked it to section 2 as opposed to section 4? I do not know why it has.

**The Chairperson (Mr Nesbitt):** Section 2 is on cooperation.

**Mr Lyttle:** It is not a mistake. The Department is aware that section 2 is on cooperation. It has cooperation in brackets. I am just not clear why it has section 2 rather than section 4.

**The Clerk of Bills:** In legislation, there is a convention that, where it is defined elsewhere in the Bill, you do not necessarily need to say. In the first, the Department has said "arrangements" because clause 2 involves various things. The start of clause 4 says that the Executive must adopt "a children and young persons plan". Thereafter in the Bill, that allows you to say "a children and young persons plan", and that should guide the reader back to the inverted quote. It is tied to that.

**The Chairperson (Mr Nesbitt):** So this is the conventional language of a Bill.

**Mr Lyttle:** Yes, I think it is all right.

**The Clerk of Bills:** At first glance, I can see why —

**The Chairperson (Mr Nesbitt):** I liked it.

**The Clerk of Bills:** There is no harm done. There is no problem to signpost the reader back to the earlier provision.

**Ms Fearon:** If it is already defined, that is not needed.

**The Chairperson (Mr Nesbitt):** OK, so we are not content with the clause as laid. Are we broadly content with the direction of travel as indicated by the Department's amendments, subject to sight of final wording? Is there anything else that we would like to propose?

**Mr Maskey:** Sorry, this is my own fault. I do not have my glasses with me, so I am struggling. Is that an amendment to clause 3 or another clause?

**The Committee Clerk:** It is new clause 5.

**Mr Attwood:** This is where Steven has some amendments to new clause 6, if you like, although it is the one where he least makes the argument in his short paper. I have a feeling that the tension between clause 5 and where Steven is might be the least of all of the comments that he raises in his email, except that he says that Departments "must" consider opportunities for collaboration, whereas everywhere else it is "may". He creates a stronger obligation, although OMDFM's clause 2 may capture what he is at. Again, it is subject to the Department's response to that, although I have a feeling that this is an area where the differences might be more narrow than elsewhere.

**The Chairperson (Mr Nesbitt):** I think that what you are saying is that he is aware that, without the funding and the resource, the rest remains aspirational, even in the Bill.

Are members content?

*Members indicated assent.*

#### **Clause 4 (Amendment of the Children (Northern Ireland) Order 1995)**

**The Chairperson (Mr Nesbitt):** Clause 4 as laid is at page 2 in the Bill and page 4 in the EFM. We are back to tab A in your folders, members.

Clause 4 amends the Children (Northern Ireland) Order with the aim of strengthening the Children and Young People's Strategic Partnership (CYPSP). A range of agencies and Departments are specified, and they would be required to cooperate with each other in the planning, commissioning and delivery of children's services.

Members will recall that concerns have been raised with regard to this clause. To address some of them, OMDFM has proposed a couple of things. It has proposed a new clause — Children and young persons strategy — which would require the Executive to adopt a strategy setting out how they propose to improve the well-being of children and young persons. The text of that clause is at page 2 of the revised draft Bill at tab B. The Department is also proposing that the Executive are required to adopt a children and young persons plan — and, as we have just discovered, the clause has the same name — which will be developed with regard to the strategy and will detail how children's services will be planned, commissioned and delivered. The text of that clause — Children and young persons plan — is on pages 2 to 3 of the Department's revised draft Bill at tab B.

Officials have also advised that a further clause may be required with regard to a statutory partnership, which would comprise members of the Health and Social Care Board, the trusts, the Education Authority and other relevant agencies within the Departments of Health and Education. So, that is the Department.

Finally, Mr Agnew has suggested the removal of clause 4(3)(b) in the Department's revised Bill, and that is in his paper at tab C.

So, once again, is the Committee not content with clause 4 as laid?

*Members indicated assent.*

**The Chairperson (Mr Nesbitt):** We move to the Department's proposals, which are very substantial. I am not trying to foreshorten this, but given that the Department was very clear that it will do more work on it, I am back to the form of words again.

Is there any further thought on Steven's proposal?

**Mr Lyttle:** I am inclined to be content with the proposer's proposal, but the form of words that you have agreed gives me scope to do that.

**The Chairperson (Mr Nesbitt):** I do not sense a great appetite to push for further specifics.

**Mr Attwood:** Given that there is a lot more caution about this clause because the Department will come back with further amendments, I think that that should be reflected in what we decide, rather than simply saying that it is as before with the other clauses. There should be a wee bit more caution about it.

**The Chairperson (Mr Nesbitt):** OK. I suggest then that we note the Department's proposals to place a duty on the Executive to adopt the children and young persons strategy, as per page 2 of the revised draft Bill, and the proposal to adopt a children and young persons plan, as at pages 2 and 3 of the revised draft Bill, but that we understand that the Department is giving active consideration to further amendments and that our support or otherwise would be dependent on sight of the final wording. Are members agreed?

*Members indicated assent.*

#### **Clause 5 (Interpretation)**

**The Chairperson (Mr Nesbitt):** Clause 5 is on page 5 of the Bill and page 5 of the EFM. We are back to tab A.

Clause 5 defines children and young people in accordance with the meaning prescribed in the Commissioner for Children and Young People (Northern Ireland) Order 2003 to ensure that this legislation mirrors existing legislative definitions of children and young people.

Once again, OMDFM is proposing to revise this with an extensive interpretation clause, and you will find that at tab B, page 5. That reflects the amendments proposed for the Bill. At last week's meeting, officials answered some questions on whether it was necessary to separately name organisations, particularly CCMS, and advised that an amendment may be required to their clause 7(3), which is at page 6 of the revised Bill. Clearly, this is a clause that the Department recognises is requiring of further work and consideration.

To recap: in the original Bill as laid, clause 5 — Interpretation — was extremely short. The Department has gone into a lot more detail and, in doing so — as is often the case — has discovered that further consideration is required.

So, once again, is the Committee not content with clause 5 as laid?

*Members indicated assent.*

**The Chairperson (Mr Nesbitt):** Is the Committee broadly content with the direction of travel as indicated in the Department's amendment, but, conscious that a further

amendment will be required, we cannot endorse that until we have sight of the final wording?

*Members indicated assent.*

#### **Clause 6 (Short title)**

**The Chairperson (Mr Nesbitt):** Just when it was going so well. Clause 6 is at page 5 of the Bill, at tab A. It states:

*"This Act may be cited as the Children's Services Co-operation Act (Northern Ireland) 2015."*

No further issues have been raised by the Department or the Bill's sponsor, save that it will become a different clause number in the Department's Bill and goes from clause 6 to clause 9. There are no proposed amendments.

For the first time, I ask the Question.

*Question, That the Committee is content with the clause, put and agreed to.*

**The Chairperson (Mr Nesbitt):** Hurrah. Oh, one more question.

**Mr Lyttle:** Chair, what happens if it is not enacted in 2015? I presume that that can be changed. That would be common sense.

**The Chairperson (Mr Nesbitt):** What happens if it is not passed in 2015?

**The Clerk of Bills:** We just change that by editorial correction.

**Mr Lyttle:** So, you have the discretion to do that. Fair enough.

**The Chairperson (Mr Nesbitt):** With that great victory, Stephen leaves. *[Laughter.]*

#### **Long Title**

**The Chairperson (Mr Nesbitt):** The long title of the Bill is:

*"A Bill to require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to amend the Children (Northern Ireland) Order 1995."*

The Department has proposed an amendment. It is:

*"A Bill to require co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young people; to require the adoption of a children and young persons strategy and a children and young persons plan; and for connected purposes."*

**Ms Fearon:** Take the Department's typo out of it — "well-bring".

**Mr Lyttle:** I find the first one easier to understand if I am honest, but fair enough.

**The Chairperson (Mr Nesbitt):** Do we have agreement on the Department's long title, or do we prefer Steven's?

There might not be an amendment to the Children (Northern Ireland) Order, so even on practical terms, it is the Department's one. Are we all agreed?

*Members indicated assent.*

**The Chairperson (Mr Nesbitt):** I have to put the Question formally, if you do not mind.

*Question, That the Committee is content with the long title, subject to the proposed amendment, put and agreed to.*

**The Chairperson (Mr Nesbitt):** Members, thank you very much. Éilis, thank you very much.

# Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.





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# Northern Ireland Assembly

Friday 26 June 2015

## Written Answers to Questions

### Department of Education

**Mr Allister** asked the Minister of Education, in relation to procurement by his Department, (i) on how many occasions, since June 2011, a supplier has been secured before authorisation by the Accounting Officer; (ii) why this action was taken; and (iii) to detail the level of expenditure in each case.  
(AQW 47147/11-15)

**Mr O'Dowd (The Minister of Education):** Since June 2011 my Department has not awarded any contracts where a supplier has been secured in advance of Accounting Officer authorisation.

**Mr Campbell** asked the Minister of Education to detail the number of (i) primary; and (ii) post-primary schools that have their power supplied primarily via renewable sources.  
(AQW 47254/11-15)

**Mr O'Dowd:** The Education Authority (EA) has advised that Energia are the primary power supplier for the majority of schools for which the EA has responsibility for electricity provision. Energia has stated that all energy supplied is generated from renewable sources. The Department of Education does not hold information in relation to the power supply for voluntary grammar or grant maintained integrated schools.

A number of schools in the north of Ireland also have their own renewable energy resource to meet some of their power requirements. The resources include photovoltaic panels and wind turbines. Consideration is given to the use of renewable energy sources in schools where it is economically feasible.

**Mrs Overend** asked the Minister of Education whether pupils that receive assistance or Translink travel passes for transport to school must attend the nearest suitable school in the defined categories.  
(AQW 47449/11-15)

**Mr O'Dowd:** Under the current policy, eligible pupils do not have to attend their nearest suitable school in the category chosen by their parents. Also, no eligible pupil, regardless of the category of school they attend, will lose their eligibility by reason of the opening of a nearer school in the same category. This is because such pupils were assessed and assisted prior to the nearer school being opened. Accordingly, no pupil currently assisted with transport to Coláiste Feirste in Belfast will lose their eligibility following the opening of Coláiste Dhoire in Dungiven.

**Mrs Overend** asked the Minister of Education whether pupils receiving assistance or Translink travel passes for transport to Irish Medium schools will lose their eligibility should a closer school in the same category become available.  
(AQW 47450/11-15)

**Mr O'Dowd:** Under the current policy, eligible pupils do not have to attend their nearest suitable school in the category chosen by their parents. Also, no eligible pupil, regardless of the category of school they attend, will lose their eligibility by reason of the opening of a nearer school in the same category. This is because such pupils were assessed and assisted prior to the nearer school being opened. Accordingly, no pupil currently assisted with transport to Coláiste Feirste in Belfast will lose their eligibility following the opening of Coláiste Dhoire in Dungiven.

**Mrs Overend** asked the Minister of Education outline how many pupils currently being transported to the Irish Medium School in Belfast will not receive travel assistance if the proposed Irish Medium School opens near Dungiven due to their relative proximity to Dungiven.  
(AQW 47451/11-15)

**Mr O'Dowd:** Under the current policy, eligible pupils do not have to attend their nearest suitable school in the category chosen by their parents. Also, no eligible pupil, regardless of the category of school they attend, will lose their eligibility by reason of the opening of a nearer school in the same category. This is because such pupils were assessed and assisted prior

to the nearer school being opened. Accordingly, no pupil currently assisted with transport to Coláiste Feirste in Belfast will lose their eligibility following the opening of Coláiste Dhoire in Dungiven.

**Mr Weir** asked the Minister of Education to detail the (i) process by which schools select substitute teachers from the substitute list; and (ii) guidance on the subject provided by the Department.

**(AQW 47452/11-15)**

**Mr O'Dowd:** Schools have been required to book substitute teachers through the NI Substitute Teachers Register (NISTR) since 2008. A new NISTR system, utilising web based applications, was introduced in May this year. Schools can search for teachers matching selected criteria in a number of ways, including name, subject, experience, distance and previous engagements. The system will return available teachers who match the search criteria and a school then selects and books the teacher who best meets their specific requirements.

The Department does not employ teachers. The NISTR system is managed by the Education Authority, and guidance is provided in a user guide and video tutorials which are available on the NISTR website and the system includes appropriate on screen help.

**Mr Weir** asked the Minister of Education to detail the number of teachers who qualified in (i) 2010; (ii) 2011; (iii) 2012; (iv) 2013; and (v) 2014 that have secured permanent employment.

**(AQW 47453/11-15)**

**Mr O'Dowd:** The Department does not hold the information requested in the format required. The General Teaching Council (GTCNI) collects information on teacher employment. The table below sets out the number of teachers who qualified in locally and registered with GTCNI in each of the years requested whose employment is of a permanent or a significant temporary nature (ie. one term or more).

Year of Graduation	Graduates registered with the GTCNI	Graduates employed on a permanent or significant temporary basis
2010	513	355
2011	488	322
2012	483	302
2013	487	254
2014	480	184

**Notes:**

- 1 Figures as at 22 June 2015.
- 2 Includes full-time and part-time staff.

**Mr Weir** asked the Minister of Education to detail the steps being taken to prioritise recently qualified teachers over retired teachers on the teacher substitution list.

**(AQW 47454/11-15)**

**Mr O'Dowd:** I am keen to ensure that Newly Qualified Teachers (NQTs) are afforded every opportunity not only to gain permanent employment, but also gain valuable experience by providing substitute cover and by filling temporary vacancies. Whilst the decision on whom to appoint to a particular post rests with the Boards of Governors of individual schools, my Department has repeatedly urged schools to consider newly or recently qualified teachers when filling vacancies. Schools can also identify NQTs on the NI Teacher Substitution Register when looking for short term cover for permanent staff.

In addition, the Delivering Social Change Literacy and Numeracy Signature Programme, has over the last two years provided a valuable employment opportunity to over 300 recent graduate teachers.

The proportion of substitution cover provided by prematurely retired teachers has reduced from 10% to only 3% in 2014/15, a fall of more than 29,000 days over the last five years, thus increasing opportunities for NQTs and non-retired teachers.

**Mr Weir** asked the Minister of Education what steps he is taking to increase the employment of newly or recently qualified teachers.

**(AQW 47455/11-15)**

**Mr O'Dowd:** I am keen to ensure that Newly Qualified Teachers (NQTs) are afforded every opportunity not only to gain permanent employment, but also gain valuable experience by providing substitute cover and by filling temporary vacancies. Whilst the decision on whom to appoint to a particular post rests with the Boards of Governors of individual schools, my Department has repeatedly urged schools to consider newly or recently qualified teachers when filling vacancies. Schools can also identify NQTs on the NI Teacher Substitution Register when looking for short term cover for permanent staff.

In addition, the Delivering Social Change Literacy and Numeracy Signature Programme, has over the last two years provided a valuable employment opportunity to over 300 recent graduate teachers.

The proportion of substitution cover provided by prematurely retired teachers has reduced from 10% to only 3% in 2014/15, a fall of more than 29,000 days over the last five years, thus increasing opportunities for NQTs and non-retired teachers.

**Mr Weir** asked the Minister of Education to outline the minimum length of a temporary teaching appointment to cover for an absent teacher, that is required to be advertised.

**(AQW 47457/11-15)**

**Mr O'Dowd:** My Department is not the employer of teachers, and is not responsible for the appointment of teachers. Teachers are employed by the Board of Governors for each school setting, and appointments are carried out in conjunction with the relevant employing authority; such as the new Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS).

The minimum length of a temporary teaching appointment to cover an absent teacher that is required to be advertised is six months, which is outlined in EA and CCMS guidance for schools in the controlled and maintained sectors. Schools are advised to fill appointments of less than six months using the NI Substitute Teachers Register.

## Department of the Environment

**Mr D McIlveen** asked the Minister of the Environment for his assessment of the carrier bag levy introduced by his Department in 2013.

**(AQW 46875/11-15)**

**Mr Durkan (The Minister of the Environment):** The 5 pence single use carrier bag levy was introduced on 8 April 2013 and has been well received and supported by both retailers and shoppers alike. It is clear that the Levy has already made Northern Ireland both cleaner and greener and a better place to live and do business.

The levy has delivered a noticeable shift in customer behaviour and the Department's official validated statistics, covering the period 8 April 2013 to 31 March 2014, inform that 84.5 million single use carrier bags were dispensed by retailers across Northern Ireland as opposed to around 300 million bags in the year prior to the levy, a reduction in bag numbers of 215.5 million which equates to 71.8%.

This evidence suggests that the introduction of the levy has reinforced earlier voluntary efforts by both retailers and shoppers to reduce substantially the negative environmental impact of carrier bag consumption by avoiding the unnecessary use of single use carrier bags.

From 19 January 2015, Phase 2 of the levy was introduced with retailers now charging the 5 pence carrier bag levy on all carrier bags with a retail price of less than 20 pence effectively extending the levy beyond single use bags to include cheap reusable carrier bags. It is too early to evaluate what impact this change has made and official validated statistics covering a full year since this change will not be available until August 2016.

Since the levy has gone live I have ensured the proceeds directly benefit the environment and the public. £3.6 million has already been allocated towards the delivery of over 400 projects, and a further £300,000 will support community groups and schools in 2015/16.

**Mrs Overend** asked the Minister of the Environment to detail whether elected councillors are legally considered employees of the council.

**(AQW 47500/11-15)**

**Mr Durkan:** Councillors are not employees of the council to which they are elected.

## Department of Finance and Personnel

**Mr Allister** asked the Minister of Finance and Personnel to detail (i) what consultation took place with his Department over the sale of National Asset Management Agency's (NAMA) Northern Ireland debt portfolio to Cerberus Capital Management; (ii) what role did Northern Ireland representatives on NAMA play; and (iii) the role played by his Department and the Northern Ireland Executive.

**(AQW 35938/11-15)**

**Mr Hamilton (The Minister of Finance and Personnel):** My Department is not responsible for NAMA, which is an agency of the Irish Government. DFP did not have a role in the sale of NAMA's Northern Ireland loan portfolio to Cerberus Capital Management.



**Mr Allister** asked the Minister of Finance and Personnel for his assessment of the future of companies whose financing debts were sold as part of National Asset Management Agency's Northern Ireland debt portfolio to Cerberus Capital Management, particularly given the experience with US fund Blackstone in the Republic of Ireland.

**(AQW 35939/11-15)**

**Mr Hamilton:** My Department has not engaged with Cerberus Capital Management and therefore I am not in a position to comment on its asset management strategy. Clearly, however, I would like to see Northern Ireland debtors treated reasonably and I will monitor this situation going forward.

**Mr Allister** asked the Minister of Finance and Personnel why (i) AQW 35938/11-15; and (ii) AQW 35939/11-15 have not been answered.

**(AQW 40831/11-15)**

**Mr Hamilton:** AQW 35938/11-15 and AQW 35939/11-15 were answered on 26 June 2015.

**Mr Allister** asked the Minister of Finance and Personnel why AQW 35938/11-15 has not been answered.

**(AQW 41070/11-15)**

**Mr Hamilton:** AQW 35938/11-15 was answered on 26 June 2015.

**Mr Allister** asked the Minister of Finance and Personnel why AQW 35939/11-15 remains unanswered, when a draft answer was given to the Minister; and to provide the answer to the same.

**(AQW 46749/11-15)**

**Mrs Foster:** AQW 35939/11-15 was answered on 26 June 2015.

**Mr Allister** asked the Minister of Finance and Personnel why AQW 35938/11-15 remains unanswered, when a draft answer was given to the Minister; and to provide the answer to the same.

**(AQW 46750/11-15)**

**Mrs Foster:** AQW 35938/11-15 was answered on 26 June 2015.

**Mr Allister** asked the Minister of Finance and Personnel, pursuant to AQW 46193/11-15, to detail why her Department does not have the financial reporting systems in place to provide transparency on this aspect of the expenditure of public money.

**(AQW 47068/11-15)**

**Mrs Foster:** This level of detail is not required to effectively manage this area of expenditure.

**Mr Allister** asked the Minister of Finance and Personnel, pursuant to AQW 46450/11-15, whether her Department lobbied for the appointment of Person A to the National Assets Management Agency Northern Ireland Advisory Committee.

**(AQW 47070/11-15)**

**Mrs Foster:** Following a meeting with the then Irish Finance Minister, the late Brian Lenihan in November 2009, I understand my predecessor Sammy Wilson wrote to Minister Lenihan taking up his offer to put forward the names of a number of individuals who might be considered for appointment to the NAMA Northern Ireland Advisory Committee.

**Mr Weir** asked the Minister of Finance and Personnel to detail the number of people of working age in Northern Ireland that are currently (i) in employment (ii) economically inactive (iii) unemployed; and (iv) currently studying or in training, broken down by gender.

**(AQW 47216/11-15)**

**Mrs Foster:** Official estimates of those in employment, economically inactive and unemployed are sourced from the Labour Force Survey (LFS). The most recent data available are for the period February - April 2015 and are shown in Table 1.

**Table 1: Estimates of those in employment, economically inactive and unemployed (aged 16-64 years)**

	Male	Female	Total
(i) In employment	424,000	373,000	797,000
(ii) Economically inactive	121,000	194,000	315,000
(iii) Unemployed	32,000	22,000	54,000

**Source:** Labour Force Survey, February – April 2015

The LFS provides estimates of those currently studying towards a qualification or on a government training scheme. The most recent data available are for the period January – March 2015, as shown in Table 2.

**Table 2: Those currently studying towards a qualification or on a government training scheme (aged 16-64 years)**

	Male	Female	Total
(iv) Currently studying for a qualification or on a government training scheme	79,000	101,000	180,000

**Source:** Labour Force Survey, January - March 2015

## Department for Regional Development

**Mr McKay** asked the Minister for Regional Development whether his Department has issued guidance to enact the duty to conserve biodiversity as stipulated in the Wildlife and Natural Environment Act (Northern Ireland) 2011.

**(AQW 47110/11-15)**

**Mr Kennedy (The Minister for Regional Development):** The Wildlife and Natural Environment Act (NI) 2011 places a responsibility on the Department of the Environment (DOE) to issue guidance to assist public bodies to comply with the Biodiversity duty. This work was put on hold to allow the development of a new Biodiversity Strategy, which it is hoped will receive Executive approval before the summer recess.

When the strategy is published, DOE will finalise the general guidance document, which is intended to prompt the wide range of public bodies to seek to conserve biodiversity when undertaking their functions. Officials from my Department and Northern Ireland Water (NIW) have been fully involved with this work.

Notwithstanding work on a new Biodiversity Strategy, my Department through the TransportNI Biodiversity Plan and Environmental Handbook has established guidance which helps to identify the impact of road works on biodiversity and offers advice on how to control or minimise the effects. In addition, NIW, through the Sustainable Catchment Area Management Planning (SCAMP NI), is working in partnership with the Mourne Heritage Trust, Woodland Trust, Royal Society for the Protection of Birds and the Ulster Wildlife Trust, to protect biodiversity.

**Mr Dallat** asked the Minister for Regional Development to detail the number of parking tickets issued in (i) Kilrea; and (ii) Garvagh in each of the last three years.

**(AQW 47112/11-15)**

**Mr Kennedy:** The information requested is set out in the table below:

Year	Penalty Charge Notices (PCNs) issued by town (no.)	
	Garvagh	Kilrea
2012	1	63
2013	3	75
2014	6	76

The difference in the figures can be explained by the fact that Kilrea has approximately 1,110 lineal metres of parking restriction, including 680 metres of one-hour limited waiting restrictions, while Garvagh has only around 30 metres of parking restriction, comprising mostly of disabled bays.

You may be interested to know that details of PCNs issued across Northern Ireland from 2010 to 2014 are available to view on the internet at the following address:

<http://www.drdni.gov.uk/index/drdpublicationscheme/customer-information/parking-enforcement-notice-information.htm>

**Mr Anderson** asked the Minister for Regional Development to detail the number of staff employed in Transport NI in each of the last four years.

**(AQW 47120/11-15)**

**Mr Kennedy:** The combined total of industrial and non-industrial staff employed in Transport NI at the beginning of April in each of the last four years is set out in the table below. The figures show both the staff headcount and its full time equivalent.

The increase between April 2012 and April 2013 was a result of internal restructuring which led to a transfer of business responsibilities and the associated staff into TransportNI from other parts of the Department.

	Total number of TransportNI staff (Headcount)	Total number of TransportNI staff (Full Time Equivalent)
April 2012	1,998	1,940.67
April 2013	2,017	1,946.48

	Total number of TransportNI staff (Headcount)	Total number of TransportNI staff (Full Time Equivalent)
April 2014	1,942	1,871.46
April 2015	1,884	1,811.04

**Mr Anderson** asked the Minister for Regional Development how many Transport NI employees have been based at the Craigavon depot in each of the last four years.

**(AQW 47122/11-15)**

**Mr Kennedy:** The total number of industrial and non-industrial TransportNI staff employed at the Craigavon Depot at the beginning of April in each of the last four years is set out in the table below. The figures show both the staff headcount and its full time equivalent.

	Total number of staff (Headcount)	Total number of staff (Full Time Equivalent)
April 2012	73	72.20
April 2013	71	70.20
April 2014	77	76.20
April 2015	73	72.60

**Mr Frew** asked the Minister for Regional Development to detail the current restrictions on new personal protective equipment for TransportNI staff; and what impact these restrictions have on the health and safety of staff.

**(AQW 47178/11-15)**

**Mr Kennedy:** TransportNI provides personal protective equipment (PPE) to its employees in accordance with the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993.

Regulation 4 states that every employer shall ensure that suitable personal protective equipment is provided to its employees who may be exposed to a risk to their health or safety while at work.

TransportNI complies fully with its legal obligations under the Regulations.

TransportNI ensures that all staff have access to suitable and sufficient provision of personal protective equipment and that it conforms to relevant standards, is used appropriately, is fit for purpose and meets current procurement requirements. Therefore, there are currently no restrictions on the provision of PPE for staff who may be exposed to health or safety risks while at work.

## Department for Social Development

**Mr Allister** asked the Minister for Social Development when his Department intends to bring a commencement order in respect of Part 8 of the Charities Act (NI) 2008.

**(AQW 46943/11-15)**

**Mr Storey (The Minister for Social Development):** My Department intends to bring forward a commencement order in respect of Part 8 of the Charities Act (Northern Ireland) 2008 in January 2016.

**Mr Allister** asked the Minister for Social Development when religious designation will be available to registered charities.

**(AQW 46944/11-15)**

**Mr Storey:** It is intended that religious designation will be available to registered charities from January 2016.

**Mr Allister** asked the Minister for Social Development when churches will obtain exemption from Sections 33-36 of the Charities Act (NI) 2008.

**(AQW 46945/11-15)**

**Mr Storey:** Churches will be exempt from sections 33 to 36 of the Charities Act (Northern Ireland) 2008 if they are designated as religious charities under the provisions at sections 165 and 166 of that Act. The intention is that religious designation will be available to registered charities from January 2016.

**Mr Dallat** asked the Minister for Social Development to detail (i) the number of people on the waiting list for social housing; and (ii) what plans are in place to provide social housing, in Cushendall and the surrounding Glens area.  
(AQW 47079/11-15)

**Mr Storey:**

- (i) The total number of people on the waiting list in Cushendall and the surrounding Glens area as of March 2015 is as follows:

Type	Single Person	Small Adult	Small Family	Large Adult	Large Family	Older Person	Total
Total Applicants	20	7	25	0	11	17	80
Housing Stress	16	3	12	0	7	9	47
Annual Allocations	2	0	1	0	0	2	5

Broken down by area:

LHA/CLA	Type	Single Person	Small Adult	Small Family	Large Adult	Large Family	Older Person	Total
Cushendall	Total Applicants	13	6	14	0	7	13	53
	Housing Stress	11	2	7	0	6	8	34
	Annual Allocations	1	0	0	0	0	2	3
Waterfoot	Total Applicants	4	1	4	0	1	2	12
	Housing Stress	3	1	2	0	0	1	7
	Annual Allocations	1	0	0	0	0	0	1
Cushendun	Total Applicants	3	0	7	0	3	2	15
	Housing Stress	2	0	3	0	1	0	6
	Annual Allocations	0	0	1	0	0	0	1

- (ii) The projected housing need for the Cushendall and surrounding Glens area for the period for 2014-19, is 34 new build social homes.

The following three housing schemes are plans for the Cushendall and surrounding Glens area as part of the Social Housing Development Programme 2015-2018 ;

	Housing Association	Scheme Name	Units	Programme year
Waterfoot	Ark	Waterfoot (T)	6	2015/16
Cushendall	Rural	Kilnadore Road, Cushendall	14	2016/17
Cushendun	Rural	Craigagh View, Knocknacarry	14	2016/17
<b>Total No. Units</b>			<b>34</b>	

Please be advised that the above information is based on the current Social Housing Development Programme (SHDP). Schemes may be lost or slip to future programme years for a variety of reasons such as delays securing Planning permission. Additional schemes can also be added in-year through new housing association bids or Existing Satisfactory/Off-the-Shelf purchases.





# Northern Ireland Assembly

Friday 3 July 2015

## Written Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Allister** asked the First Minister and deputy First Minister, in relation to procurement by their Department, (i) on how many occasions, since June 2011, a supplier has been secured before authorisation by the Accounting Officer; (ii) why this action was taken; and (iii) to detail the level of expenditure in each case.

(AQW 47144/11-15)

**Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister):** No suppliers have been secured before authorisation by the Accounting Officer since June 2011.

### Department of Culture, Arts and Leisure

**Mr Gardiner** asked the Minister of Culture, Arts and Leisure to detail the total (i) number of full time equivalent employees; and (ii) salary costs as of 1 April in each financial year from 2007, broken down by (a) her Department; and (b) each of her Department's arm's-length bodies.

(AQW 47502/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):**

- (i) The number of full time equivalent employees by (a) my department and (b) each of my Department's arms'-length bodies for each financial year from 1 April 2007 is provided in table 1 attached.
- (ii) Salary costs as of 1 April in each financial year for a) my Department and b) each of my Department's arms –length bodies is set out in table 2 attached.

Salary costs exclude any employers costs such as employers NI contributions, employers pension costs and employers other costs.

**Table 1**

Financial year	Organisation	Number of FTE Employees
2007/08	DCAL	452*
	Armagh Observatory	20.2
	Armagh Planetarium	12.5
	Arts Council NI	54.8
	Foras Na Gaeilge**	49
	Libraries NI***	-
	NI Museums Council	4
	National Museums NI	325
	NI Screen	34
	Ulster Scots Agency	17
	Waterways Ireland	335
	Sports Council NI	77

Financial year	Organisation	Number of FTE Employees
2008 /09	DCAL	269
	Armagh Observatory	18.7
	Armagh Planetarium	10.8
	Arts Council NI	54.4
	Foras Na Gaeilge	52
	Libraries NI	-
	NI Museums Council	4
	National Museums NI	329
	NI Screen	33
	Ulster Scots Agency	15
	Waterways Ireland	335
	Sports Council NI	79
2009/10	DCAL	282
	Armagh Observatory	19.7
	Armagh Planetarium	10.5
	Arts Council NI	55.89
	Foras Na Gaeilge	52
	Libraries NI	700
	NI Museums Council	5
	National Museums NI	291
	NI Screen	34
	Ulster Scots Agency	13.54
	Waterways Ireland	343
	Sports Council NI	94

Financial year	Organisation	Number of FTE Employees
2010/11	DCAL	289
	Armagh Observatory	20.4
	Armagh Planetarium	10.7
	Arts Council NI	57.08
	Foras Na Gaeilge	52
	Libraries NI	665
	NI Museums Council	5
	National Museums NI	323
	NI Screen	38
	Ulster Scots Agency	14.54
	Waterways Ireland	344
	Sports Council NI	111
2011/12	DCAL	277
	Armagh Observatory	20.4
	Armagh Planetarium	10.7
	Arts Council NI	49.97
	Foras Na Gaeilge	64
	Libraries NI**	648
	NI Museums Council	6
	National Museums NI	322
	NI Screen	36
	Ulster Scots Agency	15.54
	Waterways Ireland	341
	Sports Council NI	108

Financial year	Organisation	Number of FTE Employees
2012/13	DCAL	279
	Armagh Observatory	18.7
	Armagh Planetarium	11.9
	Arts Council NI	47.54
	Foras Na Gaeilge	67
	Libraries NI	613
	NI Museums Council	6
	National Museums NI	312
	NI Screen	55
	Ulster Scots Agency	13.34
	Waterways Ireland	328
	Sports Council NI	105
2013/14	DCAL	283
	Armagh Observatory	17
	Armagh Planetarium	12.3
	Arts Council NI	46.6
	Foras Na Gaeilge	63
	Libraries NI	616
	NI Museums Council	5
	National Museums NI	302
	NI Screen	58
	Ulster Scots Agency	15.34
	Waterways Ireland	323
	Sports Council NI	104

Financial year	Organisation	Number of FTE Employees
2014/15	DCAL	286
	Armagh Observatory	15.7
	Armagh Planetarium	12.8
	Arts Council NI	46.61
	Foras Na Gaeilge	57
	Libraries NI	600
	NI Museums Council	5
	National Museums NI	274
	NI Screen	50
	Ulster Scots Agency	15.54
	Waterways Ireland	310
	Sports Council NI	104

\* DCAL figures are only available from workforce planning return for July 2007. The figure for 2007 includes FTE employees in Ordnance Survey Northern Ireland (OSNI) who formed part of DCAL at that time.

\*\* Foras na Gaeilge provided FTE staffing numbers from their annual accounts which are based on calendar year rather than financial year basis.

\*\*\* Libraries NI was established in April 2009, therefore no information on FTE numbers of staff is held for 2007 and 2008.

**Table 2**

Financial year	Organisation	Salary costs £
2007/08	DCAL	8,899,000*
	Armagh Observatory	628,090
	Armagh Planetarium	325,915
	Arts Council NI	830,921
	Foras Na Gaeilge**	1,822,700
	Libraries NI***	-
	NI Museums Council	104,310
	National Museums NI	7,618,473
	NI Screen	906,822
	Ulster Scots Agency	367,918
	Waterways Ireland****	10,715,000
	Sports Council NI	2,045,370



<b>Financial year</b>	<b>Organisation</b>	<b>Salary costs £</b>
2008 /09	DCAL	11,021,000
	Armagh Observatory	614,979
	Armagh Planetarium	288,044
	Arts Council NI	909,550
	Foras Na Gaeilge	2,094,981
	Libraries NI	-
	NI Museums Council	112,718
	National Museums NI	7,936,881
	NI Screen	786,292
	Ulster Scots Agency	445,142
	Waterways Ireland	12,962,000
	Sports Council NI	2,364,746

<b>Financial year</b>	<b>Organisation</b>	<b>Salary costs £</b>
2009/10	DCAL	9,917,000
	Armagh Observatory	669,158
	Armagh Planetarium	300,677
	Arts Council NI	1,526,741
	Foras Na Gaeilge	2,331,784
	Libraries NI	14,984
	NI Museums Council	112,455
	National Museums NI	8,399,810
	NI Screen	848,023
	Ulster Scots Agency	458,727
	Waterways Ireland	13,319,000
	Sports Council NI	2,772,076
2010/11	DCAL	10,232,000
	Armagh Observatory	697,755
	Armagh Planetarium	314,241
	Arts Council NI	1,605,330
	Foras Na Gaeilge	2,171,413
	Libraries NI	14,221
	NI Museums Council	120,866
	National Museums NI	8,959,473
	NI Screen	847,203
	Ulster Scots Agency	550,862
	Waterways Ireland	13,029,000
	Sports Council NI	3,039,008
2011/12	DCAL	10,189,000
	Armagh Observatory	705,264
	Armagh Planetarium	325,159
	Arts Council NI	1,530,602
	Foras Na Gaeilge	2,561,579
	Libraries NI	13,824
	NI Museums Council	148,393
	National Museums NI	8,931,553
	NI Screen	891,413
	Ulster Scots Agency	464,298
	Waterways Ireland	13,097,000
	Sports Council NI	3,139,334

Financial year	Organisation	Salary costs £
2012/13	DCAL	11,557,000
	Armagh Observatory	666,921
	Armagh Planetarium	346,546
	Arts Council NI	1,740,603
	Foras Na Gaeilge	2,533,831
	Libraries NI	13,291
	NI Museums Council	136,599
	National Museums NI	8,828,055
	NI Screen	1,223,119
	Ulster Scots Agency	448,024
	Waterways Ireland	11,978,000
	Sports Council NI	3,516,088

Financial year	Organisation	Salary costs £
2013/14	DCAL	11,501,000
	Armagh Observatory	677,039
	Armagh Planetarium	353,075
	Arts Council NI	1,741,507
	Foras Na Gaeilge	2,590,767
	Libraries NI	13,284
	NI Museums Council	139,882
	National Museums NI	8,582,996
	NI Screen	1,206,916
	Ulster Scots Agency	468,230
	Waterways Ireland	12,059,000
	Sports Council NI	3,321,746
2014/15	DCAL	11,770,000
	Armagh Observatory	675,848
	Armagh Planetarium	364,023
	Arts Council NI	1,752,355
	Foras Na Gaeilge	2,305,788
	Libraries NI	13,156
	NI Museums Council	132,432
	National Museums NI	8,471,055
	NI Screen	1,171,605
	Ulster Scots Agency	490,633
	Waterways Ireland	11,052,000
	Sports Council NI	3,386,498

\* The DCAL salary costs for the 2007 financial year does not include the costs for OSNI staff who are included in the FTE staff numbers in table 1.

\*\* Foras na Gaeilge provided salary costs information from their annual accounts which is on a calendar year basis rather than financial year .

\*\*\* Libraries NI was established in April 2009, therefore no salary costs are provided for 2007 and 2008.

\*\*\*\* Waterways Ireland provided salary costs from their annual accounts which are on a calendar year basis rather than on a financial year basis

## Department for Employment and Learning

**Mr Weir** asked the Minister for Employment and Learning how many of the 174 projects (first call 76, second call 98) funded under the previous rounds of European Social Fund (ESF) were from the (i) Private Sector and (ii) Community and Voluntary Sector.

**(AQW 44812/11-15)**

**Dr Farry (The Minister for Employment and Learning):** Of the 66 organisations delivering 73 projects under the first call, two were from the private sector and 36 from the voluntary and community sector. The remainder were not for profit organisations, statutory bodies and other public sector or Government departments.

In addition, of the 86 organisations delivering 96 projects under the second call, two were from the private sector and 55 from the Voluntary and Community Sector. The remainder were not for profit organisations, statutory bodies and other public sector or Government departments.

The discrepancy in the number of projects quoted in the question and reflected in the answer is that three projects withdrew from the first call and two from the second.

**Mr Weir** asked the Minister for Employment and Learning what is his Department's definition of a community or voluntary organisation.

**(AQW 46099/11-15)**

**Dr Farry:** My Department does not have its own separate definition of a community or voluntary organisation. The Department for Social Development has lead responsibility for the sector and has provided a definition which is used by my officials as guidance when engaging with community or voluntary organisations.

This definition is attached at Annex A.

## Annex A

### What is a community or voluntary group?

Defined in the dictionary as: *'An organisation that furthers the recreational, educational and/or social welfare of its community and is either open to any resident or group in its area or open within a population group defined by race, nationality, age, disability, sexual orientation, gender or religious belief or interest'.*

**'Building Real Partnership', The Northern Ireland Compact between the Government and the Voluntary and Community Sector**, states that the Sector embraces those independent, non-profit taking organisations in Northern Ireland governed by their own constitution and existing to contribute benefit to society; those who work in those organisations; and those who volunteer either formally through those organisations or otherwise.

This can be expanded upon as groups that deliver not-for-profit services and activities tend to be known as voluntary organisations or community groups. They are also independent of central and local government, although they may receive funding from them. Usually they have been set up by local individuals and/or groups that already existed to pursue community interests and provide services that were needed but not already available from other service providers such as local authorities or health services.

Community Groups are those where members of the community are able to offer their services for the benefit of others, usually at a local level. Often lay managed, they include campaigning bodies and self-help groups; they may be project-focussed and short-lived; they may also be based on a specific geographical area or hold a shared special interest over a wider area. The term 'voluntary sector' is often used to include community groups.

### What defines a voluntary or community organisation?

- Independence: an organisation must be constitutionally independent and not directly controlled by a for-profit organisation or the State. An organisation is recognised as being independent of the State where there is a majority of non-statutory bodies, appointees or representatives on its "board of trustees" and a majority of non-statutory members;
- Self-governing: an organisation must have its own internal decision making processes;
- Non profit distributing and primarily non-business: an organisation must make no payments (other than for reasonable out-of-pocket expenses or other payments allowed by the governing document e.g. for occasional professional services or for grants) to its members or trustees;
- Voluntarism: an organisation must benefit from a meaningful degree of philanthropy such as gifts in kind or of time, including volunteers and non-paid trustees/committee members. For example, any organisation that has at least three trustees/committee members who give their time is considered to benefit to a meaningful level;
- Public benefit: an organisation must be able to demonstrate that its objects and activities benefit the wider public and/or that it makes its benefits available to as wide a group of people as possible within its remit. Also, that it operates in ways that are open and inclusive rather than elitist and exclusive. Where a governing document exists, it should have a clause to this effect.
- Not compulsory, which means that membership and contributions of time and money are not required by law or otherwise made a condition of citizenship.

Note that voluntary and community groups may also have a legal structure as limited companies but first and foremost they are voluntary and community groups.

The following are not voluntary or community groups for the purposes of the Government Funding Database.

Trade Unions	Trade interest or representative bodies
Political parties	LSPs
NDPBs	Public boards
Policing Partnerships	Councils
Statutory bodies	Schools/FE colleges/universities
Private profit taking businesses	
Individuals	

**Mr Ramsey** asked the Minister for Employment and Learning if training organisations funding Educational Maintenance Allowance payments will this have a detrimental effect on the recruitment of 16-17 year old eligible for such monies compared to those 18 year olds who are not entitled to the payments.

**(AQW 46301/11-15)**

**Dr Farry:** The original focus of the Pathways for Young People Educational Maintenance Allowance (EMA) was to remove barriers to participation for 16-17 year olds in the Not in Education Employment or Training category. In effect it mirrored the support already provided to participants on Training for Success which targeted the 16-17 year olds generally. The Pathways for Young People funding was restricted to a three year period ending in March 2015. To date my Department has been unable to source funding to extend it further but the new European Social Fund projects can, if they wish, pay young people's allowances, like EMAs, from their 40% indirect costs funding.

Participant allowances paid by any project promoter under the European Social Fund programme 40% indirect costs funding are not age-related and so 18 year olds will be eligible.

**Lord Morrow** asked the Minister for Employment and Learning to detail how many occasions his Department has sought legal advice and/or engaged/instructed non-Northern Ireland based counsel, broken down by (i) the overall costs (ii) the level of counsel (iii) the nature of the instance or case involved and (iv) the reasoning for same.

**(AQW 47211/11-15)**

**Dr Farry:** There have been no occasions when my Department has sought legal advice and/or engaged/instructed non-Northern Ireland based counsel.

**Mr Weir** asked the Minister for Employment and Learning to detail his Department's assessment of the number of people (i) seeking work; and (ii) seeking to return to work broken down by gender.

**(AQW 47214/11-15)**

**Dr Farry:** Officials from my Department have analysed the information available regarding the number of people who are claiming unemployment related benefits and are actively seeking work. This information does not distinguish between those who are seeking work for the first time and those who are seeking to return to work.

The claimant count of people in receipt of Jobseekers Allowance has fallen by approximately 21% since May last year. The seasonally adjusted claimant count for May 2015 is 43,400, of which 30,100 are male and 13,300 are female.

**Mr McKay** asked the Minister for Employment and Learning if his Department has published a biodiversity strategy as required by the Wildlife and Natural Environment Act (Northern Ireland) 2011.

**(AQW 47303/11-15)**

**Dr Farry:** The Department of the Environment (DOE) has responsibility for biodiversity. DOE produced a Biodiversity Strategy in 2002 which has been reviewed following the international and EU focus on halting biodiversity loss by 2020. This review has developed a document containing obligations on business and environmental NGOs, as well as many government Departments, which can deliver strategic actions to assist nature conservation.

DOE hope that the revised Biodiversity Strategy will receive Executive approval before the summer recess and allow its subsequent publication.

The statutory obligation on DOE to publish a Biodiversity Strategy in the Wildlife and Natural Environment Act (NI) 2011 reinforces the importance of a healthy natural environment to our society.

**Mr Gardiner** asked the Minister for Employment and Learning to detail the total (i) number of full time equivalent employees; and (ii) salary costs as of 1 April in each financial year from 2007, broken down by (a) his Department; and (b) each of his Department's arm's-length bodies.

**(AQW 47504/11-15)**

**Dr Farry:** The total (i) number of full time equivalent (FTE) employees and (ii) salary costs in each financial year from 2007 in the Department for Employment and Learning is as follows:

Year	Total Average Number of FTE	Salary Costs (£'000)
2007/08	1,686	43,993
2008/09	1,791	47,289
2009/10	1,870	53,983
2010/11	1,956	60,343
2011/12	1,939	61,902
2012/13	1,967	62,345



Year	Total Average Number of FTE	Salary Costs (£'000)
2013/14	2,007	68,167
2014/15	2,041	69,988

The information currently available in relation to the total (i) number of full time equivalent (FTE) employees and (ii) salary costs in each financial year from 2007 in each of the Department for Employment and Learning's arm's-length bodies is detailed in the table at Annex A.

The Department also has responsibility for three Tribunal Non Departmental Public Bodies (NDPBs): the Industrial Tribunal, the Fair Employment Tribunal and the Industrial Court for Northern Ireland. These NDPBs have jurisdiction in a specialised field of law and are supported by staff from the Department and do not have their own budgets. The staff who provide this support have already been included in the overall staff numbers and salary costs relating to the Department as detailed in the table above.

## Department of Enterprise, Trade and Investment

**Mr Swann** asked the Minister of Enterprise, Trade and Investment to detail the typical development, tests and techniques required to assess a shale formation for potential shale gas or oil development, from the initial well drilling and development stage to the commercial production stage.

**(AQW 47441/11-15)**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** It is not possible to detail a 'typical' shale gas or oil development as each such development will vary according to the geological, environmental, cultural characteristics and regulatory regime of a specific area. Many of the drilling and testing techniques used are common to the exploration, appraisal and production of both conventional and unconventional hydrocarbon resources. However, the use of high volume hydraulic fracturing and horizontal drilling is characteristic of unconventional resource development.

Operational techniques and processes will vary according to both local conditions and technological developments. During all phases of exploration the operator would carry out planning and environmental assessments, baseline monitoring, community engagement programmes, update economic feasibility studies, and meet regulatory requirements.

## Department of the Environment

**Lord Morrow** asked the Minister of the Environment for his assessment of road traffic awareness advertising that is (i) printed; (ii) broadcast and detail any feedback on the impact the advertising is having on communities and young drivers, in each of the last two years.

**(AQW 47339/11-15)**

**Mr Durkan (The Minister of the Environment):** My Department has a statutory responsibility to promote road safety and to raise public awareness of the nature and scale of the road safety problem here. All of our work is shaped by evidence and follows thorough research of the road safety problem, road users' attitude to that problem, and analysis of how best to change poor road user behaviours.

It is difficult to measure the sole or unique contribution that any specific area of road safety makes towards reducing casualties. Changing road user attitudes and behaviours is ongoing, constant and repetitive work, but many factors (such as education, PR, enforcement and engineering), working together, clearly have supported reductions in road casualties, with serious injuries at an all-time low last year, and fatalities having been below 100 a year each year since 2009. We have made progress towards zero road deaths, but still have work to do.

The approach to DOE Road Safety media planning has always adopted a media neutral, data-led approach. This means that media channels which can reach the largest numbers of target audiences (such as young adults) have always been prioritised. This data-led approach has always informed the media choices for campaigns, which have always adopted a multi-media approach. This approach has included TV, Radio, Press, Digital including social media, Cinema and Outdoor activity.

The campaigns are regularly assessed by the NISRA Road Safety Monitor, which has consistently reported that TV advertising is the most important factor in creating awareness of road safety (2007-2014). We have extensive evidence that people watch, are aware of and are influenced by our road safety campaigns.

The most recent research shows that DOE road safety campaigns tracked over the last two-year period have achieved levels of influence ranging between 83% and 93% with the 17-24 year old audience, indicating that our work has been very influential in improving young road user/driver attitudes and in producing positive change in behaviours. The industry norm for achieving levels of 'fairly influenced' is 30%.

The other crucial influential factors that were rated "very influential" in the Road Safety Monitor include DOE's Radio, Press, Outdoor and Online Advertising; News Coverage; Police Enforcement; Penalties Imposed by Courts; Car Design and Features; Road Traffic Laws; Education in Schools; Road Engineering; and Changes to the Driving Test.

A study by Oxford Economics isolates the importance of the role of DOE advertising and calculates that, between 1995 and 2011, 21,977 men, women and children here have been saved from death and serious injury on our roads through the impact and influence of our campaigns. The study calculated that the economic payback on DOE's campaigns was £42 per £1 invested once human costs were included.

My Department continues to enrich the use of communication channels, using material across channels to reach all road users with these lifesaving messages. We research and respond to changes in how people access information, including the changing options in digital and social media.

My Department also works with a very wide range of individuals and organisations, engaging as widely as possible with all those who want to make a difference. We welcome the continuing, passionate support for road safety from many, many organisations. We have a wide range of material to support this work, and continue to work it into different formats to work through different channels.

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 46758/11-15, whether any enquiries or notification have been made by any other company, agency or individual regarding (i) tampering with taxi meters; or (ii) the possession of any device capable of tampering with taxi meters; and if so, (iii) to provide or place in the Assembly library a copy of his Department's response to those enquiries or notifications.

**(AQW 47395/11-15)**

**Mr Durkan:** Pursuant to AQW 46758/11-15, I can confirm that between 7 February 2012 and 23 December 2014, the Driver & Vehicle Agency received 5 allegations relating to tampering with taxi meters. Of these, 3 allegations referred specifically to devices capable of tampering with taxi meters.

Information of this nature received by the Agency is assessed and disseminated to enforcement staff to follow up as required. To protect the investigatory process, the Agency does not publish allegations made that may be the subject of or inform further investigation.

**Mr McKay** asked the Minister of the Environment whether he has any plans to amend planning regulations to support biodiversity measures for bats and swifts, in respect of the renovation of older buildings.

**(AQW 47412/11-15)**

**Mr Durkan:** All bat species in Northern Ireland are listed as European Protected Species under the EC Habitats Directive (92/43/EEC) and are protected under the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995.

Common swifts are a Northern Ireland priority species and important for conserving biodiversity in accordance with the Wildlife and Natural Environment Act (Northern Ireland) 2011.

Planning Policy Statement 2 Natural Heritage and the draft Strategic Planning Policy Statement set out planning policy for development affecting species protected by law including bats and swifts. Planning policies are material to decisions on individual planning applications including those associated with the renovation of older buildings.

The Northern Ireland Environmental Agency's (NIEA) "Northern Ireland Biodiversity Checklist" published in April this year, provides assistance to help applicants and planning authorities identify a range of biodiversity issues that may be associated with proposed development projects such as alterations to older buildings. The checklist includes information about bats and breeding birds such as swifts. In May 2015 NIEA also published standing advice for planning authorities and applicants about proposed development projects which may impact on bats or priority species. In addition, my Department is involved in a range of other positive interventions to conserve and protect swift populations.

Given this existing legislative, policy and guidance framework, I have no plans to amend planning regulations to support biodiversity measures for bats and swifts, in respect of the renovation of older buildings at the present moment.

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 46499/11-15, to detail (i) the reasons behind the final decision on the make and model; and (ii) why consideration was not given to the material, functional or financial differences of the Digitax taximeters.

**(AQW 47447/11-15)**

**Mr Durkan:** (i) The Digitax F3 Plus taximeter was selected for purchase as it was compliant with the relevant legislative requirements and represented best value for money – this should not be interpreted as an endorsement of the Digitax taximeter by the Driver & Vehicle Agency (DVA).

(ii) DVA required a taximeter to assist in the development of a new taximeter approval and testing scheme; the material and functional differences between the Digitax taximeters was not considered relevant to the development of that scheme. The Digitax F3 Plus taximeter was selected for inclusion in the tender exercise as it represented a popular make and a modern model of taximeter. The financial considerations were appropriately made at the final stage of the tender process and on receipt of the quotes from the taximeter suppliers.

**Mr Campbell** asked the Minister of the Environment to outline the change in the number of licensed taxis operating in Northern Ireland between 2004 and 2014.

**(AQW 47544/11-15)**

**Mr Durkan:** Official statistics for the volume of taxi licences issued are only available from 2007/08 and are tabulated below.

	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
PSV Licence Taxi	10,597	10,974	11,030	10,559	10,089	9,455	9,739	9,969
Percentage change since previous year	N/A	3.6%	0.5%	-4.3%	-4.5%	-6.3%	3.0%	2.4%

**Notes:** Figures sourced from DOE National Statistics;  
Not applicable as data not available prior to 2007/08

**Mr McNarry** asked the Minister of the Environment to detail any discussions he has had with officials regarding UBER being introduced for local taxi services.

**(AQW 47583/11-15)**

**Mr Durkan:** My Department has to date not received a taxi operator licence application from Uber.

Any taxi operator who wishes to operate in Northern Ireland must comply with legislation in relation to vehicles, driver and operators. Beyond this general requirement against which all taxi operator licence applications are assessed, my Department has no specific policy on Uber or any such app-based platform. I have therefore had no discussions with officials about such an application or its use in Northern Ireland.

**Mr McNarry** asked the Minister of the Environment to detail the number of applications received and being considered to operate an UBER system.

**(AQW 47584/11-15)**

**Mr Durkan:** My Department has to date not received a taxi operator licence application from Uber.

Any taxi operator who wishes to operate in Northern Ireland must comply with legislation in relation to vehicles, driver and operators. Beyond this general requirement against which all taxi operator licence applications are assessed, my Department has no specific policy on Uber or any such app-based platform. I have therefore had no discussions with officials about such an application or its use in Northern Ireland.

**Mr McNarry** asked the Minister of the Environment to detail his Department's policy in respect of UBER being available to local consumers.

**(AQW 47585/11-15)**

**Mr Durkan:** My Department has to date not received a taxi operator licence application from Uber.

Any taxi operator who wishes to operate in Northern Ireland must comply with legislation in relation to vehicles, driver and operators. Beyond this general requirement against which all taxi operator licence applications are assessed, my Department has no specific policy on Uber or any such app-based platform. I have therefore had no discussions with officials about such an application or its use in Northern Ireland.

**Mr Easton** asked the Minister of the Environment to detail where local driving licences are processed and produced.

**(AQW 47649/11-15)**

**Mr Durkan:** Driver Licensing is administered by the Driver & Vehicle Agency (DVA) in Coleraine. The DVA receives, assesses and processes all applications for drivers who reside in Northern Ireland. Northern Ireland driving licences are printed by the Driver and Vehicle Licensing Agency in Swansea, under the terms of a Service Level Agreement.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46650/11-15, to detail (i) the effects budget cuts will have on his Department's ability to address the systemic failures in the regulatory and planning systems which have brought about the initiation of infraction proceedings from the European Commission; and (ii) the risks this poses to his Department's ability to fully comply with European Directives.

**(AQW 47617/11-15)**

**Mr Durkan:** My officials are currently engaged in preparing a response to enquiries raised recently following representations received by the Commission. Irrespective of budgetary constraints, I will ensure that my Department is fully compliant with all European Directives relevant to each business area. I regard my Department's environmental protection and regulatory responsibilities to be a high priority.

Consequently actions to manage within our reduced staffing and budgetary levels are being directed towards other lower priority and discretionary activities.

**Mr Agnew** asked the Minister of the Environment whether (i) his Department accepts the Court of Appeal ruling in *Champion* versus North Norfolk District Council, that there is no material distinction between the test for Environmental Impact Assessment and Stage 2 Appropriate Assessment, as regards the threshold of likely significant environmental effects; and (ii) what implications this has for recent planning decisions where Appropriate Assessment was necessary but no Environmental Impact Assessment was conducted.

**(AQW 47690/11-15)**

**Mr Durkan:** The case *R (on the application of Champion) (Appellant) – v North Norfolk District Council and another* (Respondents) was listed for hearing in the Supreme Court on 23 June 2015. Once I have had sight of the judgement I will assess any implications it may have on decisions taken by my Department.

**Mr Nesbitt** asked the Minister of the Environment for an update on the Integrated Coastal Zone Management Strategy 2006-2026.

**(AQW 47843/11-15)**

**Mr Durkan:** Many objectives of the non-statutory Integrated Coastal Zone Management (ICZM) Strategy have been implemented by the relevant Departments, including:

- the Marine Act (Northern Ireland) 2013, which has enabled the Marine Protected Areas designation and marine planning processes to begin;
- the full implementation of the Water Framework Directive;
- the weekly monitoring of bathing waters June to September with results available on the NI Direct website;
- the production of an Offshore Renewable Energy Action Plan, putting in place a strategic approach towards renewable energy production in our marine and coastal zone;
- the development of a Northern Ireland Inshore Fisheries Strategy, as part of the implementation of the UK Strategy for sustainable development of fisheries;
- the production of a Northern Ireland Seascape Assessment; and
- the publication of sustainable development indicators for the Northern Ireland coastal zone in 2011.

The ICZM Strategy also highlights the importance of the integration of the marine and terrestrial planning systems. My Department is in the process of preparing a Marine Plan which is aimed at improving the management of the Northern Ireland marine area, its resources and the activities and interactions that take place within it. The Marine Plan will, therefore, provide a statutory mechanism to embed the principles of the ICZM Strategy. A draft Plan will be issued for consultation by the end of the year.

In addition all public authorities taking decisions on proposals capable of affecting the marine area must consider, among others, the land / sea interactions which are key elements of the ICZM strategy.

## Department of Finance and Personnel

**Mr Allister** asked the Minister of Finance and Personnel to detail the rates payable from renewable energy facilities in 2014/15.

**(AQW 47405/11-15)**

**Mrs Foster (The Minister of Finance and Personnel):** The total rates payable from renewable energy facilities in 2014/15 was £1,459,411.

## Department of Health, Social Services and Public Safety

**Mr Easton** asked the Minister of Health, Social Services and Public Safety whether there are plans to introduce an electronic prescription system.

**(AQW 46846/11-15)**

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** In response to the Implementation Plan for the 'Making it Better through Pharmacy in the Community' strategy, the Health and Social Care (HSC) Board has indicated its intention by March 2016 to develop plans for the electronic transmission of prescriptions to community pharmacies. I have also been advised by the HSC Board that its current focus is on a project to ensure a secure connection between community pharmacies and the HSC network which it is seeking to complete this financial year.

In addition, the HSC Board has also established an Electronic Prescribing Project with the aim of implementing e-prescribing within hospitals.



**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety for an update on the implementation of the eleven recommendations contained in the Report of the Diabetes Review Steering group published in June 2014.  
(AQW 47392/11-15)

**Mr Hamilton:** Diabetes continues to be one of the most challenging long term conditions, affecting more than 80,000 people across Northern Ireland.

The Report of the Diabetes Review Steering Group, Chaired by the Chief Medical Officer was published in June 2014. The Review put forward 11 recommendations which are aimed at improving services and the patient experience for people living with diabetes. The recommendations encompass important aspects in the prevention and management of diabetes and its complications. These include an emphasis on public health measures to help prevent Type 2 diabetes, improving access to structured patient education, building capacity in the workforce, improving services for vulnerable groups and encouraging innovation in care for people with diabetes.

The Department is currently working in partnership with the wider Health and Social Care sector and Diabetes UK to ensure that the recommendations are translated into a robust action plan leading to a sustainable programme of improvement and innovation in services for people living with diabetes in Northern Ireland.

**Mr McKay** asked the Minister of Health, Social Services and Public Safety whether the new health centre in Ballymena will accommodate seven swift conservation nests as agreed.  
(AQW 47413/11-15)

**Mr Hamilton:** The Northern Trust has indicated to me that it has no record of any agreement to provide seven nests.

I am however pleased to confirm that at least 6 nesting boxes for Swifts will be erected on the side of the new health and care centre in Ballymena and that the exact number will be finalised when the building is handed over.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the South Eastern Health and Social Care Trust has spent on settling medical negligence claims in the last three financial years.  
(AQW 47416/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Southern Health and Social Care Trust has spent on settling medical negligence claims in the last three financial years.  
(AQW 47417/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Belfast Health and Social Care Trust has spent on settling medical negligence claims in the last three financial years.  
(AQW 47418/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Western Health and Social Care Trust has spent on settling medical negligence claims in the last three financial years.  
(AQW 47419/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Western Health and Social Care Trust has spent on settling medical negligence claims in the last three financial years.  
(AQW 47469/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Northern Ireland Ambulance Service has spent on settling medical negligence claims in the last three financial years.  
(AQW 47470/11-15)

**Mr Hamilton:** Information on the amount paid on clinical/social care negligence cases in each of the last three years is not available in the format requested.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much GPs practices have spent on settling medical negligence claims in the last three financial years.

**(AQW 47475/11-15)**

**Mr Hamilton:** Information on clinical/social care negligence cases relating to GP practices is not collected by the Department.

## Department of Justice

**Mr Gardiner** asked the Minister of Justice to detail the total (i) number of full time equivalent employees; and (ii) salary costs as of 1 April in each financial year from 2007, broken down by (a) his Department; and (b) each of his Department's arm's-length bodies.

**(AQW 47526/11-15)**

**Mr Ford (The Minister of Justice):** My Department came into existence on the 12 April 2010 and information can only be provided from this date. Annexes A and B below set out the number of full time equivalent employees and the total salary costs for each financial year requested.

### Annex A – Number of Full-time Equivalent Employees

Financial Year	2010/11	2011/12	2012/13	2013/14	2014/15
Full time equivalent employees at	12-4-10	1-4-11	1-4-12	1-4-13	1-4-14
DOJ Core & Agencies	4226.22	4102.49	3775.93	3739	3647.05
Criminal Justice Inspection NI	16	15	16	14	13.20
NI Law Commission	15	Not Held	Not Held	Not Held	Not Held
State Pathologist's Department	12	11	13	15	11
PSNI	11,565	11,332	10,853	10,455	10,047
NI Policing Board	60	61	58	51	56
Office of the Police Ombudsman	144	139	146	151	147
Probation Board NI	404	384	388	389	354
NI Police Fund	3.50	3	3	3	3
RUC George Cross Foundation	2	2	2	2	2
Police Rehabilitation & Retraining Trust	57.50	57.50	43.80	39.70	33.30
Independent Assessor of PSNI Recruitment Vetting	1	1	1	1	1
Independent Monitoring Board	0.00	0.00	0.00	0.00	0.00
Prisoner Ombudsman	0.80	0.80	0.80	0.80	0.80
NIPS Sports Association	1	1	1	1	1
NI Legal Services Commission	145	148	139	135	114

### Annex B – Total Salary Costs

Financial Year	2010/11	2011/12	2012/13	2013/14	2014/15
DOJ Core & Agencies	£157,725,000	£158,316,000	£177,078,000	£146,119,000	£141,029,000
Criminal Justice Inspection NI	£960,000	£939,000	£939,000	£939,000	£884,000
NI Law Commission	£678,438	£642,000	£657,000	£496,000	Not Held
State Pathologist's Department	£1,041,945.39	£952,819.10	£1,018,351.15	£1,015,577.37	£902,740.93
PSNI	£517,049,000	£526,971,000	£529,505,000	£543,831,000	£555,532,000
NI Policing Board	£2,762,000	£2,755,000	£2,456,000	£2,283,000	£2,455,000

Financial Year	2010/11	2011/12	2012/13	2013/14	2014/15
Office of the Police Ombudsman	£6,091,000	£6,022,000	£6,205,000	£6,738,000	£6,475,000
Probation Board NI	£15,811,000	£15,132,000	£15,949,000	£16,191,000	£14,829,000
NI Police Fund	£109,509	£115,565	£116,426	£111,575	£109,613
RUC George Cross Foundation	£51,481	£53,651	£58,165	£56,832	£59,585
Police Rehabilitation & Retraining Trust	£1,704,085	£1,570,559	£1,443,686	£1,376,612	£1,208,737
Independent Assessor of PSNI Recruitment Vetting	£11,000	£11,000	£11,000	£8,250	£8,250
Independent Monitoring Board	£0.00	£0.00	£0.00	£0.00	£0.00
Prisoner Ombudsman	£75,029	£76,416	£85,500	£75,400	£75,400
NIPS Sports Association	See notes	See notes	£7,134.79	£28,693.68	£26,475.40
NI Legal Services Commission	£3,811,000	£3,749,000	£3,563,000	£4,079,000	£3,490,000

**Notes:**

The figures provided include Agency workers, temporary contracts and inward secondees.

Salary costs covers pay, allowances, overtime, early retirement costs, employers' national insurance and employers' pension contributions.

Figures exclude judicial salary costs, and exclude any salary costs capitalised as part of major capital projects.

The NIPS Sports Association was included on NI Prison Service payroll up until 31 December 2012. Therefore, the salary costs are contained within the DOJ Core and Agencies figure up until the 31 December 2012.

Costs included for the Independent Assessor of PSNI Recruitment Vetting does not include any daily fee claims for work carried out that the Independent Assessor is entitled to.

NI Law Commission is no longer in operation.

**Mr Allister** asked the Minister of Justice what powers the two investigative officers, which it is intended to provide for the coroner's office, will have and, in particular, will they have the powers of a police constable.

**(AQW 47537/11-15)**

**Mr Ford:** It is not intended that Coroners' investigators will have the powers of a Constable. The principal investigation on behalf of a coroner will continue to be undertaken by the PSNI and, in appropriate cases in the future, by the Historical Investigations Unit.

**Lord Morrow** asked the Minister of Justice, in relation to Eamon Foley's High Court bail conditions on 22 June 2015, (i) whether the agencies responsible for monitoring were aware he had a driving licence; and (ii) whether he will order an investigation into how access was allegedly gained to a vehicle without the knowledge of the relevant agencies and to determine how long he had this access.

**(AQW 47672/11-15)**

**Mr Ford:** It would be inappropriate for me to comment on these matters whilst they remain the subject of a live criminal investigation.

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 46904/11-15, how many (i) men; and (ii) women have been identified as trafficked victims in these circumstances.

**(AQW 47673/11-15)**

**Mr Ford:** Since April 2010, four potential victims of human trafficking have been referred to the National Referral Mechanism by First Responders in Northern Ireland in connection with suspected exploitation relating to cannabis cultivation. Three of the individuals were male and one was female. The National Crime Agency has advised that none of these potential victims were subsequently determined to be a victim of human trafficking.

**Mr Weir** asked the Minister of Justice how many people have received sentences banning them from keeping animals in each of the last three years; and how many were lifetime bans.

**(AQW 47889/11-15)**

**Mr Ford:** The number of defendants that received sentences in the last three years banning them from keeping animals and the number of these given lifetime bans, are presented in the table below.

Year	Number of defendants banned from keeping animals	Number of defendants banned from keeping animals for life
2012	20	1
2013	9	2
2014	26	1

**Source:** Integrated Court Operations System (ICOS)

**Mr Dunne** asked the Minister of Justice for an update on plans to close Newtownards courthouse.  
(AQW 47904/11-15)

**Mr Ford:** The consultation on the rationalisation of the court estate closed on the 18 May 2015. The responses to the consultation are currently being analysed and recommendations prepared.

No final decisions on any of the proposals will be made until the autumn.

## Department for Regional Development

**Mr D McIlveen** asked the Minister for Regional Development, in light of his Department's new policy on grass cutting, whether his Department has put any incentives in place for community groups to take responsibility.  
(AQW 47315/11-15)

**Mr Kennedy (The Minister for Regional Development):** Given the severe budgetary pressures facing my Department and the impact on routine road maintenance services, such as grass cutting, I have to be open minded to new approaches, such as the involvement of community groups who may wish to take some responsibility for grass cutting, for example.

Following the very welcome decision of Newtownabbey and Antrim Borough Council to fund urban grass cutting in its Council area, I have asked officials to examine the possibilities for involving other Councils, and local communities, who may wish to work in partnership with the Department. I would certainly welcome any suggestions that you might have in this regard.

My Department cuts grass only for road safety reasons and not for cosmetic or amenity purposes. However, I recognise that communities may wish to see a higher standard of grass cutting to improve the look of their areas. Indeed, many individuals cut the grass verges in the vicinity of their property for aesthetic reasons and I would not want to discourage this practice, provided that is carried out safely and with due regard to the safety of road users.

**Mr Hazzard** asked the Minister for Regional Development, pursuant to AQW 41294/11-15, for an update on the review into the recent traffic studies for Downpatrick.  
(AQW 47509/11-15)

**Mr Kennedy:** My Department has now completed the review into the traffic studies for Downpatrick and officials are in the process of arranging a full consultation process with key stakeholders to discuss the findings.

While full consideration will be given to the key findings and recommendations of the report, I should advise that all recommendations will be subject to full consultation with key stakeholders, including local residents, any legislative processes, the necessary land acquisitions and securing the necessary finances in future budget years, before any of the proposals can be brought forward for implementation.

**Mr McMullan** asked the Minister for Regional Development how much has been spent on road maintenance in the northern division in each of the last five years.  
(AQW 47675/11-15)

**Mr Kennedy:** The following table shows the amount of money spent by Northern Division on structural road maintenance in each of the last five years. These figures exclude environmental works.

Financial Year	2010/11	2011/12	2012/13	2013/14	*2014/15
Northern Division Structural Maintenance (£k)	£17,490	£26,951	£24,901	£31,360	£20,778

\*It should be noted that up until 1 April 2014, the Derry City Council area formed part of TransportNI's Northern Division. After this date, responsibility for this area was moved to TransportNI's Western Division and responsibility for the Newtownabbey & Carrickfergus Council areas then moved to the TransportNI Northern Division. Therefore, the figures for 2014/15 above exclude the Derry City Council area but include Newtownabbey and Carrickfergus Council areas.



**Mr Eastwood** asked the Minister for Regional Development when construction of the Ballykelly bypass will commence.  
(AQW 47694/11-15)

**Mr Kennedy:** A scheme for the provision of a bypass of Ballykelly has been included in the Strategic Road Improvement Programme and has been developed to the point where a preferred route has been agreed.

The preferred route consists of 4.2km of dual carriageway and will pass to the south of Ballykelly village, with a proposed junction at the Loughermore Road providing access to and from the dual carriageway.

It is not currently possible to state when work will commence as further progression of the scheme is dependent on future Budget allocations.

**Ms Sugden** asked the Minister for Regional Development, pursuant to AQW 46965/11-15, whether funding has been ring-fenced for 2015/2016 to protect the Senior Citizen Smart Pass for people aged 65 years and older.  
(AQW 47753/11-15)

**Mr Kennedy:** As in my response to AQW 46965/11-15 I reiterate that free travel on public transport including those aged 60 years and older and other vulnerable groups was introduced as an Executive Priority and is currently a target within the Programme for Government. I am fully committed to, and fully support in its totality the Northern Ireland Concessionary Fares Scheme, which contributes in a very positive way to reducing social isolation for older people and has played an important part in revitalising Public Transport.

I recognise that additional funding for concessionary fares was provided to my Department in this year's initial budget but it is now estimated that this will not be sufficient to finance the total costs for this year. Under existing DFP budgeting rules this funding must only be used for Concessionary Fares reimbursement. The popularity of the scheme means its continued existence will rely upon continued funding support from the Executive.

## Department for Social Development

**Mr Allister** asked the Minister for Social Development, pursuant to AQW 39953/11-15, whether he will publish a list of the documents still retained in respect of the regeneration of 148/158 Springfield Road.  
(AQW 47406/11-15)

**Mr Storey (The Minister for Social Development):** I have arranged for copies of the relevant documents and copies of all papers relating to the development of 148 – 158 Springfield Road to be placed in the Assembly Library.

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# Northern Ireland Assembly

Friday 10 July 2015

## Written Answers to Questions

### Department of Agriculture and Rural Development

**Mrs Dobson** asked the Minister of Agriculture and Rural Development for how many years her proposed compulsory Bovine Viral Diarrhoea testing scheme will remain in operation.

**(AQW 47947/11-15)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I have previously announced that I am minded to introduce legislation, following industry's request that I provide support for their proposed Bovine Viral Diarrhoea (BVD) Scheme. The proposed legislation's main requirement will be that herd keepers have to tag and test all new born calves for BVD. The legislation will also restrict the movement of a bovine that has tested positive for BVD, or is suspected of being BVD positive, other than movement for direct slaughter or for disposal as an animal by-product (rendering).

Animal Health and Welfare NI, the industry body responsible for implementation of the scheme, will keep the need for the eradication programme and its content under review, in consultation with the Department, as necessary.

It is envisaged that the requirement to tag and test will need to remain in place for a minimum of three years. My Department will consider any future request from AHWNI to amend the legislation as the programme develops. The Department will look to AHWNI to support any further development of the programme.

**Mr Moutray** asked the Minister of Agriculture and Rural Development what action is being taken to ensure approval of the new Rural Development Programme.

**(AQW 48109/11-15)**

**Mrs O'Neill:** My officials are currently negotiating the content of the Rural Development Programme with the European Commission. Since the European Commission observation letter was received on the 31 March 2015, a detailed plan for resubmission was put in place to negotiate on the changes required to the programme draft. Up until the 3 July there have been twelve meetings which have been facilitated through a mixture of video and telephone conferences and travel to Brussels to discuss each of the redrafted sections of the programme. I raised the importance of programme approval with Commissioner Hogan during my recent meeting with him and I anticipate that this will be granted soon.

**Mr Swann** asked the Minister of Agriculture and Rural Development to detail the issues yet to be resolved with the European Commission on the current Rural Development Program.

**(AQW 48217/11-15)**

**Mrs O'Neill:** The approval of the rural development programme is reaching its final stages and there are no major issues left to resolve. My officials are now working with the European Commission to make the final editing changes prior to resubmission. The Commission will then carry out a further internal consultation process which may result in further minor changes to the programme. Once this consultation process has been completed the programme will be approved by the Commission by means of an implementing act. Approval of the programme is expected in September.

### Department of Education

**Mr D McIlveen** asked the Minister of Education to detail the number of responses received in relation to proposals for the future of the Youth Council.

**(AQW 47325/11-15)**

**Mr O'Dowd (The Minister of Education):** The consultation closed on Friday 3 July 2015, 49 responses were received in total.

**Mr Campbell** asked the Minister of Education to detail the number of nursery school places provided in each constituency between 2010 and 2014.

**(AQW 47543/11-15)**

**Mr O'Dowd:** The Education Authority (EA) has advised me that not all the regional offices can provide the requested information broken down by constituency. The EA has, however, supplied the following information, broken down by District Councils within each region:

Region	District Council	2010/11	2011/12	2012/13	2013/14	2014/15
Belfast	Belfast	3075	3448	3483	3470	3585
Southern	Armagh	626	724	753	705	783
	Banbridge	570	592	632	645	627
	Cookstown	423	458	488	502	530
	Craigavon	1101	1268	1265	1305	1308
	Dungannon	757	797	861	913	836
	Newry & Mourne	1148	1311	1350	1359	1375
South Eastern	Castlereagh	703	752	808	786	869
	Down	813	864	874	836	825
	Lisburn	1344	1444	1472	1464	1533
	Ards	781	845	798	788	799
	North Down	759	821	857	856	916
Western	Derry	1576	1526	1582	1512	1555
	Fermanagh	776	765	804	776	798
	Limavady	386	378	392	375	403
	Omagh	684	672	708	707	728
	Strabane	508	520	553	550	541
North Eastern	Antrim	689	779	739	759	672
	Ballymena	712	756	722	759	809
	Ballymoney	336	382	351	362	399
	Carrickfergus	453	439	441	455	438
	Coleraine	584	618	624	639	670
	Larne	290	324	313	325	325
	Magherafelt	589	629	635	632	702
	Moyle	225	221	236	229	223
	Newtownabbey	918	999	993	1025	1046

**Lord Morrow** asked the Minister of Education to detail the number of closed school properties (i) owned by his Department (ii) with a tenant in place; and (iii) that remain vacant and how long have same been vacant, broken down by each Education Authority Regional Area.

**(AQW 47589/11-15)**

**Mr O'Dowd:** The Department of Education (DE) does not own property; responsibility for property is dependent on the type of school.

The Education Authority (EA) is responsible for schools in the controlled sector. The following table outlines the number of closed schools in each EA region.

EA - Region	Total Number of closed schools	With a Tenant or other Educational use	Vacant*
Belfast	11	4	7
North Eastern	7	3	4
South Eastern	16	4	12
Southern	2	1	1

EA - Region	Total Number of closed schools	With a Tenant or other Educational use	Vacant*
Western	4	1	3
<b>Totals</b>	<b>40</b>	<b>13</b>	<b>27</b>

The following table shows the school properties in each EA region which are currently vacant and the year the school closed.

EA - Region	Vacant*	Date of Closure of School if vacant
<b>Belfast</b>	<b>7</b>	
	Mersey Street Primary School	2006
	Forthriver Primary School site	2003
	Mount Gilbert College	2007
	Ballygolan Primary School	2013
	Suffolk Primary School site	2009
	Orangefield High School	2014
	Cavehill Primary School Site	
<b>North Eastern</b>	<b>4</b>	
	Ballypriormore Primary School	2003
	Garvagh High School	2013
	Maghera High School	2009
	Causeway School	2007
<b>South Eastern</b>	<b>12</b>	
	Kindle Primary School	2008
	Hilden Integrated Primary School	2008
	Brookfield Special School (site)	
	School Meals Kitchen, Manor Drive	
	Lisnasharragh High School	2008
	Castle Gardens Primary School Site	2001
	Ballycarrickmaddy Primary School	2002
	Charley Memorial Primary School	2007
	Ravarnette Primary School	1999
	Redburn Primary School	2012
	Cottown Primary School	Was used for alternative education use following closure
	Ballykeigle Primary School	2012
<b>Southern</b>	<b>1</b>	
	Keady Primary School	2012
<b>Western</b>	<b>3</b>	
	Faughan Valley High School	2007
	Bridgehill Primary School	2013
	Lisnaskea High School	2013

\*Vacant properties in the tables include properties which:

- Are actively being disposed of, in accordance with Department of Finance and Personnel's Central Advisory Unit Guidance 'Disposal of surplus Public Sector Property in N Ireland (March 2013)'.
- Are still to be officially declared surplus e.g. they may be under consideration for other educational use;



- Have difficult issues outstanding e.g. legal issues whereby there is a restrictive covenant on the title deeds.

Voluntary Grammar, Maintained and Grant Maintained Integrated schools are owned and managed by the school's Trustees. On closure of a school responsibility reverts solely to the Trustees. DE does not therefore collate information on how the property is used after the school closes; however the Department may seek grant recovery from the Trustees as per the Voluntary Schools Building Grant Regulations (NI) 1993.

**Mr Weir** asked the Minister of Education to detail the contracts awarded by each Education and Library Board between October 2014 and March 2015.

**(AQW 47600/11-15)**

**Mr O'Dowd:** I have arranged for the information requested to be placed in the Assembly Library.

**Lord Morrow** asked the Minister of Education to detail how much his Department has spent on (i) insuring; and (ii) maintaining closed schools owned by his Department that remain vacant, in each of the last three financial years.

**(AQW 47722/11-15)**

**Mr O'Dowd:** The Department of Education (DE) does not own property; responsibility for property is dependent on the type of school.

The Education Authority (EA) is responsible for schools in the controlled sector.

Voluntary Grammar, Maintained and Grant Maintained Integrated schools are owned and managed by the school's Trustees. On closure responsibility for these assets reverts solely to the Trustees. My Department may seek grant recovery from the Trustees as per the Voluntary Schools Building Grant Regulations (NI) 1993.

The EA has advised that it only insures closed schools where it has an obligation to do so in the title deeds. Four of the five regions recorded a nil return in relation to the cost of insuring closed schools for the period 2012/13 – 2014/15. The North Eastern Region recorded an annual cost of £115.00 for the period 2012/13 – 2014/15 which related to a specific school where there was an obligation to provide insurance in the title deeds.

The EA has provided the maintenance spend on its vacant controlled properties in each of the last three financial years.

Year	Maintenance Spend
2012/13	£347,479
2013/14	£158,605
2014/15	£192,416

**Mr Anderson** asked the Minister of Education to detail the (i) expenditure on new school site purchases; and (ii) identify the sites for new build schools in the (a) Controlled; and (b) Maintained sector in each of the last four years.

**(AQW 47726/11-15)**

**Mr O'Dowd:** The table below details the expenditure on new school site purchases in the last four years, broken down by education sector.

Education Sector	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Controlled				£1,348,000
Maintained			£270,000	

There was only one site purchased in the controlled and one in the maintained sector in the last four financial years.

Sites are normally only procured where a project has been announced and a business case identifying the preferred option approved. Land and Property Service of the Department of Finance and Personnel, acting on behalf of the Department, is then requested to negotiate the purchase of the site associated with the preferred option identified in the business case.

In exceptional circumstances, where a school has not been announced, but where a major project is likely to be announced in the short to medium term, and where a business case to purchase the site has been approved in advance of the project being announced, site purchase can also take place.

**Mr Anderson** asked the Minister of Education to outline the procedure followed when purchasing new school sites.

**(AQW 47727/11-15)**

**Mr O'Dowd:** The table below details the expenditure on new school site purchases in the last four years, broken down by education sector.

Education Sector	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Controlled				£1,348,000
Maintained			£270,000	

There was only one site purchased in the controlled and one in the maintained sector in the last four financial years.

Sites are normally only procured where a project has been announced and a business case identifying the preferred option approved. Land and Property Service of the Department of Finance and Personnel, acting on behalf of the Department, is then requested to negotiate the purchase of the site associated with the preferred option identified in the business case.

In exceptional circumstances, where a school has not been announced, but where a major project is likely to be announced in the short to medium term, and where a business case to purchase the site has been approved in advance of the project being announced, site purchase can also take place.

**Mr Weir** asked the Minister of Education what consideration is being given to strategies that will increase pupil participation in departmental consultations.

**(AQW 47739/11-15)**

**Mr O'Dowd:** The Department's Equality Scheme acknowledges the importance of consultation and the need to consider format and accessibility needs to remove barriers to engagement. The Equality Scheme also refers to the Equality Commission's guidance, "Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people" (2008).

Recent consultations have included workshops, focus groups, involvement with schools and partner organisations as well as young persons' versions of questionnaires to ensure pupils of all ages were able to understand proposals and respond meaningfully to consultations.

During the consultation on how to help tackle the problem of bullying in schools, the Department made extensive efforts to engage with pupils and young people. Schools, the NI Anti-bullying Forum and other key stakeholders actively promoted the consultation through their own contact networks and encouraged young people to participate. Innovative use was also made of the C2k network to directly reach school pupils and link them to online response forms. As a result, the consultation attracted 4860 responses, with 4221 of these coming directly from young people.

**Mr Weir** asked the Minister of Education to detail the number of students that availed of the Independent Counselling Service in North Down in the 2013/14 academic year.

**(AQW 47742/11-15)**

**Mr O'Dowd:** For 2013/14 year we collated only the number of sessions delivered. We will be collating information on actual individuals attending from this year (2015/16). A total of 1996 sessions were delivered to schools in the North Down and Ards area, including 135 for special schools. On average an individual will attend 4 to 6 sessions and, as such, it is estimated that around 399 students availed of the service.

**Lord Morrow** asked the Minister of Education to detail how much has been derived from the rental of closed schools owned by his Department in the last three years, broken down by Education Authority Regional Area.

**(AQW 47809/11-15)**

**Mr O'Dowd:** The Department of Education (DE) does not own property; responsibility for property is dependent on the type of school.

Voluntary Grammar, Maintained and Grant Maintained Integrated schools are owned and managed by the school's Trustees. On closure responsibility for these assets reverts solely to the appropriate Trustees and DE does not collate information on how the property is used after the school closes.

The Education Authority (EA) is responsible for schools in the controlled sector, and has not derived any rental income from closed schools in the last three years.

**Mr Weir** asked the Minister of Education what summer schools are funded by his Department to provide continuing professional development for teachers.

**(AQW 47814/11-15)**

**Mr O'Dowd:** My Department does not fund any continuing professional development summer schools for teachers. However, my Department does fund a range of providers and any of them may opt to offer training over the summer months.

**Mr McNarry** asked the Minister of Education to detail the number of pupils in (a) primary; and (b) post-primary school that do not have English as their first language.

**(AQW 47833/11-15)**

**Mr O'Dowd:** There are 11,100 pupils who do not have English as their first language in primary schools (including pupils in nursery and reception classes) and 6,116 in post-primary schools.

These figures include all pupils that do not have English as a first language, regardless of whether or not they are a newcomer pupil (one who does not have the satisfactory language skills to participate fully in the school curriculum, and the wider environment, and does not have a language in common with the teacher).

**Source:** NI school census.

**Mr Gardiner** asked the Minister of Education to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

**(AQW 47873/11-15)**

**Mr O'Dowd:**

- i) The financial underspend in my Department and the intended area of expenditure is detailed in the table below. Final figures for 2014-15 are not yet available.

**Department of Education underspend based on Final Outturn figures**

Year	2013-14 £'000	2012-13 £'000	2011-12 £'000	2010-11 £'000	2009-10 £'000
Total Underspend	6,176	12,545	12,965	18,855	19,693
<b>Intended area of expenditure:</b>					
Resource	4,950	11,936	12,313	17,419	19,556
Capital	1,226	609	652	1,436	137

- ii) All financial underspends are returned to the Department of Finance and Personnel each year and they manage the overall year-end financial position for the north, through the Budget Exchange Scheme agreed with Treasury.

**Lord Morrow** asked the Minister of Education to detail all schools formally owned by his Department that have since closed and the buildings sold, broken down by Education Authority Regional Area.

**(AQW 47903/11-15)**

**Mr O'Dowd:** The Department of Education (DE) does not own property; responsibility for property is dependent on the type of school.

The Education Authority (EA) is responsible for schools in the controlled sector. The following table outlines the controlled closed schools which have been sold in the last three financial years, broken down by EA Regional Area.

Education Authority - Region:	Year Sale of Closed School Completed:		
	2012/13	2013/14	2014/15
Belfast	Forth Bridge High School		
	Grove Primary School		
North Eastern	Carnalridge Primary School	Ballee Primary School	Glenarm Primary School
		Antiville Primary School	
South Eastern		Lower Ballinderry Primary School	Newtownbreda High School
		Former Ballycloughan Primary School	Killard Special School
		Tor Bank Special School	Dunmurry High School
		Newport Primary School	
Southern		Clougher Regional Primary School	Tullymacarette Primary School
Western	Burnfoot Primary School	Duke of Westminster High School, Kesh	

Voluntary Grammar, Maintained and Grant Maintained Integrated schools are owned and managed by the school's Trustees. On closure responsibility for these assets reverts solely to the appropriate Trustees.

**Mr Dunne** asked the Minister of Education for an update on the Holywood Multi-Schools project.  
(AQW 47911/11-15)

**Mr O'Dowd:** I refer the member to my response to his earlier questions AQW 37263/11-15, which was published on 17 October 2014, and AQW 41723/11-15, published on 19 February 2015. There is no further update.

**Mr D Bradley** asked the Minister of Education to detail how the Middletown Centre for Autism caters for all young people.  
(AQW 47913/11-15)

**Mr O'Dowd:** The Chief Executive of the Middletown Centre for Autism has advised that the Centre was established as a pioneering north south project to enable direct specialist support to be provided to children and young people with the most complex forms of autism who's educational needs have not been able to be met by other educational services and who are then referred to the Centre by the Education Authority's Regional Autism Group. The Centre delivers this work in partnership with existing statutory and voluntary service providers.

Following the provision of a trans-disciplinary assessment, the Centre will develop and implement a Learning Support Plan which will be reflected in a revised Educational Plan for the child or young person. This process aims to improve the educational experience and outcome for children and young people with autism in their current educational setting as well as linking with parents to enable them support their child's school based programmes at home.

In parallel with the direct support offered to children and young people, the Centre also delivers a broad programme of autism training to all educational professionals and parents of children with autism. This learning will inform the work of these professionals with all pupils with autism. The training courses offered to parents aim to provide practical learning to aid their management of their child's autism.

The Centre also delivers a programme of autism research with a particular focus on facilitating the improvement of classroom practice to reflect current best practice.

**Mr D Bradley** asked the Minister of Education to outline the interventions employed by the Middletown Centre for Autism.  
(AQW 47914/11-15)

**Mr O'Dowd:** The Chief Executive of the Middletown Centre for Autism (MCA) has advised that the Centre has developed a model which delivers intensive assessment and learning support for children and young people with complex autism who, despite specialist input, continue to experience difficulties in their educational setting. The service utilises a trans-disciplinary approach to service delivery and the delivery team includes: specialist teachers, occupational therapists, speech and language therapists and autism intervention therapists.

The key element of this model is that it is child-centred and addresses the observed and assessed unique needs of the child or young person referred to the Centre by the Education Authority's Regional Autism Group and takes account of any variation which occurs over time and across settings. A range of evidence-based autism-specific approaches are used in the trans-disciplinary model including using the principles of: Social Communication Skills, Treatment and Education of Autistic and related Communication Handicapped Children (TEACCH), Picture Exchange Communication System (PECS), Applied Behaviour Analysis (ABA), Positive Behaviour, Social Communication, Emotional Regulation and Transactional Support (SCERTS), Sensory Diets, Cognitive Adaptive Strategies and Intensive Interaction.

The model is in demand from schools and has been assessed as "outstanding" as part of a joint inspection of the Centre's services in 2012. The success of the trans-disciplinary intervention is dependent on collaborative practice and multi-agency working. In the delivery of services the MCA team works collaboratively with health and education professionals already providing services to the child or young person referred.

**Mr D Bradley** asked the Minister of Education to outline how children with autism that have been excluded from school are catered for within the education system.  
(AQW 47916/11-15)

**Mr O'Dowd:** The Education Authority (EA) has a range of options to cater for children with autism who have been excluded from school which take account of the individual special educational needs (SEN) of the child, the views of their parents and consultation with the school. Where relevant, input from other stakeholders will also be sought to inform the decision making process.

In cases where a pupil with autism is finding attendance at school stressful, and where their disruptive behaviour may be likely to result in exclusion, a support package including reasonable adjustments and, if required, staff training will be provided by EA specialist services along with suggested strategies to include in the pupil's Education Plan. Where in-school support is not proving effective the EA may consider a statutory assessment of the child's SEN.

Following a pupil being excluded from school, the EA may consider the following options:

- another school placement may be sought. If the pupil has a statement of SEN or is undergoing statutory assessment, the EA may consider additional support in a mainstream school, a specialist learning support class in a mainstream school or a special school based on advice and support from specialist services;



- specialist EA services will provide direct support during the period when the pupil is not attending school, to help them maintain positive links with their school as far as possible;
- consideration may be given to referring the child to the Middletown Centre for Autism. Where such a referral is considered there will be a clear plan for re-integration to an educational setting;
- depending on the individual needs of the pupil the EA may consider a tailored package of education to be delivered through Education Other Than at School (EOTAS) e.g. in a small group setting with a more flexible approach than a mainstream school and where the learning environment can be more easily controlled. Alternatively a mainstream school placement with a part-time EOTAS partnership placement in a specialist centre may be considered to address any difficulties that may be inhibiting attendance at a mainstream school;
- the EA may also provide home tuition or education in a local community setting for those pupils where medical advice has determined that the child cannot or should not receive their education through attendance at a school.

**Mr Allister** asked the Minister of Education, according to approved departmental guidance on the disposal of school records, to detail (a) under what circumstances a school can destroy records; (b) how long records must be kept for children on the Special Needs Register; (c) whether a school is required to maintain a log of why, when and how records are destroyed; and (d) the consequences of a school breaching the relevant guidance and how his Department enforces and investigates any breaches.

**(AQW 47941/11-15)**

**Mr O'Dowd:** School Records (including those that relate to children with Special Needs) should be destroyed in accordance with the Model Disposal Schedule for Schools which was issued by my Department to all Schools in October 2013. The Schedule is available on the Department's website at the following link

<http://www.deni.gov.uk/index/85-schools/5-school-management/85-disposal-of-school-records.htm>

Schools as Public Authorities are required to have disposal Schedules under Section 8 of the Public Records Act 1923 and Disposal of Documents Order 1925. My Department has no power to enforce or conduct investigations regarding breaches of the Disposal Schedule.

The Information Commissioner can investigate records management issues in relation to compliance with a request for information under the Freedom of Information Act 2000 or the Data Protection Act 1998. The Ombudsman can investigate in cases of maladministration.

**Mr Moutray** asked the Minister of Education to detail (i) the locations of the statutory provision for the Youth Service and staff within Upper Bann; and (ii) how much money has been invested in statutory youth provision in Upper Bann.

**(AQW 47943/11-15)**

**Mr O'Dowd:** The Education Authority has provided the following information listed in the tables below.

(i) The locations of the statutory provision for the Youth Service and staff within Upper Bann 2014/15.

Unit Name	Location
Inclusion Workers	Various
Banbridge Youth Centre	Banbridge
ENP - Banbridge	Banbridge
Brownlow/Drumgor/Tullygally - 3 Centres	Craigavon
Lurgan Youth Annex	Mournview
Taghnevan YC - funded 50% by Council	Lurgan
Taghnevan YRC - funded 50% by Council	Lurgan
Senior & Area Workers - Craigavon & Banbridge Area	Various
Outreach Worker Craigavon	Various
Peripatetic	Banbridge

(ii) How much money has been invested in statutory youth provision in Upper Bann.

Total Youth Service Funding Provision in 2014/15 to Statutory sector units in Upper Bann	Circa £1.04 million
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**Mr Moutray** asked the Minister of Education to detail (i) the locations of the voluntary Youth Service and staff within Upper Bann; and (ii) how much money has been invested in voluntary youth provision in Upper Bann.

**(AQW 47946/11-15)**

**Mr O'Dowd:** The Education Authority has provided the following information listed in the tables overleaf.

- (i) The locations of the voluntary Youth Service and staff within Upper Bann 2014/15.

Unit Name	Location
Clann Eireann YC	Lurgan
Portadown YMCA	Portadown
Seagoe Youth Group	Portadown
St Marys YC	Portadown
Lurgan YMCA	Lurgan
PT Youth Unit - Grant Aid	Various Approx 145 registered voluntary units + other voluntary units eligible to apply to schemes such as Intervention and Inclusion
Annual Camp PT Youth Units	Various

- (ii) How much money has been invested in voluntary youth provision in Upper Bann.

Total Youth Service Funding Provision in 2014/15 to Voluntary sector units in Upper Bann	Circa £776 thousand.
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**Mr Moutray** asked the Minister of Education for a breakdown of the religious background of senior staff within the Youth Service in the Education Authority Southern Region.

**(AQW 47948/11-15)**

**Mr O'Dowd:** There are 8 staff in the Southern Region Youth Service Senior Management. Therefore, given the small numbers and the requested breakdown it would be inappropriate to publish this data as it would enable individuals to be identified.

**Lord Morrow** asked the Minister of Education to detail the top ten schools that have been closed the longest and remain departmental property; and whether there are any plans to demolish or sell the properties.

**(AQW 47956/11-15)**

**Mr O'Dowd:** The Department of Education (DE) does not own property; responsibility for property is dependent on the type of school.

The Education Authority (EA) is responsible for schools in the controlled sector.

Voluntary Grammar, Maintained and Grant Maintained Integrated schools are owned and managed by the school's Trustees. On closure responsibility for these assets reverts solely to the appropriate Trustees.

If the EA does not identify any other educational use for the closed school the property will be disposed of in accordance with Department of Finance and Personnel's guidance – "Central Advisory Unit Disposal of Surplus Public Sector Property in NI" (March 2013); this guidance is applicable to all Government Bodies.

Demolition will only be carried out for health and safety reasons or on the advice of Land & Property Service (LPS) where it might expedite a sale or significantly enhance the open market value.

The following table outlines the top ten schools within the EA's responsibilities, which have been closed the longest and the EA's plans for them.

	EA - Region	Closed Schools & vacant sites (ie school buildings demolished/ schools relocated)	Date of closure	Plans to Demolish / Sell property
1	South Eastern	Ravarnette Primary School	1999	Would sell but complex legal title issues.
2	South Eastern	Castle Gardens Primary School Site	2001	Demolition already completed. Can't sell - complex legal title issues.
3	South Eastern	Ballycarrickmaddy Primary School	2002	Part of site re-transferred to original Trustees. Difficulty disposing of other part of site.
4	North Eastern	Ballypriormore Primary School	2003	Sell: On disposals list - LPS assisting with sale.

	EA - Region	Closed Schools & vacant sites (ie school buildings demolished/ schools relocated)	Date of closure	Plans to Demolish / Sell property
5	Belfast	Forthriver Primary School	2003	Part of site subject to restrictive covenant. EA considering site for youth provision.
6	Belfast	Mersey Street Primary School	2006	Sell: On disposals list but complications with site.
7	Belfast	Mount Gilbert College	2007	Demolition already carried out. Site currently held pending Area Planning decisions.
8	South Eastern	Charley Memorial Primary School	2007	Part of site to re-transfer to original owners. Then EA to deal with remaining land.
9	Western	Faughan Valley High School	2007	Sell: On disposals list - LPS assisting with sale. (Note: Listed Building.)
10	North Eastern	Causeway School	2007	Building leased from Trustees.

**Ms Sugden** asked the Minister of Education for an update on his Department's Pathway Fund due to commence in April 2016.  
(AQW 47989/11-15)

**Mr O'Dowd:** If funding is available, it is my intention that a new Pathway Fund will replace the current Early Years Fund with awards being made from April 2016 onwards. The Pathway Fund would be open to all providers of Early Years education.

I am also reviewing my budgets for this current financial year to see whether there is any scope to support those providers whose funding is due to end in August 2015 for the bridging period until the new Pathway Fund is established.

Once the position is clear on the availability of funding to support a new Fund, my officials will ensure that this is communicated to the sector, including to current Fund recipients.

**Ms Sugden** asked the Minister of Education whether his Department's Pathways Fund will provide services for children aged up to three years of age from April 2016.  
(AQW 47990/11-15)

**Mr O'Dowd:** If funding is available, it is my intention that a new Pathway Fund will replace the current Early Years Fund with awards being made from April 2016 onwards. The Pathway Fund would be open to all providers of Early Years education.

I am also reviewing my budgets for this current financial year to see whether there is any scope to support those providers whose funding is due to end in August 2015 for the bridging period until the new Pathway Fund is established.

Once the position is clear on the availability of funding to support a new Fund, my officials will ensure that this is communicated to the sector, including to current Fund recipients.

**Ms Sugden** asked the Minister of Education what legislation he intends to bring forward before the end of the current Assembly mandate.  
(AQW 47991/11-15)

**Mr O'Dowd:** I intend to bring forward the following legislation before the end of the current Assembly mandate:

- Shared Education Bill;
- Anti-bullying Bill; and
- Early Years Education and Learning Bill.

The Special Educational Needs and Disability Bill was introduced to the Assembly on 2 March 2015 and it is my intention that it completes its passage before the end of the current Assembly mandate.

**Ms Sugden** asked the Minister of Education what discussions he has had with current Early Years funded groups, to inform the new Pathways Fund available in April 2016.  
(AQW 47997/11-15)

**Mr O'Dowd:** If funding is available, it is my intention that a new Pathway Fund will replace the current Early Years Fund with awards being made from April 2016 onwards. The Pathway Fund would be open to all providers of Early Years education.

I am also reviewing my budgets for this current financial year to see whether there is any scope to support those providers whose funding is due to end in August 2015 for the bridging period until the new Pathway Fund is established.

Once the position is clear on the availability of funding to support a new Fund, my officials will ensure that this is communicated to the sector, including to current Fund recipients.

**Mr Lyttle** asked the Minister of Education whether his Department is responsible for the Belfast School of Music premises at Fortwilliam Park; and if he is aware of the ongoing situation regarding the outbreak of Japanese Knotweed in 2012; and whether he can provide assurance that (a) he is using the most effective method to eradicate Japanese Knotweed; and (b) the owners of neighbouring properties are kept up to date on the treatment of the Japanese Knotweed.

**(AQW 47999/11-15)**

**Mr O'Dowd:** The Department of Education is not responsible for the Belfast School of Music premises at Fortwilliam Park; it is the responsibility of the Education Authority (EA), Belfast Region and any issues at the site are for the EA to address in the first instance.

The EA has advised me that they are aware that Japanese Knotweed is present at the School of Music and that steps are being taken to treat, control, eradicate it and prevent its spread. A specialist grounds term-service contractor has been instructed to treat all instances of Japanese Knotweed with a Glyphosate Herbicide. The treatment takes place on a monthly basis, during the growing season, and involves injection of the herbicide directly in to the stalk of each plant. Treatment may have to continue each month, for 5 years, to eradicate the plant.

It is not usual practice for the EA to notify the owners of neighbouring properties regarding treatment of Japanese Knotweed. On occasion, residents living beside EA properties known to contain Japanese Knotweed will contact the EA about the issue. The EA deals with each of these queries on an individual basis.

**Mr Moutray** asked the Minister of Education to detail the number of schools that have availed of home school e-learning equipment in each of the last four years.

**(AQW 48043/11-15)**

**Mr O'Dowd:** Schools and their pupils have access to a range of e-learning tools. Neither the Department of Education nor C2k would have detailed information on the number of schools (including pupils) that have availed of these facilities.

**Mr Moutray** asked the Minister of Education to detail what action has been taken to make better use of home school e-learning.

**(AQW 48044/11-15)**

**Mr O'Dowd:** I issued a letter to schools in September 2013 to raise awareness of C2k's video-conferencing software Elluminate and to provide some examples of how this facility may be used. This is one of the e-Learning tools available to schools.

Subsequently, a Joint Working Party (comprised of representatives of the teaching unions and employing authorities) developed a Protocol for Home School e-Learning, TNC 2015/1, negotiated through the forum of the Teachers' Salaries and Conditions of Service Committee.

It is intended that schools will take part in e-Learning home-school pilot projects which will cover one school term initially. At the end of the pilot projects an evaluation will be conducted to identify the benefits, models of good practice and recommendations.

**Mrs Cochrane** asked the Minister of Education, given the rise in the number of cases linked to sexting and the increased use of social media by young people, whether (a) his Department has any authority over how schools educate pupils on the dangers of sexting and social media or do individual schools determine how they educate pupils; and (b) he has any plans to promote safe use of the internet through the curriculum.

**(AQW 48066/11-15)**

**Mr O'Dowd:**

- (a) In schools, the duty to safeguard and promote the welfare of pupils is the responsibility of a school's Board of Governors. In the exercise of those duties schools are required to have in place policies on discipline, bullying and the safe and effective use of the Internet and Digital technologies.

The Department has reminded schools of their responsibility to have in place an eSafety policy and has provided guidance and advice on eSafety matters. As with all aspects of the curriculum, the specifics of what is taught in the classroom is a matter for each teacher/school.

- (b) In terms of educating our pupils about online safety, ICT plays a central role in the statutory curriculum and Using ICT, a cross-curricular skill, requires pupils to learn how to keep safe and display acceptable online behaviour.

Teachers have been provided with detailed advice and guidance on the safe use of the Internet through the C2k ICT Managed Service which includes a dedicated eSafety zone.



During May and June 2015, C2k, in conjunction with UK Safer Internet, ran a number of eSafety Conferences attended by over 400 school representatives. The Department also recently issued a circular letter to all schools and the Youth Council, containing advice provided by the PSNI and endorsed by the Safeguarding Board NI (SBNI) about how to stay safe online.

**Mr Weir** asked the Minister of Education to detail the number of educational psychologists employed in the former South Eastern Education and Library Board.

**(AQW 48073/11-15)**

**Mr O'Dowd:** The Education Authority has advised, as at 1 July 2015, there are 34 full-time equivalent (FTE) educational psychologists employed in the South Eastern Region. 27 of these FTE posts are full-time and the other 7 FTE posts are covered by 10 part-time educational psychologists.

Of the 34 FTE educational psychologists, 27.2 FTE provide core educational psychology services on behalf of the South Eastern Region.

The remaining 6.8 FTE educational psychologists provide services for all five Education Authority Regions including: (i) 0.8 FTE Queen's University Doctorate Course in Educational, Child and Adolescent Psychology; (ii) 0.87 FTE Lakewood School Bangor (Children in Care); and (iii) 1.0 Beechcroft Education Centre Belfast (Regional Child & Adolescent Mental Health Unit).

**Mr Agnew** asked the Minister of Education what actions are being taken to increase the number of primary school teachers with a degree or specialism in science.

**(AQW 48144/11-15)**

**Mr O'Dowd:** A Bachelor of Education qualification is the most common route into teaching in the primary sector here. This programme prepares student teachers for all areas of the primary curriculum including science, and students may also select optional science related modules as part of their training.

When making appointments, employers should satisfy themselves that a teacher is suitably qualified for the required phase and subject.

I am conscious of the importance of ensuring an adequate supply of appropriately trained science teachers in our schools. Consequently, when setting intakes to courses of initial teacher education my Department advises the Higher Education Institutions (HEIs) to give priority to enrolling students to STEM subjects. In addition, by providing the HEIs with allocations for two years I have enabled them to plan their intakes to maximise the number of STEM students they can enrol. However, the selection of students is a matter for each HEI.

**Mrs Overend** asked the Minister of Education whether the policy of transporting school meals between primary schools is a short term measure or will it be adopted as a long term policy.

**(AQW 48154/11-15)**

**Mr O'Dowd:** The day-to-day operation of the school meals service is a matter for the Education Authority (EA) in the controlled and maintained sectors. Within voluntary grammar and grant-maintained integrated schools the Trustees / Board of Governors have operational responsibility, although some schools choose to contract out the service to the EA or another third party provider.

The decision on whether to transport school meals from another school or produce meals on site is determined by the EA having regard to issues such as economic viability, compliance with food safety legislation; availability of a suitable school to export food; and suitable levels of supervision.

All school meals, irrespective of whether produced on site or transported in, must comply with the Department's Nutritional Standards for School Lunches. Production on site therefore offers no advantage in terms of the quality and standard of meals provided.

**Mrs Overend** asked the Minister of Education to detail the advantages of primary schools producing their own school meals on site.

**(AQW 48155/11-15)**

**Mr O'Dowd:** The day-to-day operation of the school meals service is a matter for the Education Authority (EA) in the controlled and maintained sectors. Within voluntary grammar and grant-maintained integrated schools the Trustees / Board of Governors have operational responsibility, although some schools choose to contract out the service to the EA or another third party provider.

The decision on whether to transport school meals from another school or produce meals on site is determined by the EA having regard to issues such as economic viability, compliance with food safety legislation; availability of a suitable school to export food; and suitable levels of supervision.

All school meals, irrespective of whether produced on site or transported in, must comply with the Department's Nutritional Standards for School Lunches. Production on site therefore offers no advantage in terms of the quality and standard of meals provided.

**Mr Somerville** asked the Minister of Education for an update of the planned capital expenditure for each school in Fermanagh and South Tyrone; and whether any of the planned expenditure in 2015/16 has been reduced due the increased pressures on public expenditure.

**(AQW 48163/11-15)**

**Mr O'Dowd:** The Executive's Budget was reduced by the Westminster Government by £1.5bn over the last 5 years. As a direct result of this reduction there are significantly reduced resources to spend on frontline services such as Education funding and those frontline services within the Department of Education's remit.

The following tables and narratives give the impact of this reduction on education's capital projects in Fermanagh and South Tyrone.

#### School Enhancement Programme Projects

Project	Description	Estimated Value Band	Status
Erne Integrated College, Enniskillen (Phase 1)	Internal refurbishment phase - lower ground floor	D	Started On Site April 2015
Willowbridge Special Enniskillen	Proposed extension and associated works.	D	Started On Site April 2015
Integrated College Dungannon	Sports hall.	D	Scheme parked subject to funding becoming available
Mount Lourdes Grammar, Enniskillen	Extension and upgrading of school canteen facilities and site works.	B	RIBA Stage 3 awaited
St Michael's College, Enniskillen	New sports facilities to include all weather flood-lit sports playing field and athletics facility.	B	RIBA Stage 3 awaited
Erne Integrated College, Enniskillen (Phase II)	Re-roofing modular buildings, stand alone sports hall and additional accommodation, internal refurbishment of three storey building	D	RIBA Stage 3 design submitted, under review

Value	Value Band
£500,000 – £1,000,000	A
£1,000,001 - £2,000,000	B
£2,000,001 - £3,000,000	C
£3,000,001 - £4,000,000	D

#### Major Capital Works Projects

Project	Description	Estimated Value	Status
Enniskillen Model Primary School	New build school	£5.7m	Business case approved, procurement of contractor to commence August 2016, site work anticipated to start February 2016
Devenish College	New build school	£23.2	Business case approved, procurement of design team anticipated by end July 2015
Collegiate Grammar/Portora Royal School	New build for the amalgamated schools	£17m	Feasibility study being prepared.
St Patricks Academy, Dungannon	New build school	£28.7m	Business case approved, anticipated to commence on site Nov 2015

Although the Department's capital budget for FY15/16 was reduced by 20% in comparison with the previous year, I requested that the Major Works Capital projects should be taken through the design phase to pre-tender. At this point projects will be released to construction procurement based on the capital budget available at that time.

My Departmental budgets beyond March 2016 have yet to be allocated therefore it is not possible to identify whether or not any of the Major projects will be delayed. In the meantime the projects are continuing through to pre-tender.

### Shared Campus Projects

The Moy Shared Campus Project for Moy Regional PS and St John's PS, Moy

is currently at business case stage and has an estimated cost of £3 million. This project will also be released to construction procurement based on the capital budget available at that time.

### Minor Works Projects

I would also advise that the substantial reduction in capital budget from 2015/16 onwards means that the Minor Capital Works budget for 2015/16 is now fully committed.

I can assure you that I will be taking every opportunity to bid for additional funds and have already made substantial capital bids to support this and other similar projects during the June 2015 monitoring round. Should funding become available it would be the intention that Minor Works projects could be released to tender stage, depending on the priority and the availability of budget.

**Mr McCallister** asked the Minister of Education for an update on the review of removing the current teacher exception 15, permitted under Article 71 of the Fair Employment and treatment (Northern Ireland) Order 1998.

**(AQW 48184/11-15)**

**Mr O'Dowd:** I have previously stated that I do not believe there is a need to continue with the exception; however, any removal of the exception under Article 71 of the Fair Employment and Treatment (NI) Order (FETO) is a matter for OFMdFM to take forward and should be subject to a full public consultation.

**Mr Eastwood** asked the Minister of Education whether boards of governors in the Catholic Maintained sector are accountable to the Council for Catholic Maintained Schools.

**(AQW 48228/11-15)**

**Mr O'Dowd:** The primary purpose of the Council for Catholic Maintained Schools (CCMS) is to provide an upper tier of management for the catholic maintained sector. It has a statutory duty to promote the effective management and control of Catholic Maintained Schools by the Boards of Governors of such schools.

The Board of Governors manages each Catholic Maintained School on a day to day basis in line with a Scheme of Management provided by CCMS. The Council may challenge a school to raise its standards through the Board of Governors and may also direct a Board on the implementation of legislation and policies.

CCMS is the employing authority for all teachers in Catholic Maintained Schools and provides a Scheme of Employment which guides the Board of Governors on matters pertaining to the recruitment of teachers.

## Department for Employment and Learning

**Mr Easton** asked the Minister for Employment and Learning whether he has considered what additional support his Department can provide to the Kilcooley Women's Education Centre to ensure it remains open should his Department does not award it any funding from the European Social Fund.

**(AQW 46670/11-15)**

**Dr Farry (The Minister for Employment and Learning):** The European Social Fund Programme was oversubscribed by 80% in terms of the number of applications received and funding available. Therefore, it was not possible to fund all organisations which applied to the programme.

Whilst a number of applicants submitted proposals which met the stipulated quality score, they did not rank highly enough in the overall merit order to benefit from the finite amount of funding that is available under the Programme. Those applicants that were unsuccessful were afforded an opportunity to receive details of the outcome of their application. In addition, unsuccessful applicants also had an opportunity to appeal the score which they were awarded. Training for Women Network (TWN), the lead partner for Kilcooley Women's Education Centre, decided to avail of the appeal mechanism but the score which was originally awarded to TWN remained unchanged following consideration by the appeals panel.

Given the 2015/16 budget outcome, resources are not currently available in the budget of my Department to extend funding to those organisations which did not meet the funding threshold for the new European Social Fund Programme 2014-2020.

**Ms Sugden** asked the Minister for Employment and Learning how recent budget cuts will impact upon collaborative efforts between the Northern Regional College and Ulster University, Coleraine, to establish Foundation degrees in Performing Arts and Computing in September 2016 and in Business with Information Technology in September 2017.

**(AQW 47558/11-15)**

**Dr Farry:** My policy is to encourage the provision of Foundation Degrees as the primary intermediate level professional and technical qualification which will have a major role to play in meeting the higher level priority skills needs of the Northern

Irish economy. Over the last few years, I have made increased funding available to provide an additional 83 full time higher education places at Northern Regional College, bringing the overall total allocation to 332 places.

However, in the current financial climate I have recently had to pass on budgetary reductions to all providers of higher education. While the total numbers of full time higher education places in the regional Further Education Colleges has been protected for this year, there is little likelihood of further expansion in the short term.

My Department does not determine the disciplines in which the universities and regional colleges will collaborate in the development of Foundation degree qualifications. It is entirely a matter for the senior management of the institutions to determine the allocation of places across the course provision to best meet local demand.

**Mr D McIlveen** asked the Minister for Employment and Learning what action his Department is taking to address male unemployment in Ballymena given it is double that of females.

**(AQW 47668/11-15)**

**Dr Farry:** Across all super council areas the male unemployment rate, as measured by the claimant count, is higher than that for females and, in many cases, it is more than double the rate for females. This will be due to a number of factors, including the tendency for women to have lower economic activity rates. When people are asked why they are economically inactive the main reasons include sickness/disability and looking after the home. Only about 10% of people who are economically inactive say they would like a job.

The Employment Service offers a wide range of assistance to clients to help them overcome barriers to work and to move towards, and into, work. This is delivered by staff working throughout our network of 35 Jobs & Benefits Offices and Jobcentres.

Employment Service staff in Ballymena Jobs and Benefits Office (JBO) assist male and female Jobseekers to find employment or access alternative employment, or training programmes, to assist them to return to work. They offer a range of services to clients, who are unemployed in the Ballymena area. This may include work readiness assessments, one to one tailored support and advice, assistance with jobsearch, CV building, completion of application forms, preparation for interviews and/or assistance with travel costs to interviews. They provide information and support to clients, and refer clients to specialist provision when appropriate.

In addition, Ballymena JBO staff facilitate a Jobclub in the local library on a weekly basis; this service is delivered free of charge to all clients. Jobclubs are very popular with clients, particularly the additional support of assistance with letter writing, telephone skills, social media, references and psychometric tests.

Staff recently facilitated Jobclub sessions within two Neighbourhood Renewal areas; these were attended by 13 clients in total. Six attended the Ballee Jobclub, four male and two female. In Ballykeel seven clients attended, three male and four female. Job outcomes are not known yet.

During the 2014/15 financial year 100 clients attended the Ballymena Jobclub, 62 were male and 38 female. Of the total participants, 68% subsequently found work, 47 were male and 21 female. The Jobseekers Allowance Register in Ballymena has fallen from 1722 in May 2014 to 1303 in May 2015.

My Department does not have programmes targeted specifically at men. In October 2014 delivery commenced of new employment programme, Steps 2 Success, which replaced the existing Steps to Work Programme. The Lead Contractor for the Ballymena area is EOS NI, with service delivery being undertaken by Network Personnel in this area. Steps 2 Success is designed to be more flexible than Steps to Work and contractors work with individuals to help them overcome barriers to work and to find and keep a suitable job. People aged 18 – 24 in receipt of Jobseekers Allowance are mandated to participate on Steps 2 Success after 9 months receipt of benefit and those aged 25+ after 12 months receipt of benefit.

**Mr Ramsey** asked the Minister for Employment and Learning to provide an update on whether Ulster University plan to acquire the lands which will be vacated by Foyle College.

**(AQW 47775/11-15)**

**Dr Farry:** The University signed an option to purchase agreement in December 2009 and the option was exercised during December 2011. There is as yet no firm date for Foyle College to vacate the site, but the University is advised that this is currently planned for summer 2017. Subject to satisfactory compliance with all terms of the agreement, the University would complete the purchase six months after Foyle College vacates the site.

**Ms Maeve McLaughlin** asked the Minister for Employment and Learning for an update on the business case for the expansion of Ulster University at Magee,

**(AQW 47799/11-15)**

**Dr Farry:** A first draft of the business case was submitted on 19 December last year and officials have provided feedback on this and met with the consultants and members of the Derry~Londonderry strategy Group to discuss it. A further draft was submitted on 25 June.



**Mr Gardiner** asked the Minister for Employment and Learning to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

**(AQW 47863/11-15)**

**Dr Farry:** Figures provided below relate to non ring-fenced Resource Departmental Expenditure Limit (RDEL) expenditure and are taken from Final Outturn position, except for 2014-15 where the Provisional Outturn position is detailed, as Final Outturn is not yet available.

	2014-15	2013-14	2012-13	2011-12	2010-11
Underspend	£1.4m	£4.0m	£0.5m	£2.7m	£2.8m
% of budget	0.2%	0.5%	0.1%	0.4%	0.4%

The main areas of underspend relate to demand led activities across my Department where budgets are based on best estimates at the time and actual numbers of participants may be lower than those anticipated.

The Budget Exchange Scheme is an agreement between the devolved Administrations and Her Majesty's Treasury that allows the Executive to carry forward unspent public expenditure from one year to the next up to a specified limit. At present, these limits allow for the carry forward of 0.6% of that year's RDEL and 1.5% of Capital Departmental Expenditure Limit (CDEL). This Scheme is managed centrally by the Executive.

**Mr Ó Muilleoir** asked the Minister for Employment and Learning whether his Department has mediated in the dispute between the University and College Union and Queen's University in the docking of staff members pay following their involvement in strike action in early 2014.

**(AQW 47870/11-15)**

**Dr Farry:** My Department provides funding to the local Higher Education Institutions for teaching and learning and research purposes. The Institutions are independent bodies and are responsible for their own policies and procedures, including employment matters. My Department has not mediated in this dispute and has no remit to do so.

## Department of Enterprise, Trade and Investment

**Mr Gardiner** asked the Minister of Enterprise, Trade and Investment how much his Department has paid to consultants in each year since 2011; and how much each agency or individual received in each year.

**(AQW 46696/11-15)**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** Payments to consultancy firms and individuals are set out in the tables below:

Name of Company	Expenditure 2011/12
A4E (Action for Employment)	49,932.88
AEA (consultancy)	£83,448.00
AECOM Limited	£12,315.77
Analysys Mason	£39,394.82
Arthur Cox	£213,964.00
Arup (Consultancy)	£15,000.00
Atkins Ltd	26,697.40
AVANTI (NI) LTD	121,186.00
Avia Solutions	£20,842.43
BDO (accountancy)	10,322.67
BT	£21,420.00
CEPA (Cambridge Economic Policy Associates)	£52,388.00
DMD Consultants	£18,797.09
Ekosgen	£8,216.35
FDI Intelligence Ltd	£8,850.75
FGS McClure Watters	£448.00

Name of Company	Expenditure 2011/12
Gotham Digital Science	£1,500.00
IT Guarded	£4,080.00
KPMG	£950.00
Mark Hart	£5,000.00
Michael Kitson	£9,900.00
Navigator Blue	£102,055.00
Ofgem	£78,590.00
Paul Lasok QC	£1,105.00
PWC	234,593.30
Primetrica Inc	6,750.00
Real Wireless Ltd	£9,990.00
RPS group	£101,513.71
RSM McClure Watters	£27,694.00
Sander Geophysics Ltd	398,000.00
SNR Denton (formerly Denton Wilde Sapte)	£22,309.94
Starfish Consulting Ltd	£1,250.00
Weber Shandwick Worldwide	3,625.00
<b>Total Spend</b>	<b>1,712,130.11</b>

Name of Company	Expenditure 2012/13
A4E (Action for Employment)	78,306.53
Action Renewables	£44,398.00
AECOM	£25,011.00
Arup (consultancy)	£2,481.00
ASM	67,490.70
Atkins Ltd	38,215.38
Avia Solutions	£8,251.19
Cambridge Economic Policy Associates (CEPA) Ltd	£109,200.00
Cavanagh Kelly	30,087.50
Deloitte	194,798.50
Hastings & Co	£14,755.00
IT Guarded	£3,600.00
KPMG	£85,181.40
Mark Hart	£4,500.00
McDonagh Philip Mr OBE	11,500.00
Navigator Blue	£59,226.60
Orion Innovations	58,050.00
P Simpson	£15,522.80
Paul Lasok QC	£7,518.32
PWC	222,082.26
Prisa Consulting	£28,875.00

Name of Company	Expenditure 2012/13
Ricardo-AEA Ltd	£59,833.00
Roper Stephen	19,350.00
RSM McClure Watters	£45,833.80
Sander Geophysics Ltd	987,027.00
SQW Ltd	39,991.00
Starfish Consulting Ltd	£1,250.00
<b>Total Spend</b>	<b>£2,262,335.98</b>

Name of Company	Expenditure 2013/14
AECOM	£11,230.00
Arthur Cox	81,393.26
ASM	80,887.46
Atkins Ltd	23,995.92
Cambridge Economic Policy Associates (CEPA) Ltd	£94,038.80
Deloitte	36,196.50
DMD Consultants (NI) Ltd	803.00
Energy Savings Trust and Verco	£25,000.00
Hastings & Co	£10,745.00
Innovations Ulster Ltd	24,770.00
Integrity NI	32,450.00
IT Guarded	£2,750.00
John Hunter	£14,000.00
King & Gowdy Solicitors	250.00
KPMG	1,942.00
Millward Brown Ulster	9,767.50
NI Science Park Foundation Ltd	56.00
Omagh Minerals Ltd	22,144.40
P Simpson	£3,876.20
Paul Lasok QC	£2,020.82
PWC	324,398.55
Prisa Consulting	£9,500.00
Ricardo-AEA Ltd	£11,920.00
RSM McClure Watters	59,402.20
SQW Ltd	39,991.00
Starfish Consulting Ltd	£1,250.00
York Aviation	£23,000.00
<b>Total Spend</b>	<b>£947,778.61</b>

Name of Company	Estimated Amount Paid 2014/15*
AECOM Ltd	3,438.19
Analysys Mason	9,498.00
Arthur Cox	80,599.88

Name of Company	Estimated Amount Paid 2014/15*
ASM	22,842.01
Atkins Ltd	18,782.95
CAPITA	3,105.00
Cogent Management Consulting	28,500.00
Deloitte	39,776.00
DMD Consultants (NI) Ltd	3,981.25
Fathom Energy and Environment Ltd	10,049.09
Fillmore Malcolm	1,385.00
Goodman Keith David	466.00
KPMG	10,531.00
Millward Brown Ulster	9,767.50
Morrow Gilchrist Associated	9,900.00
PA Consulting Group	119,704.00
PWC	39,550.94
Ricardo AEA Ltd	103,080.00
RSM McClure Watters	58,600.40
SQW Ltd	58,249.50
Whybrow JA Mrs	2,349.27
York Aviation LLP	25,227.00
<b>Total Spend</b>	<b>659,382.98</b>

\* Estimated expenditure figures have been provided for 2014-15 financial year as the Department's 2014-15 accounts have not been finalised.

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment to detail (i) the number of jobs promoted; (ii) the number of new jobs created (iii) assistance offered; and (iv) total investment in each of the 26 district council areas during the 2014/15 financial year, broken down by (a) locally owned companies; and (b) other companies.

**(AQW 47291/11-15)**

**Mr Bell:** The table below presents the number of jobs promoted, assistance offered; and total planned investment in each of the 26 district council areas during the 2014/15 financial year, broken down by (a) locally owned companies; and (b) other companies.

In order to protect the interests of its customers, Invest NI applies statistical disclosure controls to the release of commercially sensitive information during the lifetime of projects.

This means that information cannot be disaggregated if there are less than 5 businesses included in the results.

Invest NI is therefore unable to provide the detail requested on jobs created at this point in time for many of the DCA's.

The only area that does not breach this rule for the timeframe requested is Belfast, where there were 1,201 local jobs and 1,350 other jobs created.

Invest NI monitors individual projects on an ongoing basis to ensure that they comply with the conditions of the Letter of Offer and deliver the economic benefits envisaged. Any payment against jobs created is made retrospectively once they have been validated.

DCA	Externally-Owned			Locally-Owned		
	Assistance Offered £m	Planned Investment £m	New Jobs Promoted	Assistance Offered £m	Planned Investment £m	New Jobs Promoted
Antrim	3.68	15.15	39	7.35	78.70	793
Ards	0.72	5.97	47	1.07	6.54	183



DCA	Externally-Owned			Locally-Owned		
	Assistance Offered £m	Planned Investment £m	New Jobs Promoted	Assistance Offered £m	Planned Investment £m	New Jobs Promoted
Armagh	0.15	0.41	-	1.92	14.04	216
Ballymena	0.82	5.25	-	3.82	20.11	221
Ballymoney	0.06	0.34	7	0.80	2.92	55
Banbridge	0.01	0.02	-	1.61	18.31	93
Belfast	44.70	311.57	3,859	38.73	129.86	1,571
Carrickfergus	-	0.58	-	0.29	1.34	37
Castlereagh	0.85	2.48	-	1.70	6.04	150
Coleraine	-	-	-	1.23	5.95	147
Cookstown	1.00	10.24	129	3.89	49.37	309
Craigavon	10.52	177.90	686	11.01	94.61	638
Derry	7.85	35.03	42	3.64	18.01	454
Down	-	-	-	2.62	21.88	188
Dungannon	1.93	11.86	63	9.79	100.74	913
Fermanagh	1.17	12.92	89	0.94	4.22	180
Larne	0.49	1.57	-	0.43	1.78	70
Limavady	-	-	-	0.23	0.79	61
Lisburn	0.46	1.93	3	4.00	16.79	388
Magherafelt	-	0.01	-	2.12	9.06	214
Moyle	-	-	-	0.11	0.30	17
Newry & Mourne	1.32	25.94	115	7.50	57.88	659
Newtownabbey	3.07	30.12	33	1.11	4.96	125
North Down	0.29	0.76	2	1.29	7.35	165
Omagh	0.79	3.57	1	1.24	4.24	159
Strabane	0.10	0.46	-	1.54	10.49	162
Not Located	3.55	28.99	546	-	-	1

**Notes:**

- 1 These figures include both projects that are specifically aimed at job creation and projects that are not; therefore, job numbers do not directly correlate with the assistance and investment figures included in this table.
- 2 Invest NI revises performance data on a regular basis to ensure that it reflects implemented projects; therefore, the data above may differ to previously published information.

**Mr Weir** asked the Minister of Enterprise, Trade and Investment to detail the number of new jobs created with Invest NI's support in (i) Bangor; (ii) Holywood; (iii) Donaghadee; and (iv) Millisle in 2014/2015.

**(AQW 47422/11-15)**

**Mr Bell:** The number of new jobs created with Invest NI's support in 2014/15 were (i) 117 in Bangor, (ii) 24 in Holywood and (iii) 8 in Donaghadee.

In order to protect the interests of its customers, Invest NI applies statistical disclosure controls to the release of commercially sensitive information during the lifetime of projects.

This means that information cannot be disaggregated if there are less than 5 businesses included in the results.

As jobs are created over the lifetime of a project, the number of jobs created by individual investments at any particular point in time is commercially sensitive.

Invest NI is therefore unable to provide the detail requested on jobs created in (iv) Millisle at this point in time. Such information can only be released when a project has been successfully completed and control periods have ended.

**Mr Weir** asked the Minister of Enterprise, Trade and Investment to detail the number of new jobs created with Invest NI's support (i) in North Down; and (ii) in each constituency in each of the last five years.

**(AQW 47424/11-15)**

**Mr Bell:** Invest NI only holds information on jobs created since the beginning of the current Programme for Government. Therefore, the table below details the number of new jobs created with Invest NI's support (i) in North Down; and (ii) in each constituency in each of the last four years.

PCA	2011-12	2012-13	2013-14	2014-15
Belfast East	585	712	847	1,070
Belfast North	179	288	351	425
Belfast South	601	733	783	974
Belfast West	174	284	199	371
East Antrim	355	144	125	198
East Londonderry	189	141	201	255
Fermanagh & South Tyrone	249	409	635	521
Foyle	373	322	437	662
Lagan Valley	255	163	203	439
Mid Ulster	320	508	499	663
Newry & Armagh	851	764	388	641
North Antrim	148	154	274	259
North Down	95	61	128	155
South Antrim	213	744	415	816
South Down	259	223	299	356
Strangford	77	108	156	165
Upper Bann	472	210	486	1,076
West Tyrone	137	262	328	304

**Notes:**

An additional 112 jobs could not be allocated at this level.

Invest NI revises performance data on a regular basis to ensure that it reflects implemented projects; therefore, the data above may differ to previously published information.

**Mr Swann** asked the Minister of Enterprise, Trade and Investment for his assessment of the impact on local manufacturers' markets of the United States of America agreeing Trans-Pacific Partnership negotiations prior to agreement on Transatlantic Trade and Investment Partnership negotiations.

**(AQW 47582/11-15)**

**Mr Bell:** Both of these agreements are still in negotiation and will take some time to be finalised.

The Trans-Pacific Partnership negotiations were started in 2005 and were due to be completed in 2012. Twelve countries are included in the negotiations including the USA, Canada, Mexico, Japan, Australia, Singapore, Chile and Peru and four other countries.

The Transatlantic Trade and Investment Partnership when implemented will form a trading alliance between European Union member states and the USA and will represent 60% of global GDP. It has the potential to increase existing trade by up to 50% creating many new jobs. This agreement has the potential to offer greater opportunities for Northern Ireland companies when it has been completed.

Exports by Northern Ireland companies to the USA continue to grow, and have increased by 27.5% over the last 3 years and now stand at £572.7million per annum. Exports to the main Asia Pacific countries have increased by 8.8% over the last 3 years and are now at £610million per annum.

My Department working alongside Invest NI continues to promote and encourage Northern Ireland companies to export to markets in Asia Pacific as well as the Americas.

I believe our local companies are well positioned to exploit these opportunities and will continue to grow in these export markets, the timing of the completion of these agreements will not have an adverse effect on them.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment (i) how many information requests related to petroleum exploration have been received in the last 18 months; (ii) how many were answered in the time limit of 20 days; (iii) how many required an extension; and (iv) of those requiring an extension, how many were not answered within the time laid down by regulations.

**(AQW 47623/11-15)**

**Mr Bell:** Since 1 January 2014:

- (i) 111 EIR requests related to petroleum exploration have been received;
- (ii) 23 with a further 5 withdrawn and 1 ongoing
- (iii) 6
- (iv) 5

**Mr D McIlveen** asked the Minister of Enterprise, Trade and Investment to outline the impact of InvestNI's support for businesses within North Antrim over the last five years.

**(AQW 47677/11-15)**

**Mr Bell:** The impact of Invest NI's support in North Antrim in the last five years has been considerable. Between 1st April 2010 and 30th March 2015 Invest NI made 1,019 offers of support to companies in North Antrim, offering £25.78 million assistance which contributed to total investment in the constituency of £137.78 million. This has led to the promotion of 1,296 new jobs in the area and safeguarded 1,316 jobs.

For example, in May 2014 it was announced that Wrights Group was investing over £14 million in five research and development (R&D) projects, and creating 130 new jobs, to further strengthen its product portfolio and its ability to sell into markets around the world. Invest NI offered £1.8 million of support for the R&D projects, part funded by the European Regional Development Fund, and £650,000 support for the 130 jobs.

Invest NI continues to support job creation, business growth and investment in North Antrim, collaborating with local stakeholders to review the features and benefits of North Antrim to maximise opportunities to secure additional jobs in North Antrim.

**Ms Boyle** asked the Minister of Enterprise, Trade and Investment to outline the (i) number; and (ii) percentage of the jobs created by (a) locally owned companies; and (b) other companies with Invest NI support in the Strabane district council area during the 2014/15 financial year; and how many of these jobs offer a salary above the Private Sector Median.

**(AQW 47782/11-15)**

**Mr Bell:** During the 2014-15 financial year 128 jobs were created with the support of Invest NI in the Strabane District Council Area. However Invest NI is unable to provide the remaining detail requested at this point in time.

In order to protect the commercial interests of its customers, Invest NI applies statistical disclosure controls to the release of commercially sensitive information during the lifetime of projects. This means that information cannot be disaggregated if there are less than 5 businesses included in the results.

As jobs are created over the lifetime of a project, the number of jobs created by individual investments at any particular point in time and the salaries that they attract is commercially sensitive. The release of this information could potentially provide competitors with an insight into a company's business performance. Such information can only be released when a project has been successfully completed and control periods have ended.

Invest NI monitors individual projects on an ongoing basis to ensure that they comply with the conditions of the Letter of Offer and deliver the economic benefits envisaged. Any payment against jobs created is made retrospectively once they have been validated.

As jobs are created over the lifetime of a project, centralised analysis of information relating to job quality is of no value until such times as projects have delivered the total jobs envisaged, at which point a post-project evaluation is undertaken.

**Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment for an update on sub-regional strategy for the North West.

**(AQW 47800/11-15)**

**Mr Bell:** The Ministerial Sub-Group on Regional Opportunities is currently considering initiatives to deliver a balanced regional economy.

As part of the Community Planning process Causeway Coast & Glens Council has completed its Economic Integrated Strategy while Derry City & Strabane District Council is currently finalising its economic strategy. Invest NI has had an active role in supporting the Councils to develop these strategies which will support regional economic development in the North West.

**Mr Hussey** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 46080/11-15, when the relevant sub-regional results will be issued.

**(AQW 47805/11-15)**

**Mr Bell:** Invest Northern Ireland released its performance results broken down by District Council Area on Tuesday 16 June. Press releases for each of these areas are available on Invest NI's website at <https://www.investni.com/news/index.html>.

Pursuant to AQW 46080/11-15, of the 2,213 businesses supported outside Belfast, 140 were in West Tyrone.

**Mr Gardiner** asked the Minister of Enterprise, Trade and Investment to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

**(AQW 47864/11-15)**

**Mr Bell:**

- (i) The tables below show the financial performance by main DETI business area for each of the last five years by expenditure category (Resource DEL, Capital DEL, Ring-fenced Financial Transactions Capital DEL and Ring-fenced Resource DEL). Please note that some totals may not add due to rounding.
- (ii) General Resource and Capital underspending in DETI over the last five years, together with general underspending in other departments, would be carried forward to the next financial year under the Budget Exchange Scheme and so has not been lost to the Executive to fund public services. Underspending in the ring-fenced budgets cannot be used for any other purpose.

#### **Resource DEL**

##### **2014-15 Resource DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Provisional Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	23.19	23.17	0.02	99.9
Invest NI	134.06	131.67	2.39	98.2
Tourism NI	19.13	19.11	0.02	99.9
Consumer Council NI	1.32	1.32	0.00	99.8
HSENI	6.53	6.46	0.07	98.9
InterTrade Ireland Ltd	3.27	3.17	0.10	97.0
Tourism Ireland Ltd	14.67	14.70	-0.03	100.2
<b>Totals</b>	<b>202.17</b>	<b>199.60</b>	<b>2.58</b>	<b>98.7</b>

##### **2013-14 Resource DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	27.65	26.40	1.25	95.5
Invest NI	115.57	115.20	0.37	99.7
Tourism NI	18.88	18.94	-0.06	100.3
Consumer Council NI	1.44	1.44	-0.01	100.3
HSENI	6.46	6.40	0.06	99.1
InterTrade Ireland Ltd	3.37	3.27	0.10	96.9
Tourism Ireland Ltd	15.06	15.16	-0.10	100.7
<b>Totals</b>	<b>188.44</b>	<b>186.82</b>	<b>1.62</b>	<b>99.1</b>



**2012-13 Resource DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	27.35	26.51	0.84	96.9
Invest NI	106.94	104.87	1.82	98.3
Tourism NI (1)	21.72	39.00	-17.28	179.6
Consumer Council NI	1.48	1.48	0.00	99.9
HSENI	6.58	6.41	0.18	97.3
InterTrade Ireland Ltd	3.49	3.46	0.03	99.1
Tourism Ireland Ltd	15.46	15.63	-0.17	101.1
<b>Totals</b>	<b>183.01</b>	<b>197.34</b>	<b>-14.33</b>	<b>107.8</b>

**Note 1:** This includes a technical overspend of £18.2M for the write-off of a Tourism NI EU debtor where budget cover was held at centre by DFP.

**2011-12 Resource DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	25.81	24.20	1.62	93.4
Invest NI	107.61	106.47	1.14	98.9
Tourism NI	20.20	19.78	0.42	97.9
Consumer Council NI	1.57	1.53	0.05	96.9
HSENI	6.46	6.27	0.20	96.9
InterTrade Ireland Ltd	2.99	2.98	0.00	99.9
Tourism Ireland Ltd	20.26	20.19	0.07	99.6
<b>Totals</b>	<b>184.90</b>	<b>181.41</b>	<b>3.49</b>	<b>98.1</b>

**2010-11 Resource DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	34.02	32.10	1.93	94.3
Invest NI	126.78	124.83	1.96	98.5
Tourism NI	16.04	15.68	0.36	97.8
Consumer Council NI	1.38	1.40	-0.02	101.4
HSENI	6.26	6.09	0.17	97.3
InterTrade Ireland Ltd	3.58	3.56	0.02	99.5
Tourism Ireland Ltd	16.26	16.23	0.03	99.8
<b>Totals</b>	<b>204.32</b>	<b>199.89</b>	<b>4.43</b>	<b>97.8</b>

**Capital DEL****2014-15 Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Provisional Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core (2)	1.13	1.05	0.08	93.1
Invest NI	15.36	15.46	-0.09	100.6
Tourism NI	5.97	5.97	0.00	100.0
Consumer Council NI	0.02	0.02	0.00	94.4
HSENI	0.04	0.04	0.00	92.5
InterTrade Ireland Ltd	0.01	0.01	0.00	75.0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>22.53</b>	<b>22.54</b>	<b>-0.01</b>	<b>100.0</b>

**Note 2:** This figure excludes £3.44M Capital for the Super Connected Cities project. The project is funded by the Department for Culture, Media & Sport (DCMS) and this amount has full end year flexibility. DETI has no role in the financial monitoring or management of the project, and act only as a conduit for funding and payments.

**2013-14 Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core (3)	-3.67	-3.66	-0.01	100.2
Invest NI	38.97	38.49	0.48	98.8
Tourism NI	1.74	2.23	-0.50	128.7
Consumer Council NI	0.02	0.02	0.00	0
HSENI	0.01	0.01	0.00	0
InterTrade Ireland Ltd	0.01	0.01	0.00	0
Tourism Ireland Ltd	0.00	0.00	N/A	N/A
<b>Totals</b>	<b>37.07</b>	<b>37.10</b>	<b>-0.03</b>	<b>100.1</b>

**Note 3:** This figure excludes £5.68M Capital for the Super Connected Cities project, which is subject to the same end year flexibility detailed at note 2 above.

**2012-13 Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	-9.13	-9.25	0.11	98.8
Invest NI	32.08	29.95	2.13	93.4
Tourism NI	6.35	5.84	0.51	92.0
Consumer Council NI	0.02	0.02	0.00	100.0
HSENI	0.03	0.05	-0.02	156.7
InterTrade Ireland Ltd	0.01	0.01	0.00	112.5
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>29.35</b>	<b>26.62</b>	<b>2.74</b>	<b>90.7</b>

**2011-12 Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	217.88	217.81	0.07	100
Invest NI	15.91	15.61	0.30	98.1
Tourism NI	8.93	8.94	-0.02	100.2
Consumer Council NI	0.02	0.01	0.00	77.8
HSENI	0.02	0.01	0.00	93.3
InterTrade Ireland Ltd	0.00	0.00	0.00	0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>242.75</b>	<b>242.38</b>	<b>0.37</b>	<b>99.8</b>

**2010-11 Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	6.05	5.92	0.13	97.8
Invest NI	32.97	32.21	0.76	97.7
Tourism NI	20.11	20.20	0.02	100.4
Consumer Council NI	0.14	0.13	0.01	94.2
HSENI	0.01	0.01	0.00	90.9
InterTrade Ireland Ltd	0.00	0.00	0.00	0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>59.28</b>	<b>58.46</b>	<b>0.82</b>	<b>98.6</b>

**Ring-Fenced Financial Transactions Capital DEL****2014-15 Ring-fenced Financial Transactions Capital DEL**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Provisional Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.05	0.05	0.00	100.0
Invest NI	7.10	6.80	0.30	95.8
Tourism NI	-	-	-	-
Consumer Council NI	-	-	-	-
HSENI	-	-	-	-
InterTrade Ireland Ltd	-	-	-	-
Tourism Ireland Ltd	-	-	-	-
<b>Totals</b>	<b>7.15</b>	<b>6.85</b>	<b>0.30</b>	<b>95.8</b>

**Ring-Fenced Resource DEL (Non Cash)****2014-15 Ring-fenced Resource DEL (Non Cash)**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Provisional Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.45	0.45	0.00	100.0
Invest NI	1.56	2.34	-0.78	150.3
Tourism NI	0.34	0.34	0.00	100.0
Consumer Council NI	0.36	0.31	0.05	86.7
HSENI	0.02	0.02	0.00	83.3
InterTrade Ireland Ltd	0.01	0.01	0.00	109.0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>2.74</b>	<b>3.48</b>	<b>-0.73</b>	<b>126.8</b>

**2013-14 Ring-fenced Resource DEL (Non Cash)**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.45	0.43	0.02	95.9
Invest NI	1.15	1.07	0.08	93.4
Tourism NI	0.26	0.39	-0.13	151.5
Consumer Council NI	0.19	0.40	-0.21	209.5
HSENI	0.03	0.02	0.00	92.3
InterTrade Ireland Ltd	0.01	0.01	0.00	0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>2.08</b>	<b>2.33</b>	<b>-0.25</b>	<b>111.8</b>

**2012-13 Ring-fenced Resource DEL (Non Cash)**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.50	0.49	0.01	97.6
Invest NI	1.15	1.07	0.08	92.8
Tourism NI	0.26	0.26	0.00	100.8
Consumer Council NI	0.04	0.04	0.00	97.4
HSENI	0.12	0.03	0.09	21.7
InterTrade Ireland Ltd	0.01	0.01	0.00	100.0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>2.07</b>	<b>1.89</b>	<b>0.18</b>	<b>91.1</b>



**2011-12 Ring-fenced Resource DEL (Non Cash)**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.54	0.53	0.01	99.0
Invest NI	2.00	1.05	0.95	52.5
Tourism NI	0.26	0.19	0.07	71.5
Consumer Council NI	0.18	0.04	0.14	80.5
HSENI	0.12	0.06	0.06	52.2
InterTrade Ireland Ltd	0.00	0.00	0.00	0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>3.09</b>	<b>1.87</b>	<b>1.22</b>	<b>60.5</b>

**2010-11 Ring-fenced Resource DEL (Non Cash)**

<b>Business Area</b>	<b>Final Plan (£M's)</b>	<b>Final Outturn (£M's)</b>	<b>Amount of Underspending (£M's)</b>	<b>% Outturn</b>
DETI Core	0.48	0.46	0.02	116.4
Invest NI	2.61	2.71	-0.10	103.9
Tourism NI	0.26	0.25	0.01	95.4
Consumer Council NI	0.14	0.03	0.11	24.1
HSENI	0.12	0.06	0.05	55.7
InterTrade Ireland Ltd	0.00	0.00	0.00	0
Tourism Ireland Ltd	0.00	0.00	0.00	0
<b>Totals</b>	<b>3.61</b>	<b>3.52</b>	<b>0.09</b>	<b>97.5</b>

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment (i) how many complaints have been received by trading standards in each year since 2010 for the alleged sale of counterfeit products online; (ii) how many of these complaints have been upheld in each year; and (iii) how many have resulted in a successful prosecution.

**(AQW 47885/11-15)**

**Mr Bell:**

- (i) Listed below is an annual breakdown of the number of complaints received by DETI's

Trading Standards Service (TSS) since 2010, for the alleged sale of counterfeit products online.

<b>Annual Breakdown</b>	<b>Total Complaints</b>
2010	76
2011	40
2012	42
2013	42
2014	44
2015	14
<b>Total</b>	<b>*258</b>

\* Many of these complaints received are recorded for information only as the "seller" is often based outside the UK and Europe.

- (ii) TSS does not hold statistics on the number of complaints upheld.  
 (iii) The number of successful prosecutions since 2010 is five.

**Mr Frew** asked the Minister of Enterprise, Trade and Investment to detail any grants or finance available to businesses to install LED lighting to improve their energy efficiency.

**(AQW 47920/11-15)**

**Mr Bell:** Invest NI currently provides interest-free energy efficiency loans of between £3,000 and £400,000 to help Northern Ireland businesses reduce their operating costs by installing more energy-efficient equipment. The size of loan available is dependent on the energy saving potential of any particular project.

In the financial year 2014/15 the Energy Efficiency Loan Fund offered 133 loans for lighting projects with a total value of just over £2.5million.

Invest NI also offers technical consultancy support to businesses to assess potential projects that could make resource efficiency cost savings. This technical consultancy covers all areas of resource efficiency including energy.

**Mr Frew** asked the Minister of Enterprise, Trade and Investment to detail any grants or finance available to businesses to improve their energy efficiency.

**(AQW 47922/11-15)**

**Mr Bell:** Invest NI provides funding for the Energy Efficiency Loan Fund in Northern Ireland which is managed and delivered by Carbon Trust. The Fund offers interest-free loans from £3,000 - £400,000 to Northern Ireland businesses to help them install more energy efficient equipment.

Invest NI provides technical advice, action plans and project management support to assist businesses with the management of energy costs and for the deployment of renewable energy to help reduce operating costs.

Under my Department's Renewable Heat Incentive (RHI) Scheme, financial support is also available to businesses wishing to switch from fossil fuel heating systems to renewable heating technologies such as Biomass, Heat Pumps and Solar Thermal. More information on the RHI can be found at <http://www.nidirect.gov.uk/rhi>. Businesses may also benefit from the Utility Regulator's Northern Ireland Sustainable Energy Programme (NISEP).

**Mr Rogers** asked the Minister of Enterprise, Trade and Investment how many jobs, promoted by InvestNI in South Down in 2014-15, have yet to be realised.

**(AQW 47932/11-15)**

**Mr Bell:** During the 2014-15 financial year, with Invest NI support, businesses in the South Down constituency promoted 393 jobs. Normally a business will take 3-5 years to create all the jobs promoted in 2014-15.

Invest NI monitors progress by businesses it has supported to create jobs and financial support is only released when commitments have been met in line with an agreed plan.

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment to detail the (i) number; and (ii) percentage of jobs created by companies outside the north of Ireland that were promoted in (a) 2013/14; and (b) 2014/15 that would not have been eligible for selective financial assistance under the current rules.

**(AQW 47939/11-15)**

**Mr Bell:** In the financial year 2013-2014, of the jobs promoted by companies whose ownership rests outside Northern Ireland (i) 3,901 (ii) 83% would not be eligible for Selective Financial Assistance under the current rules.

In the period April-June 2014, of the jobs promoted by companies whose ownership rests outside Northern Ireland (i) 4,561 (ii) 99% would not be eligible for Selective Financial Assistance under the current rules.

**Mr Flanagan** asked the Minister of Enterprise, Trade and Investment to detail the jobs created in 2014/15 through the Regional Start Initiative in each of the 26 council areas.

**(AQW 47952/11-15)**

**Mr Bell:** The table below presents the number of jobs created in 2014-15 through the Regional Start Initiative in each of the 26 council areas.

DCA	Jobs Created
Antrim	35
Ards	56
Armagh	106
Ballymena	56
Ballymoney	36
Banbridge	62

<b>DCA</b>	<b>Jobs Created</b>
Belfast	575
Carrickfergus	25
Castlereagh	58
Coleraine	88
Cookstown	92
Craigavon	98
Londonderry	268
Down	103
Dungannon	131
Fermanagh	126
Larne	43
Limavady	49
Lisburn	147
Magherafelt	66
Moyle	16
Newry & Mourne	111
Newtownabbey	93
North Down	68
Omagh	117
Strabane	75

**Mr B McCrea** asked the Minister of Enterprise, Trade and Investment what steps he is taking to assist small and medium-sized enterprises with cyber security.

**(AQW 48016/11-15)**

**Mr Bell:** Invest NI has a team of seven ICT Advisors who provide advice and support to SME businesses in Northern Ireland. This includes advice around cyber security issues, such as network security. SMEs focused on export may also be eligible to apply for financially supported IT projects, where cyber security related software could be included as part of the project.

The NI Business Info website is the primary tool for providing business advice to Northern Ireland SMEs. It has a range of online guides in the area of IT and Security, including: IT security policies, Common IT security measures, Web-based application security, personnel training on data security awareness, data backup, virus identification and recovery, avoiding scams and theft of information from businesses.

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment what plans he has to review the difficulties, faced by people seeking to develop renewable energy projects, in accessing power supplies from the grid.

**(AQW 48031/11-15)**

**Mr Bell:** My Department does not have a role in grid connection or costs disputes, but I have written to NIE in relation to specific cases and asked to be kept advised of the outcome of its reviews.

Those experiencing difficulties or wishing to complain about connection issues should do so, in the first instance, through NIE's internal complaints handling arrangements.

If they remain dissatisfied, the Consumer Council has a role to help consumers with electricity complaints. Where the Consumer Council is unable to resolve a matter, the matter may also fall under the remit of the Utility Regulator who can act as dispute resolution authority in certain matters.

**Ms Sugden** asked the Minister of Enterprise, Trade and Investment what legislation his Department plans to bring forward by the end of the current Assembly mandate.

**(AQW 48061/11-15)**

**Mr Bell:** The Department currently has two Bills in the Assembly:

- The Insolvency Amendment Bill; and

■ The Credit Unions and Co-operative and Community Benefit Societies Bill.

There are no plans to introduce further Bills in the current mandate.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 46005/11-15, to which planning approval for a waste incinerator his answer refers.

**(AQW 48087/11-15)**

**Mr Bell:** Pursuant to AQW 46005/11-15, I would confirm that my answer refers to the consultation regarding planning application number Z/2012/1387/F. This was described as 'Construction and operation of a combined heat and power generating station for the treatment of refuse derived fuel (RFD) by gasification'.

**Mr Somerville** asked the Minister of Enterprise, Trade and Investment to detail the capacity target in megawatts from renewable sources by 2020.

**(AQW 48158/11-15)**

**Mr Bell:** My Department has just recently published a "Review of the Costs and Benefits of the NI Executive's 40% Renewable Electricity Target." This work estimated that an installed capacity of just over 1500MW, depending on the technology mix, would be required to deliver the 40% target electricity consumption from renewable sources by 2020.

It should be noted that the 40% target is an electricity consumption target (MWh), not installed capacity (MW) target.

**Mr Somerville** asked the Minister of Enterprise, Trade and Investment to detail the megawatts generated from renewable sources in each of the last five years, broken down by source.

**(AQW 48160/11-15)**

**Mr Bell:** My Department publishes a bi-annual statistical publication to aid reporting against the Programme for Government 2011-15 target to encourage achievement of 20% of electricity consumption from renewable sources by 2015.

Three statistical publications covering the period April 2013 – March 2015 are available on the DETI web site at [http://www.deti.gov.uk/index/what-we-do/deti-stats-index/energy\\_statistics.htm](http://www.deti.gov.uk/index/what-we-do/deti-stats-index/energy_statistics.htm). The data is broken down by source.

Prior to April 2013, data was available from NIE and is set out in Table 1 below which details the proportion of electricity exported to the grid by renewable technology.

**Table 1 – Proportion of energy from each renewable source in megawatt hours from 2010/11 to 2012/13**

Technology	2010-11	2011-12	2012-13
Biogas	0	629	6,064
Biomass	59	99	5,051
Combined Heat & Power (CHP)	1,414	2,217	2,928
Hydro	7,668	7,673	9,478
Landfill Gas	59,533	57,674	57,394
Onshore Wind	675,394	1,094,209	1,026,321
Solar PV	13	15	12
Tidal Flow	1,380	1,048	3,567
<b>Totals</b>	<b>745,461</b>	<b>1,163,564</b>	<b>1,110,815</b>

**Mrs Overend** asked the Minister of Enterprise, Trade and Investment, in light of the Secretary of State for Energy and Climate Change's recent announcement on Renewable Obligations, to outline his future policy plans for Renewable Obligations Certificates.

**(AQW 48231/11-15)**

**Mr Bell:** The Secretary of State for Energy and Climate Change's announcement on 18 June to close the Renewables Obligation to onshore wind in 2016 is a measure that only applies to Great Britain.

I have already announced that I intend to keep the Northern Ireland Renewables Obligation open to onshore wind and other technologies until 1 April 2017.



## Department of the Environment

**Ms Lo** asked the Minister of the Environment, pursuant to AQW 42630/11-15, whether he has received the legal advice requested; and if so, when (i) it was received; and (ii) a response will be provided.

**(AQW 47096/11-15)**

**Mr Durkan (The Minister of the Environment):** The case R (on the application of Champion) (Appellant) –v-North Norfolk District Council and another (Respondents) was listed for hearing in the Supreme Court on 23 June 2015. I have not yet received further legal advice as indicated in my previous response as this will be dependent on the outcome of the hearing.

**Mr McKay** asked the Minister of the Environment whether he will introduce decommissioning bonds for large scale solar farms as is the case in Scotland.

**(AQW 47466/11-15)**

**Mr Durkan:** Arrangements for the future decommissioning of large-scale solar farms are a material consideration in the assessment of planning applications for this type of development.

Policy and guidance encourages councils or, as the case may be, the Department to ensure that such permissions are temporary and are subject to a planning condition requiring that all infrastructure associated with the development be removed from the site within an agreed period from the date of commissioning, or in the event that electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). The condition will also require that the land is restored in accordance with a decommissioning scheme submitted to, and agreed in writing by the Department.

My Department is currently finalising supplementary guidance on the processing of solar farm applications. This guidance will set out the issues that should be considered when processing this type of application, including the need to secure decommissioning and site restoration by way of condition. This guidance is with DETI, who have responsibility for energy policy, for consultation and I intend to publish the guidance as soon as possible thereafter. This matter is also addressed in the finalised Strategic Planning Policy Statement which is now complete and awaiting Executive consideration.

However, as is the case in Scotland, the detailed arrangements for securing compliance with decommissioning conditions (including the use of bonds or other forms of financial surety as a guarantee that funding is in place for future decommissioning) are ultimately a matter for the new local councils or, as the case may be, the Department to consider through the development management process. The Department understands that in Scotland, and other parts of the UK, the decision to seek a decommissioning bond is at the discretion of the planning authority and is not a requirement of planning policy.

However, I give the Member my commitment that I will examine the practice of seeking decommissioning bonds as part of my fundamental review of planning policy for renewable energy which I will commence following publication of the SPPS.

**Mr McKay** asked the Minister of the Environment to list the meetings he has had with developers concerning solar farm applications.

**(AQW 47468/11-15)**

**Mr Durkan:** I have met with developers in relation to solar farm developments on three occasions; two of those have been with Elgin Energy who recently submitted a planning application for a 50Mw solar farm near Kells, Co. Antrim. The other meeting took place with a renewable energy company called Lightsource.

**Mr Gardiner** asked the Minister of the Environment to detail the total (i) number of full time equivalent employees; and (ii) salary costs as of 1 April in each financial year from 2007, broken down by (a) his Department; and (b) each of his Department's arm's-length bodies.

**(AQW 47523/11-15)**

**Mr Durkan:** The total number of full time equivalent employees (FTE) as of 1 April from 2007 and the associated salary costs for the Department is set out in the table below.

### DOE

Date	Number of Employees(1) (FTE) in DOE	Salary Costs(2) £
1 April 2007	2,716(3)	79,796,000
1 April 2008	2,723	86,090,000
1 April 2009	2,853	90,557,000
1 April 2010	2,812	89,776,000
1 April 2011	2,565	85,956,000
1 April 2012	2,543	90,468,000

Date	Number of Employees(1) (FTE) in DOE	Salary Costs(2) £
1 April 2013	2,544	91,747,000
1 April 2014	2,609	95,121,000
1 April 2015	2,030	Current year

1 Staffing figures as at 1 April date.

2 Salary Costs cover the financial year (April to March) commencing on the date shown in first Column.

3 Staffing figures are for 1 July 2007 as April 2007 figures not available.

The Department has two Arm's Length Bodies (ALBs): Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) and Local Government Staff Commission (LGSC). The total number of staff (FTE) as of 1 April from 2007 and the associated salary costs for each ALB are set out in the tables below.

#### NILGOSC

Date	Number of NILGOSC Employees (FTE)	Salary Costs £
1 April 2007	40	1,170,000
1 April 2008	45	1,337,000
1 April 2009	49	1,481,000
1 April 2010	48	1,505,000
1 April 2011	47	1,456,000
1 April 2012	48	1,541,000
1 April 2013	52	1,759,000
1 April 2014	56	1,920,000

#### LGSC

Date	Number of LGSC Employees (FTE)	Salary Costs £
1 April 2007	11	429,000
1 April 2008	11	461,000
1 April 2009	11	502,000
1 April 2010	11	479,000
1 April 2011	11	486,000
1 April 2012	11	490,000
1 April 2013	10	478,000
1 April 2014	10	479,000

**Lord Morrow** asked the Minister of the Environment, since the recent introduction of the MOT motorcycle brake test, to detail (i) how many accidents or incidents have occurred; (ii) how they are recorded; (iii) how many were injury and non-injury accidents; and (iv) whether all accidents are reported to the Health and Safety Executive.

(AQW 47533/11-15)

**Mr Durkan:**

- (i) During the period 6 October 2014, when the motorcycle roller brake test was first introduced, to 31 March 2015 the Driver & Vehicle Agency (DVA) conducted 5,448 full motorcycle vehicle tests. During that time there were 2 reported incidents, of which one was classified as an accident and the other as a near miss. One further near miss was reported in April 2015.
- (ii) Details of incidents where an injury, or ill health, has occurred are recorded on the Departmental Accident Report Form (HS1) while details of incidents where no injury has occurred are recorded on the Departmental Near Miss Report Form (HS3). Both forms are completed by line management and forwarded to the Department's Health & Safety Section. An

Accident Book is also retained at each DVA Test Centre and is completed for all work related accidents by the injured party or someone acting on their behalf.

- (iii) Of the 3 reported incidents to date one was reported as an Accident with the remaining 2 reported as Near Misses.
- (iv) No incidents relating to the new motorcycle roller brake test required reporting to the Health and Safety Executive NI under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (NI) 1997 (RIDDOR).

**Lord Morrow** asked the Minister of the Environment for an update on his Department's position in respect of taxi meters and printers including (i) any progress made in regards to taxi meters and printers; (ii) whether any further consultations are required; and (iii) a timeline for implementation.

**(AQW 47591/11-15)**

**Mr Durkan:** In relation to further consultations, I would refer the member to my response to AQW 47212/11-15. I expect communication with the taxi industry on these matters to take place during July 2015, when further details and a timetable will be outlined.

**Lord Morrow** asked the Minister of the Environment whether the rolling road used in MOT testing has (i) European Union CE approval; and (ii) manufacturer approval to be used as a motorcycle test, and if not, (iii) to detail why this practice is permitted.

**(AQW 47593/11-15)**

**Mr Durkan:** The roller brake test equipment (rolling road) used during the annual vehicle test is CE approved and is approved by the manufacturer for testing motorcycles.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46650/11-15, whether he has appraised the Northern Ireland Executive of the risks of infraction initiated by the European Commission.

**(AQW 47618/11-15)**

**Mr Durkan:** My Department is compiling a response to a Pilot letter received following concerns raised with the European Commission about various issues concerning environmentalist regulation. These issues are already known to my Department and have been the subject of previous engagement at various levels including in the Courts and in the Assembly. My Department will appraise other Departments as necessary on any issues that impact on their responsibilities.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46650/11-15, to detail the (i) staff numbers; (ii) grades; and (iii) resources he has allocated to responding to the European Commission's complaint; and (iv) the impact this will have on other environmental services or obligations.

**(AQW 47619/11-15)**

**Mr Durkan:** The Department has not received a complaint from the European Commission. The Member State has received a Pilot letter following representations made to the Commission raising various concerns about environmental issues. These issues are already known to the Department and consequently work is now being done to compile a reply setting out the current position on each issue.

A temporary resource at Principal Planning Officer level will oversee and coordinate the inputs from several different business units across my Department. This will also require input from a number of staff at various grades as required.

It is not anticipated that this particular exercise will have any significant impact on the exercise of the department's other planning and environmental responsibilities.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46650/11-15, to detail (i) any actions being taken to address the systemic failures within the planning system, particularly in regard to the implementation of the Environmental Impact Assessment Directive; and (ii) what evidence exists to show that past inadequacies are no longer occurring and lessons have been learned.

**(AQW 47621/11-15)**

**Mr Durkan:** My officials are currently preparing a response to the issues raised by the European Commission in the Pilot letter referred to in my previous response.

I will carefully consider the information compiled for the Commission and decide if there are any issues my Department needs to address. I will ensure that any areas of concern are fully considered and the appropriate action taken forward.

**Mr Lyttle** asked the Minister of the Environment why Planning Policy Statement 7 (Quality Residential Environments) and Development Control Advice Note 8 (Housing in Existing Urban Areas) are not considered applicable by Belfast City Council and the Planning Service in regards to change of use applications for Houses of Multiple Occupancy.

**(AQW 47652/11-15)**

**Mr Durkan:** Since the majority of development management powers transferred to councils on the 1 April 2015, all planning applications for a change of use to a House in Multiple Occupation (HMO) fall to be considered by the relevant local council planning authority, in this case Belfast City Council.

Planning Policy Statement 7 'Quality Residential Environments', sets out the Department's planning policies for achieving quality in new residential developments. Two further addendums to PPS 7 were subsequently published entitled 'Residential Extensions and Alterations' and 'Safeguarding the Character of Established Residential Areas'.

This second Addendum to PPS 7 provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas and also sets out the policy on the conversion of existing buildings to flats, apartments and houses in multiple occupation.

DCAN 8 'Housing in Existing Urban Areas' has the purpose of providing advice and guidance to help ensure that urban and environmental quality is maintained, amenity preserved, and privacy respected when proposals are being considered for new housing development within existing urban areas.

The policies set out in PPS 7 and the advice and guidance contained within DCAN 8 are therefore material planning considerations which must be taken into account, along with all other material considerations, in the determination of planning applications for housing development, including applications for a change of use to a HMO.

All the fundamental factors involved in land-use planning constitute a material consideration. These include the relevant development plan, planning policy context, supplementary planning guidance etc. The 'Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015' is also a material consideration in the determination of applications for HMO development and must be read in conjunction with the relevant contents of regional planning policy (including PPS 7), and supplementary planning guidance (including DCAN 8). The relevance of and weight to be attached to a material consideration in reaching a decision is a matter of planning judgement for the decision-maker.

**Mr Swann** asked the Minister of the Environment, pursuant to AQW 46926/11-15, for a breakdown of the table showing the number of scheduled cross compliance inspections by the two methods of inspection selection.

**(AQW 47671/11-15)**

**Mr Durkan:** The locations of farms inspected from Single Farm Payment Claimants are recorded against the postcode of the registered address of the farm by the Northern Ireland Environment Agency. This is not necessarily the location of the land to which the inspection applies. These visits are not recorded on a Local Council, Northern Ireland Assembly or Westminster constituency basis.

There are two methods of selection for inspection visits: 25% are randomly selected from a list of all Single Farm Payment claimants; the remaining 75% being selected through a risk-based approach based on a number of parameters and on previous compliance records.

The table below shows the number of scheduled Cross Compliance inspections undertaken in each of the last three years by county and selection method.

Year	2012		2013		2014	
	Random	Risk	Random	Risk	Random	Risk
Down	18	93	12	107	18	44
Fermanagh	11	8	14	29	14	19
Armagh	16	64	12	17	10	21
Londonderry	13	60	9	17	15	45
Antrim	12	33	21	48	10	34
Tyrone	22	29	24	84	11	79
<b>Sub Totals</b>	<b>92</b>	<b>287</b>	<b>92</b>	<b>302</b>	<b>78</b>	<b>242</b>
<b>Totals</b>		<b>379</b>		<b>394</b>		<b>320</b>

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46239/11-15, whether (i) highly contaminated material has been deposited and remains in the floodplain adjacent to the River Faughan Special Area of Conservation; and (ii) this complies with the requirements of the Habitats Directive.

**(AQW 47692/11-15)**

**Mr Durkan:** The Northern Ireland Environment Agency has not tested the material from the settlement pools in question. This could threaten the integrity of these settlement pools. However, the Northern Ireland Environment Agency has, as previously advised, sampled the water in the pools. The results have previously been notified in answer to AQW 45141.

The Agency's approach has been supported by the court judgement laid down in the 2014 Judicial Review taken against the Department by the River Faughan Anglers. The latter considered the Habitats Directive.

NIEA is continuing to monitor the lagoons' content and is working with the site owners to ensure environmental protection.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46239/11-15, when the River Faughan Anglers can expect a final response to the notice it served on the Department on 24 September 2014 under the Environmental Liability Directive; and to explain the delay in addressing this matter.

**(AQW 47697/11-15)**

**Mr Durkan:** My Department's records show that a detailed response to this letter issued from the Permanent Secretary on 10 November 2014. I have asked my officials to forward a further copy to the River Faughan Anglers Ltd.

**Mr Nesbitt** asked the Minister of the Environment to detail the (i) total number of Written Assembly Questions answered; and (ii) percentage of Written Assembly Questions answered on time by his Department since May 2011.

**(AQW 47704/11-15)**

**Mr Durkan:** During the period from 1 May 2011 to 31 March 2015 the Department answered 3902 Written Assembly Questions. 61.25% of these were answered on time. A breakdown of this figure by year is shown in the table:

YEAR	No. of Written AQs received	No. of Written AQs answered	No. answered on time	% answered on time
2011/12	793	791	272	34.39
2012/13	966	956	474	49.59
2013/14	1007	998	737	73.85
2014/15	1158	1157	907	78.40
<b>Total</b>	<b>3924</b>	<b>3902</b>	<b>2390</b>	<b>61.25</b>

**Lord Morrow** asked the Minister of the Environment whether the rolling road used in MOT testing is specifically designed for motorcycles or is it a modified rolling road used for cars.

**(AQW 47724/11-15)**

**Mr Durkan:** The roller brake test equipment (rolling road) is designed, and supplied by the manufacturer for testing motorcycles and 4 wheel vehicles.

**Lord Morrow** asked the Minister of the Environment whether all motorcycle MOT testers (i) are trained, qualified and time-served motor cycle mechanics; (ii) are experienced motorcycle riders and licenced to ride high capacity motorcycles on the road; (iii) have a NVQ Level 3 in motorcycle maintenance; and (iv) wear approved motorcycle helmets and appropriate safety equipment when riding the motorcycle during the test.

**(AQW 47725/11-15)**

**Mr Durkan:** The Driver & Vehicle Agency's (DVA) vehicle examiners are fully qualified mechanics, having served a suitable apprenticeship period of at least three years, with a minimum of three years post apprenticeship experience, hold a minimum qualification of NVQ level 3 in Vehicle Mechanical and Electronic Systems (or equivalent) and possess a full current driving licence.

Each examiner must also successfully complete the appropriate comprehensive DVA training programme for the category of vehicle they are authorised to inspect.

DVA vehicle examiners are not required to:

- (i) be trained, qualified and time served motorcycle mechanics;
- (ii) be experienced motorcycle riders, licensed to ride high capacity motorcycles on the road;
- (iii) have an NVQ level 3 in motorcycle maintenance; nor
- (iv) wear an approved motorcycle helmet when riding a motorcycle during the test. However, they are required to wear standard DVA personal protection equipment when inspecting all types of vehicles.

**Mr Weir** asked the Minister of the Environment to detail the steps being taken to improve the quality of local beaches.

**(AQW 47743/11-15)**

**Mr Durkan:** The Department works closely with other Government and non-Government bodies to ensure that continued improvements are made at local beaches across Northern Ireland in a number of key areas. These are summarised below.



**Beach management**

With respect to beach cleanliness and amenity, responsibility for improving the quality of local beaches lies with beach operators. In the most part this is the relevant local authority in which the beach is located. The Department is responsible for the beaches at Crawfordsburn and Helen's Bay.

The Department has issued a Code of Practice on Litter to provide practical guidance on the discharge of the litter clearing duty, including specific guidance on beaches. The Code makes clear that amenity beaches should, as a minimum standard, generally be kept clear of all types of litter from 1 May to 30 September inclusive. The Code sets out that beaches should be subject to frequent monitoring and be cleansed as far as possible.

**Bathing Water Quality**

The Department is working with NI Water to improve sewerage infrastructure across the whole of the coastline. Upgrades to wastewater treatment works have been completed at Newcastle and Magilligan, with the provision of UV disinfection at both sites. Work continues on sewerage improvement schemes in Bangor and Millisle.

Bathing water quality in Northern Ireland has, on the whole, improved since monitoring began some 20 years ago. This is a result of such sewerage upgrades and better controls on pollution arising from other sectors including agriculture, forestry and industry.

In 2015 the revised Bathing Water Directive introduced tighter bathing water quality standards (approximately twice as stringent as the standards in the former Bathing Water Directive).

The Department has therefore continued to work closely with all partners inside and outside of Government to identify pollution pressures affecting bathing waters and to address these accordingly. This includes annual prioritisation of bathing waters for catchment based investigations and reactive catchment investigations in response to poor bathing water quality sample results obtained during the bathing season.

**Marine Litter**

DOE published the Northern Ireland Marine Litter Strategy which responds to the problem of litter on our coastline, and makes provision for concerted action against those who drop litter, through education, awareness-raising and volunteering programmes, along with promoting a strong system of enforcement.

The Department has contributed £212k (2014-2016) to Keep Northern Ireland Beautiful's Live Here Love Here campaign which highlights the benefits of keeping shared spaces, such as beaches, tidy and litter free through promoting volunteering opportunities and providing small grants.

Plastic represents approximately 75% of the litter found on sample Northern Ireland beaches in 2013 with drinks litter a fairly significant proportion of this. I am currently considering options with regard to a Deposit Return System which could make a positive contribution to reducing the prevalence of this type of litter.

**Good Beach Summits**

I have chaired a number of our Good Beach Summits, which are well attended by organisations who have an interest in improving the quality of local beaches.

An Action Plan has been developed and implemented through the Summits under four key strands:

- Improving water quality;
- Improving beach cleanliness, facilities, management & signage;
- Keeping the public and media better informed; and
- Supporting the coastal economy

The ninth Good Beach Summit on 19 September 2014 at the Down Civic Centre in Downpatrick was run as a workshop to pull together the outcomes from the Summits. The Department then presented a draft summary report at the 10th Summit on 20 May in the Portrush Coastal Zone. The report will be finalised and it is hoped it will be available online in the autumn.

The next Good Beach Summit is scheduled for September at the close of the 2015 bathing season.

**Mrs Hale** asked the Minister of the Environment whether the NI Environmental Impact Assessment Regulations are applicable in regards to wind farms, when determining set back distances for large single wind turbines.

**(AQW 47770/11-15)**

**Mr Durkan:** When The Planning (Environment Impact Assessment) Regulations 2015 apply to a wind farm development, the Regulations require the main environmental effects of a proposal to be identified. It would be expected that the proposed location of turbines will be part of the data required to identify and assess the main environmental effects of a development. The purpose of the assessments will be to identify the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects. This will, in all likelihood, influence the final position of the wind turbines and this information would then have to be included in the environmental statement that would accompany any planning application.

In determining planning applications for wind farms, the separation distance from occupied properties to the individual turbines will be considered in accordance with the relevant planning policy considerations as set out in Planning Policy

Statement 18 'Renewable Energy'. This states that 'for wind farm development a separation of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.'

The Member will be aware that, in response to a recommendation of the Environment Committee Wind Energy Inquiry, I have committed to looking at this important issue of set-back/separation distances as part of the review of planning policy for renewable energy. This review will begin following the publication of my Department's Strategic Planning Policy Statement.

**Ms Boyle** asked the Minister of the Environment to detail the (i) number of vehicles seized as a result of tachograph device offences; (ii) number of hauliers found guilty of tachograph device offences; and (iii) sentences imposed on those offenders. **(AQW 47778/11-15)**

**Mr Durkan:** The Driver & Vehicle Agency (DVA) has primary responsibility for the enforcement of legal requirements that govern the use of commercial goods vehicles on our roads and proactively targets a wide range of illegal activity within the road transport sector.

DVA has no powers to seize vehicles for tachograph device offences.

During the period 1 April 2014 to 31 March 2015, DVA enforcement checks resulted in the issue of 76 fixed penalty notices and 30 operators identified for prosecution action in relation to tachograph/drivers' hours offences. During this period none of the fixed penalty notices or prosecutions related to the interference with the proper and legal use of tachograph devices, however, a number of investigations into tachograph fraud are currently ongoing.

**Mrs Overend** asked the Minister of the Environment whether he considered widening the scope for increasing the size of mobile telecommunications masts within permitted development rights when drafting the proposed strategic planning policy statement.

**(AQW 47798/11-15)**

**Mr Durkan:** Planning legislation which governs permitted development rights is outside the scope of preparing the SPPS.

The relevant permitted development rights for Electronic Communications Code Operators in Northern Ireland are provided by Part 18 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015 and are subject to a number of limitations and conditions.

In April 2013 my Department extended the scope of these permitted development rights to include the replacement or extension of an existing mast previously erected following grant of planning permission and the installation, alteration or replacement of apparatus on an existing mast, providing it does not extend the mast above 10% of its original permitted height.

While my Department continues to review permitted development rights generally any further liberalisation of telecommunications permitted development would need to be carefully considered to ensure it does not compromise the amenity of neighbours or the environment.

**Lord Morrow** asked the Minister of the Environment whether risk assessments have been completed in respect of the recently introduced motorcycle MOT brake test for each category of motorcycle being tested; and are these risk assessments available on display in MOT centres or available on request.

**(AQW 47808/11-15)**

**Mr Durkan:**

- (v) The DVA Health & Safety Section, in consultation with Trade Union representatives, completed Generic Risk Assessments for the motorcycle brake roller test. Each Test Centre Manager also completes local risk assessments based on the findings of the generic assessments. It is not deemed reasonably practicable to conduct a risk assessment for each category of motorcycle being tested.
- (vi) Risk assessments are not on display in test centres however they are available on request.

**Mr Weir** asked the Minister of the Environment for an update on the regulations permitting council employees becoming elected Councillors.

**(AQW 47815/11-15)**

**Mr Durkan:** Section 5(1) of the Local Government Act (Northern Ireland) 2014 (The 2014 Act) amends section 4 of the Local Government Act (Northern Ireland) 1972 and removes the blanket ban on a council employee becoming a councillor, whether by election or otherwise. The amendment also provides the Department with power to make regulations to prescribe those paid offices and employments which continue to disqualify the holder from being a councillor.

The Local Government (2014 Act) (Commencement No.3) Order (Northern Ireland) 2015 (2015 No. 28 (C.3)) brought section 5(1) of the 2014 Act into operation on 1 February 2015.

The Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014 (2014 No. 292) (the Regulations) were consulted on from 28 July to 5 September 2014, and came into operation on 1 February 2015.

The Regulations specify that the clerk, chief financial officer, and scrutiny officer of a council are disqualified for being elected, or being, a councillor in their own or any other council; as are those council employees with remuneration that is above Spinal Column Point 32 on the pay spine for local government employees. The Regulations also specify that all council employees are disqualified from being elected, or being, a councillor in their employing authority.

**Mr Agnew** asked the Minister of the Environment to outline how the public benefited from his Department's decision not to take enforcement action against the unauthorised sand extraction from the bed of Lough Neagh Special Protection Area without planning permission or environmental regulation.

**(AQW 47846/11-15)**

**Mr Durkan:** My Department, under my instruction, has instigated enforcement action which is on-going.

**Mr Agnew** asked the Minister of the Environment to detail the environmental considerations that informed the decision not to implement the Review of Old Minerals Permissions (ROMPs): and what assurances he can provide that no environmental harm was caused as a result.

**(AQW 47847/11-15)**

**Mr Durkan:** Whilst the introduction of the legislation relating to the Review of Old Minerals Permissions (ROMPS) in Northern Ireland has not been commenced, there has been no decision taken not to implement ROMPS. The Department is not aware of any evidence of environmental harm as a result of this.

Following on from the successful transfer of most planning functions to councils on 1 April 2015, I have now instructed officials to examine how best to progress the Review of Old Mineral Permissions within the context of the new 2 tier planning system in Northern Ireland.

I am satisfied that, overall, the planning system, together with the Environment (Northern Ireland) Order 2002 and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 has and will continue to facilitate improvements in the operational requirements of minerals facilities as well as limiting potential adverse environmental effects.

**Lord Morrow** asked the Minister of the Environment to (i) provide or place in the Assembly Library a copy of the risk assessment of the equipment used for the MOT motorcycle brake test; and (ii) detail which agency designed the risk assessment and on which template or similar test conducted outside Northern Ireland it is based.

**(AQW 47905/11-15)**

**Mr Durkan:**

- (vii) A copy of the latest generic risk assessment for the new motorcycle brake roller test has been placed in the Assembly Library.
- (viii) The Driver & Vehicle Agency's Health & Safety officers conducted several generic motorcycle roller brake test health and safety risk assessments. These have not been based on any external template or similar test conducted outside Northern Ireland.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46637/11-15, to detail the number of local surveys of terns and grebes that have been conducted over the last five years.

**(AQW 47928/11-15)**

**Mr Durkan:** Northern Ireland Environment Agency, in conjunction with a number of partner organisations, monitors the Lough Neagh and Lough Beg Special Protection Area to assess changes in the bird populations for which the site was classified.

The breeding Common Tern population is surveyed annually at easily accessible sites; that is the tern rafts at Portmore Lough and Lough Beg. Coverage at these sites is undertaken by RSPB who then share this data with Northern Ireland Environment Agency.

Surveying the more remote islands can prove more problematic as breeding sites can vary between years and access isn't always straightforward. Northern Ireland Environment Agency ensures that these sites are covered at least once every six years. The last complete surveys were undertaken in 2010 and 2011, both within the past 5 years.

Passage and non-breeding populations of Great Crested Grebe are surveyed through the Lough Neagh Wetland Bird Survey programme. Monthly counts are undertaken outside the breeding season from September to the following March – 7 counts annually through the appropriate season totalling 35 surveys over the past 5 years.

Survey of the breeding Great Crested Grebe population is a significant undertaking due to the extent of the area to be covered and access issues. Northern Ireland Environment Agency ensures that these sites are covered at least once every six years to inform the EU condition assessment and the EU SPA reporting cycle. The last complete survey was undertaken in 2011/2012, and falls within the past 5 years.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46637/11-15, whether the extent of the monitoring of terns and grebes is sufficient to satisfy the requirements of European directives relating to the protection of wild birds and their habitats.

**(AQW 47929/11-15)**

**Mr Durkan:** Northern Ireland Environment Agency, in conjunction with a number of partner organisations, monitors the Lough Neagh and Lough Beg Special Protection Area to assess changes in the bird populations for which the site was classified.

Details of the survey frequency relating to Tern and Grebe populations at Lough Neagh and Lough Beg Special Protection Area was set out in my response to AQW 47928/11-15.

My Department continues to ensure that the survey programme at Lough Neagh and Lough Beg Special Protection Area is sufficient to fully meet the requirements of the European Birds Directive.

**Mr Agnew** asked the Minister of the Environment set out the reasons why his Department took the decision not to enforce action against unauthorised sand extraction from the bed of Lough Neagh and how this accorded with the precautionary principle.

**(AQW 47930/11-15)**

**Mr Durkan:** It is my understanding that previously a view was taken that it was not expedient to proceed with enforcement action given the length of time sand dredging had been taking place.

Clearly this decision did not fully consider the precautionary principle. However, when the issue was brought to my attention I instructed that an enforcement case be opened and an investigation begun.

As you are aware the enforcement case is on-going and those who are the subject of enforcement notices issued by the Department have exercised their statutory right to appeal to the Planning Appeals Commission. The PAC will hear the appeal in due course.

**Mr Agnew** asked the Minister of the Environment given (a) no planning policy statement was ever developed for minerals extraction; (b) the implementation of the Review of Old Minerals Permissions (ROMPs) has been repeatedly delayed; (c) historic decisions not to take enforcement action against unregulated sand extraction taking place from Lough Neagh Special Protection Area and other unauthorised minerals developments; and (d) a significant proportion of local minerals related planning applications are retrospective, for his assessment of the effectiveness of the local minerals planning system.

**(AQW 47931/11-15)**

**Mr Durkan:** Valid planning policy for minerals development is contained within 'A Planning Strategy for Rural Northern Ireland' (PSRNI). The minerals policy contained within the PSRNI has been reflected strategically within the draft Strategic Planning Policy Statement for Northern Ireland (SPPS). The final SPPS will be published as soon as possible following its consideration by the Executive Committee.

Whilst the legislation relating to the Review of Old Minerals Permissions (ROMPS) in Northern Ireland has not yet been commenced, following on from the successful transfer of most planning functions to councils on 1 April 2015, I have instructed officials to examine how best to progress the Review of Old Mineral Permissions within the context of the new 2 tier planning system in Northern Ireland.

As you are aware, planning enforcement is a discretionary function that may be used where it appears that there has been a breach of planning control and where it is expedient to issue a notice having regard to the provisions of the local development plan and to any other material consideration. Regarding previous decisions not to take enforcement action specific to unregulated sand extraction taking place from Lough Neagh, my response to AQW/47930/11-15 refers.

While previously a large number of minerals applications were retrospective, I am satisfied that, overall, the planning system, together with other consenting regimes delivers an effective local minerals planning system and will continue to facilitate improvements in the operational requirements of minerals facilities as well as limiting potential adverse environmental effects.

**Mr Clarke** asked the Minister of the Environment for an update on the application for the Hightown Incinerator, Newtownabbey.

**(AQO 8527/11-15)**

**Mr Durkan:** This application raises a wide range of issues and to date over 3400 objections have been received. My officials are currently considering all issues relevant to this application.

**Mr McCausland** asked the Minister of the Environment whether he was aware that there was no emergency exiting plan for Casement Park compliant with the Northern Ireland Guide to Safety at Sports Grounds 2007 when he gave planning approval for a new 38,000 seater stadium.

**(AQO 8531/11-15)**

**Mr Durkan:** My decision to grant planning permission for the redevelopment of Casement Park was taken on the basis that the stadium could accommodate 38,000 spectators. However planning permission was only one of a number of consents

that would have been required before this development could become operational. A safety certificate would also have been required. The issuing of a safety certificate for a sports ground is the subject of a detailed process by Belfast City Council.

It is considered acceptable to grant planning permission without considering safe evacuation where my Department knows the issue will be the subject of detailed consideration under a separate regulatory regime and the stadium cannot be used unless that certificate is in place. The lawfulness of this approach was confirmed by the Court in the legal challenge into my decision.

It is worth noting the Judgement by Justice Horner in relation to the Judicial Review of DOE's decision to grant planning permission for Casement Park:

*"In order for the ground to operate it requires a certificate under Article 5 of the Safety of Sports Ground (NI) Order 2006. Regulation 5(1) states that a 'safety certificate shall contain such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the sports ground when it is in use for the specified activity or activities, and the terms and conditions may be such as to involve alterations or additions to the sports grounds'."*

**Mr Agnew** asked the Minister of the Environment to detail the (i) recycling targets for commercial and industrial waste; (ii) rates of commercial and industrial waste in each of the last three years; (iii) processes in place to monitor and ensure that recycling of commercial and industrial waste is taking place; and for his assessment of the accuracy of the figures.

**(AQW 48005/11-15)**

**Mr Durkan:** Currently there are no EU or Northern Ireland commercial and industrial recycling targets. The Department does not hold recycling rate information for commercial and industrial waste for the last three years, and therefore no assessment on accuracy can be made.

The revised Waste Framework Directive requires the UK to take measures to promote high quality recycling. From 1 January 2015 waste collectors are required to take measures to ensure separate collection of waste paper, metal, plastic or glass are available in order to improve recycling and recovery. This requirement also applies to commercial and industrial waste. NIEA regulates waste collectors and monitors their decisions for selecting collection methods.

There is no current statutory requirement for businesses to recycle; however, the economic benefit from recycling acts as an important driver. The Department supports WRAP and other partners in providing information, advice and support to business to improve resource efficiency and increase recycling. From April 2016, businesses producing food waste will be required to present separated food waste for collection and onward recovery (usually by composting or anaerobic digestion).

**Ms McGahan** asked the Minister of the Environment what steps his Department is taking to improve road safety for cyclists in Fermanagh and South Tyrone.

**(AQW 48072/11-15)**

**Mr Durkan:** The Road Safety Strategy recognises cyclists as a vulnerable road user group and includes a range of actions that relate to cyclist safety.

My Department strives to ensure these activities are effective in influencing attitudes and behaviours. They do not target specific geographies; rather the campaigns and other activities are data-led, research-led and psychology-led to target the most at-risk cohorts of the entire population and the biggest killer behaviours on our roads.

A new cyclist safety television campaign, entitled "Don't Forget", was launched in April 2014, where both cyclists and drivers are encouraged to take personal responsibility for their behaviour on the roads and to give other road users due consideration. The core message is "Respect Everyone's Journey".

The campaign messages are addressed more fully in the online campaign available on NI Direct, where each scenario is developed and more detailed advice is provided to drivers and cyclists. The campaign has been supported by outdoor, digital and social media activity.

A cyclist safety Education Pack, based on the campaign, has been developed and made available to all schools and other organisations. This includes an eight minute DVD which provides advice for cyclists. Some clips from the DVD are also available on YouTube, namely the use of cycle lanes, and HGV and cyclist blind spots.

Each year my Department offers the Cycling Proficiency Scheme (CPS) to every primary school in Northern Ireland. Following a review of CPS, my Department has developed an enhanced CPS which began rolling out to schools in February 2015. New resources for this have been delivered to all participating schools and are also available on the teachers network C2K. The enhanced CPS is currently being delivered to 542 primary schools.

A 'Cycling Skills & Cycling Safety' guide, developed jointly by my Department and DRD, is available in hard copy and online and provides information on the benefits of cycling, on basic safety requirements and on the rules of the road.

Rules 204 to 218 in the Highway Code provide advice on how drivers should treat vulnerable road users, including cyclists, with extra care and attention. Advice specifically for cyclists can be found in Rules 59-82.

I recognise the continuing challenges of reducing casualties on our roads, and will take forward further actions as appropriate from my Department's ongoing analysis and research of road safety issues.



Mr Agnew asked Minister of the Environment, pursuant to AQW 47167/11-15, whether (i) the exploratory drilling on which his Department confirmed permitted development rights (PDR) is integral and additional to the development approved under K/2013/0072/F; and (ii) PDR are applicable in such circumstances where the development is additional to that which previously required planning permission.

**(AQW 48083/11-15)**

**Mr Durkan:** Dalradian submitted permitted development notification to the Department in January 2015, notifying of its intention to drill a series of boreholes in relation to mineral exploration in accordance with Part 16 the Planning (General Development) Order (NI) 1993.

The Department carried out an EIA determination in relation to the proposed development. The cumulative impact of this development with previously approved development was considered in the determination. It was not considered that the change to the project that would be brought about by the proposed development would be likely to have significant environmental impacts.

The Department wrote to the company in February 2015 to advise that their proposals met the requirement of Part 16 of the Planning (General Development) Order 1993.

**Mr Agnew** asked Minister of the Environment, pursuant to AQW 46650/11-15, whether he will provide the European Commission with all his responses to Assembly written questions regarding Lough Neagh Special Protection Area and the River Faughan and Tributaries Special Area of Conservation as part of his Department's required submission, given they provide consistent assurances of full compliance with European Union environmental law.

**(AQW 48146/11-15)**

**Mr Durkan:** The EU Pilot Letter referenced in my previous response refers to a range of issues which will be responded to in detail. Any Commission requests for supplementary information will be provided in full.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 46715/11-15, how his Department monitored the unauthorised sand extraction from the bed of Lough Neagh Special Protection Area between 5 August 2014 and 22 January 2015.

**(AQW 48222/11-15)**

**Mr Durkan:** As set out in my previous response as this is an ongoing formal enforcement case my Department is not in a position to comment further at this stage.

## Department of Finance and Personnel

**Mr Gardiner** asked the Minister of Finance and Personnel to detail the total (i) number of full time equivalent employees; and (ii) salary costs as of 1 April in each financial year from 2007, broken down by (a) her Department; and (b) each of her Department's arm's-length bodies.

**(AQW 47524/11-15)**

**Mrs Foster (The Minister of Finance and Personnel):** The number of full time equivalent employees and also the salary cost for each financial year from 2007 for the Department of Finance and Personnel are available online in the annual report and resource accounts of the Department at the attached link:-

[http://www.dfpni.gov.uk/publications-foi/publications-browse/publication-scheme-what-we-spend-how-we-spend-it/publication-scheme-what-we-spend-financial-statements/pub-ps-what-we-spend-resource\\_accounts/resource-accounts-archive.htm](http://www.dfpni.gov.uk/publications-foi/publications-browse/publication-scheme-what-we-spend-how-we-spend-it/publication-scheme-what-we-spend-financial-statements/pub-ps-what-we-spend-resource_accounts/resource-accounts-archive.htm)

The smaller arms length bodies are included in the Department's total.

The Department has responsibility for one North/South Body, Special European Union Programmes Body (SEUPB). SEUPB is funded 53%/47% by Northern Ireland and the Republic of Ireland. The number of full time equivalent employees and also the salary cost for each financial year from 2007 for the SEUPB are included in the annual report and accounts and these are available at the attached link:-

<http://www.seupb.eu/AboutUs/corporate-documents.aspx>

Audited figures for the most recent financial year are not yet available.

**Mr Weir** asked the Minister of Finance and Personnel pursuant to AQW 47128/11-15 to provide a breakdown of these figures by grade.

**(AQW 47802/11-15)**

**Mrs Foster:** My Department believes that the release of the information you seek could have the unintended consequence of identifying individual staff who have applied to the Scheme and those who subsequently received a conditional offer.

My Department will however publish key information relating to the management and outcome of the Scheme, on its website, after the Scheme has closed and when all the voluntary exits have been completed.

**Ms Sugden** asked the Minister of Finance and Personnel, pursuant to AQW 44941/11-15, whether the non-domestic rates revaluation was intended to support the regeneration of town centres: and to detail the number of non-domestic properties in (i) Coleraine, (ii) Limavady (iii) Portstewart and (iv) Portrush, that had rates increases as a result of Reval2015.

**(AQW 47871/11-15)**

**Mrs Foster:** The purpose of a revaluation is not to support the regeneration of town centres but to re-distribute the overall rate burden in a fairer way. This is achieved at a revaluation by following the market and using up to date rental information when assessing the new Net Annual Values (NAVs) at the statutory valuation date.

Land & Property Services analysed market rental information for the towns of Coleraine, Limavady, Portrush and Portstewart and established the new NAVs based on this market evidence. The outcome has resulted in both reductions and increases in the NAVs at all of these locations.

It is not possible to provide the precise information of rate increases as requested, given that the amount of rates changed as a result of regional and district rate poundages, reliefs, exemptions, rate convergence and other factors, and not just Reval 2015. Table 1 compares the change in Net Annual Values (NAVs) at the end of 2014-15, compared to the NAVs in the new Valuation List on 1st April 2015. An increase in NAV, however, did not always result in an increase in rate liability.

Table 1: NAV Changes

	Coleraine Town centre	Limavady Town Centre	Portrush Town Centre	Portstewart Town Centre
Number of non domestic properties	984	366	259	157
Number with NAV increased	419	216	150	118
Number with NAV decreased	392	74	69	15

**Note:** the old wards shown below have been used to define the town centre:

- Limavady: Roeside and Rathbrady Wards
- Coleraine: Central, Mountsandel and Waterside Wards
- Portrush: Royal Portrush Ward
- Portstewart: Portstewart Ward

**Mr Swann** asked the Minister of Finance and Personnel when she will publish a statement on June Monitoring.

**(AQW 48024/11-15)**

**Mrs Foster:** I will provide a Statement to the Assembly on the June Monitoring Round once Executive agreement on the outcome has been secured.

**Mr Ó Muilleoir** asked the Minister of Finance and Personnel to detail the latest Treasury estimate on the impact of the devolution of Corporation Tax on the block grant; and for her assessment of the Treasury workings behind their latest figures.

**(AQW 48030/11-15)**

**Mrs Foster:** Latest estimates from HM Treasury indicate that, were a 12.5% Corporation Tax rate to be applied from April 2017, the net cost to the NI Executive would build up to around £325m per year in 2019-20.

Agreement remains to be reached on the precise costs. Northern Ireland officials continue to engage with their UK Government counterparts, challenging the underpinning evidence robustly where necessary, to ensure a fair and proportionate outcome for Northern Ireland.

**Mr McMullan** asked the Minister of Finance and Personnel whether she will raise capital by requesting the transfer of the Crown Estate and its earning potential under the same transfer conditions as Scotland.

**(AQW 48047/11-15)**

**Mrs Foster:** All capital assets managed by the Crown Estate belong to the reigning monarch "in right of The Crown". It is therefore impossible for devolved administrations to raise capital funds through the transfer of the Crown Estate.

In Scotland the Smith Commission recommended the devolution of the management of the Crown Estate, including revenue generation. In Northern Ireland the Crown Estate is a reserved matter under the Northern Ireland Act 1998.

The Crown Estate assets in Northern Ireland generated revenue of £1.3 million in 2014-15. In comparison, implementing the Stormont House Agreement would secure a financial package of £2 billion.

That is where the focus of my discussions will be with the UK Government.

**Mr Dickson** asked the Minister of Finance and Personnel to detail (i) the criteria used to review Contract P3436 (Supply of temporary/short-term workers to NI Civil Service 2011) when her Department twice exercised its annual option to extend the

initial two year contract in 2013 and 2014: (ii) the managerial level at which this review was carried out and the decision to extend the contract made.

**(AQW 48067/11-15)**

**Mrs Foster:**

- i) The Department of Finance and Personnel's Central Procurement Directorate (CPD) establishes contracts on behalf of NICS Departments and their sponsored bodies. The process for considering extensions to Contract P3436 was as follows:
  - 1 Consult with NICS Departments and their sponsored bodies to establish if they still require the services and to confirm that the Contractor's performance is satisfactory.
  - 2 Confirm that the contract users have sufficient funds available to pay for the service and that a business case has been documented and approved for the extension period.
  - 3 Issue a letter to Contractors offering an extension and asking the Contractors to confirm if they are willing to accept this offer.
  - 4 Contracts extended and finance systems updated.
- ii) The contract performance was reviewed by a CPD Procurement Manager (Deputy Principal equivalent). The business case and contract extension was approved by the CPD Divisional Director (Grade 5 equivalent).

**Mr Dickson** asked the Minister of Finance and Personnel to confirm that all temporary agency staff hired for NI Civil Servant assignments (i) are fully security cleared before taking up their post; and (ii) can expect their personal details to be subject to the same standards of data protection and confidentiality as permanent NI Civil Service staff.

**(AQW 48070/11-15)**

**Mrs Foster:** I can confirm that all temporary agency staff hired for NI Civil Service assignments are subject to at least baseline personal security clearance prior to taking up the post. In some cases, subject to the nature of the post, further security checks will be required. No individual may work on a NICS Contract without the appropriate level of security clearance; to do so may constitute a breach of the contract.

I can also confirm that all temporary agency staff can expect their personal details to be subject to the same standards of data protection and confidentiality as NI Civil Service staff.

**Mr McNarry** asked the Minister of Finance and Personnel in relation to June Monitoring, to detail (i) the current position; and (ii) the total funds available for redistribution between Departments.

**(AQW 48104/11-15)**

**Mrs Foster:** I plan to bring proposals on the June Monitoring Round to the Executive in the near future. Subject to Executive agreement and in line with established practice I will provide a Statement to the Assembly outlining the June Monitoring outcome.

**Ms McGahan** asked the Minister of Finance and Personnel to outline the number of vacant domestic properties in South Tyrone.

**(AQW 48117/11-15)**

**Mrs Foster:** The number of vacant domestic properties in South Tyrone is not available. The number of residential properties that were recorded as vacant within the Fermanagh and South Tyrone Parliamentary Constituency at 30th June 2015 was 2,478.

Since the introduction of the Rating of Empty Homes legislation on 1st October 2011, the rate liability for vacant domestic properties has been assessed at 100%. There is currently no requirement for ratepayers to inform Land & Property Services that their property is vacant, nor is there any financial advantage to doing so. As such, current information on the number of empty domestic properties may not be complete.

## Department of Health, Social Services and Public Safety

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety to outline the support available for 17-19 year olds with learning difficulties and disabilities to transition from the care received as a child to care provision as an adult; and to detail how progression into adulthood impacts upon the care they receive.

**(AQW 46361/11-15)**

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** It is a statutory duty to begin to plan for the transition of young people with a learning disability from the age of 14. The process is carried out in partnership with special schools, the young person and their family/carers and ensures as far as possible that the young person's needs and wishes are well understood before the transition takes place and that services are in place to meet these whenever possible. More detailed planning takes place closer to the actual transition date and depending on the young person's needs such supports include social work, nursing, psychiatry, psychology and allied health professionals, for example, speech and language

therapy, occupational therapy and physiotherapy. It is important for staff to minimise the uncertainties for the young person by providing good information and support throughout the process.

**Mr Eastwood** asked the Minister of Health, Social Services and Public Safety to detail the capital infrastructure projects financed by his Department in Foyle in 2013/14; and the cost of each project.

**(AQW 46370/11-15)**

**Mr Hamilton:** The capital infrastructure projects financed in Foyle in 2013-14 are as follows:

<b>Projects</b>	<b>Actual Spend 2013/14 (£K)</b>	<b>Total Project Cost (£K)</b>
North West Radiotherapy Project	4,138	66,116
Altnagelvin 5.1 - Treatment Wing Refurbishment	1,596	73,542
Altnagelvin PPCI Cath Labs	800	1,114
Digital Mammography	297	1,167
Altnagelvin Tower Block Lift upgrade	463	463
Legionella	274	274
Altnagelvin Firecode	513	513
Altnagelvin replacement condensate system	302	302
Altnagelvin replacement chillers	327	327
Replacement Water Main - Altnagelvin	259	259
Lifts	56	56
Electrical Upgrade Replacement	31	31
Telephone, Broadband & ICT Infrastructure	896	896
Energy Efficiency Infrastructure Projects	139	139
Promoting energy efficiency - installation of CHP unit Altnagelvin	291	400
Improvements in Clinical Environment - Patient Areas	132	132
TYC Infrastructure Projects	225	225
Ward Refurbishment at Altnagelvin Tower Block	400	400
Radiology Infrastructure (various schemes)	285	285
ICT infrastructure	813	813
Provision of Medical Education facility, Altnagelvin Site	420	420
Energy infrastructure re-configuration Altnagelvin site	285	285
Site Management office, Altnagelvin Site	250	250
Gransha Hospital - Transport Compound and Car Park	253	253
Gransha Hospital - Low Secure Unit	161	161
Ward 2 alterations, Altnagelvin Hospital	158	158
Ward 1 & 2 refurbishment, Waterside Hospital	156	156
Records Storage, Gransha Hospital	143	143
Staff accommodation, Altnagelvin Hospital	131	131
Environmental Cleanliness	125	125
Ward 5 alterations, Altnagelvin Hospital	108	108
Energy Efficient Lighting, Altnagelvin Site	105	105
Pipe work and Valve insulation, Altnagelvin & Gransha sites	104	104
Improvements at Grangewood, Gransha Park	68	68
Refurbishment of Dawson House , Gransha Park	61	61

Projects	Actual Spend 2013/14 (£K)	Total Project Cost (£K)
Receipt & Distribution Centre, Altnagelvin Site	56	56
Road repairs	54	54
8 Bed Recovery area, Altnagelvin Hospital	51	51
Various Other General Capital Schemes <£50k	375	375
	<b>15,300</b>	<b>150,517</b>

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how much has been spent on postage by the five Local Commissioning Groups in each of the last three years.

**(AQW 46717/11-15)**

**Mr Hamilton:** No postage costs were incurred by the five Local Commissioning Groups in the last three years. Health Bodies Funded by the Executive

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many health local bodies are funded by the Executive.

**(AQW 46720/11-15)**

**Mr Hamilton:** Information on the total number of all local bodies that are responsible for delivering health and social care and which are funded by the Northern Ireland Executive is not held centrally and cannot therefore be provided due to disproportionate cost.

**Mr McGimpsey** asked the Minister of Health, Social Services and Public Safety for a breakdown of expenditure within (i) each of the Health and Social Care Trusts; (ii) the Health and Social Care Board; (iii) the Public Health Agency; (iv) the Business Services Organisation; and (v) his Department in each of the last five years

**(AQW 46822/11-15)**

**Mr Hamilton:** A breakdown of expenditure within (i) each of the Health and Social Care Trusts; (ii) the Health and Social Care Board; (iii) the Public Health Agency; (iv) the Business Services Organisation; and (v) this Department in each of the last five years is readily available in the public domain. The expenditure details are reported in the published Annual Accounts of each organisation.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail the number of full-time Autism spectrum coordinators within each Health and Social Care Trust.

**(AQW 46855/11-15)**

**Mr Hamilton:** Headcount and whole-time equivalent (WTE) figures for staff employed full-time as Autism Spectrum Disorder Coordinators by each HSC Trust are shown in the table below. Total headcount and WTE for all staff, including part-time staff, are also shown.

Trust	Full-Time Staff	Total Headcount	Total WTE
Belfast Health and Social Care Trust	1	1	1.0
Northern Health and Social Care Trust	1	1	1.0
South Eastern Health and Social Care Trust	1	1	1.0
Southern Health and Social Care Trust	1	1	1.0
Western Health and Social Care Trust	0	1	0.6

**Source:** HSC Trusts

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety what action his Department has taken to attract more doctors to hospitals across the region that are struggling to meet increased needs and high locum costs.

**(AQW 46860/11-15)**

**Mr Hamilton:** My Department continues to work proactively with the Health and Social Care Trusts and the Northern Ireland Medical and Dental Training Agency (NIMTDA) to develop a range of measures to address this issue including:

- expanding the number of training posts under the programmes provided by NIMTDA in peripheral locations;
- converting some specialist posts in hard to recruit locations into training posts; and



- encouraging new and innovative systems of service delivery that require a wider mix of skills, for example Advanced Nurse Practitioners and Physician Associates, in order to reduce the reliance on doctor grades which are hard to recruit.

The Regional Workforce Planning Group is also beginning to consider the potential for non-monetary incentives for the recruitment and retention of medical staff, drawing upon experience from across the world.

In support of Trusts' efforts to engage recruitment agencies experienced in sourcing medical staff internationally to help source suitable doctors, we also

continue to liaise at Ministerial level with the Home Office to review the immigration rules to ease the recruitment of medical staff from abroad.

**Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety how many patients are living in residential care homes while waiting for care packages to be put in place that would enable care in their own home.

**(AQW 46871/11-15)**

**Mr Hamilton:** The information is not collected centrally and was requested from the Health and Social Care (HSC) Board. Their response is detailed in the table below.

Number of Patients Currently in Residential Care Homes waiting for a Care Package in their own home

HSC Trust	Patients waiting
Belfast	1
Northern	10
South Eastern	2
Southern	0
Western	0
Northern Ireland	13

**Source:** Health and Social Care (HSC) Board

**Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety to detail the cost to his Department of housing patients in residential care homes while waiting on community nursing care packages for their own homes.

**(AQW 46872/11-15)**

**Mr Hamilton:** The Southern and Western Trusts have advised me that they do not currently have anyone waiting in residential care homes for a domiciliary care package.

It is not possible to provide the actual cost to the other three Trusts of housing patients in residential care homes while waiting on a domiciliary care package, as the residential care home costs would have to be offset against domiciliary care costs. The cost of domiciliary care packages varies widely across clients as each package is based on an individual's assessed needs.

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety for a break down of the amount allocated per Health and Social Care Trust to (i) residential; and (ii) non-residential adult respite services for 2014-2015 and 2015-2016.

**(AQW 46890/11-15)**

**Mr Hamilton:** The information requested is provided in the table below. The figures provided for the Belfast and the Western Health and Social Care (HSC) Trusts represent the total amount spent on adult respite services during the year 2014/15.

Trust	2014/2015		2015/16	
	Residential	Non-Residential	Residential	Non-Residential
Belfast *Learning Disability only	£1,389,332	£575,923	Not available	Not available
Western	£2,214,402	£382,272	Not available	Not available
Northern	£2,930,000	£374,000	£2,895,000	£433,000
South Eastern	£2,164,167	£358,387	£2,164,167	£358,387
Southern	£3,893,988	£243,338	£3,954,605	£243,338

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety for a break down of the amount allocated per Health and Social Care Trust to (i) residential; and (ii) non-residential children's respite services for 2014-2015 and 2015-2016. (AQW 46891/11-15)

**Mr Hamilton:** The information requested is provided in the table below.

Trust	2014/2015		2015/16	
	Residential	Non-Residential	Residential	Non-Residential
Belfast	£1,163,177	£564,450	£1,184,201	£635,057
Northern	£1,690,802	£471,375	£1,698,393	£520,159
South Eastern	£1,267,686	£792,712	£1,263,268	£794,509
Southern	£1,674,058	£1,228,020	£1,642,209	£1,281,928
Western	£1,059,627	Data not collected	Funding to be confirmed	Data not collected

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46077/11-15, to detail the number of applications received, broken down by Health and Social Care Trust. (AQW 46896/11-15)

**Mr Hamilton:** The information requested is not available and could only be provided at disproportionate cost.

**Mr Lyttle** asked the Minister of Health, Social Services and Public Safety to detail why his Department has not enacted a legislative regulatory framework that would facilitate inspection and information retrieval for the private provision of abortion services. (AQW 46908/11-15)

**Mr Hamilton:** Independent clinics (within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and the Independent Health Care Regulations (Northern Ireland) 2005) currently operate within a regulatory framework. This requires them to register with the Regulation and Quality Improvement Authority (RQIA) and they are subject to inspection by RQIA as a consequence.

**Mr McCallister** asked the Minister of Health, Social Services and Public Safety whether he has given any consideration to the accessibility of health services given the proposed reductions to funding for community transport schemes as outlined by the Minister for Regional Development. (AQW 46909/11-15)

**Mr Hamilton:** The Northern Ireland Ambulance Service's (NIAS) Patient Care Service provides non-emergency transport to and from hospital for patients who have a defined medical need for transport as determined by a medical practitioner. Transport is also provided by the Voluntary Care Services, which is a NIAS coordinated service delivered by volunteer drivers who are reimbursed mileage costs and related expenses. The Hospital Travel Costs Scheme provides help with the costs of travelling to hospital for health service treatment for people and their dependants who are in receipt of certain qualifying social security benefits or who are on a low income. Details of the scheme are available at <http://www.nidirect.gov.uk/hospital-travel-costs-scheme>.

**Mr Eastwood** asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people diagnosed with cutis marmorata telangiectatica congenita (CMTC) in each Health and Social Care Trust for each of the past 5 years; and (ii) the support available for sufferers of this condition. (AQW 46912/11-15)

**Mr Hamilton:** There are less than 5 patients currently diagnosed with cutis marmorata telangiectatica congenita in Northern Ireland.

Support for patients with this condition is provided through specialist paediatric dermatology, plastic surgery and dermatology, ophthalmology, nephrology, cardiology and orthopaedics services. Patient care is tailored using individual care packages.

**Mr Eastwood** asked the Minister of Health, Social Services and Public Safety to detail the number of psychiatrists operating in each Health and Social Care Trust. (AQW 46934/11-15)

**Mr Hamilton:** Headcount and whole-time equivalent (WTE) figures for staff employed as consultant psychiatrists by each HSC Trust are shown in the table below.

Trust	Headcount	WTE
Belfast Health and Social Care Trust	66	55.74
Northern Health and Social Care Trust	34	29.55
South Eastern Health and Social Care Trust	21	19.62
Southern Health and Social Care Trust	27	24.43
Western Health and Social Care Trust	23	19.25

**Source:** HSC Trusts

**Mr Eastwood** asked the Minister of Health, Social Services and Public Safety to detail the target frequency of cognitive behavioural therapy (CBT) appointments for people suffering from mental health conditions.

**(AQW 46935/11-15)**

**Mr Hamilton:** Data on the frequency of appointments by therapy is not collected.

NICE guidelines set out an indicative number of sessions in accordance with a person's need. In general terms, people with mild mental health needs could expect to receive between 1-8 sessions of care; people with moderate levels of need may receive between 8-16 sessions of care; and people with higher levels of need might receive more than 17 sessions of care. The level and frequency of intervention is determined by the assessed need of the person.

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety to detail how his Department monitors the (i) physical health; (ii) mental health; and (iii) accessibility of health services and opportunities for children, young people and adults with learning disabilities.

**(AQW 46946/11-15)**

**Mr Hamilton:** The HSC Trusts have a statutory requirement to undertake a yearly review of people with a learning disability which involves a multidisciplinary meeting and covers every element of the individual's life including health. HSC staff have a duty to monitor and record any deterioration in an individual's health and raise with the family and/or key workers.

As children with disabilities may have additional health needs, there is enhanced screening programmes and access to services such as specialist paediatrics based on the child's needs. All children who have mental health needs regardless of other conditions are entitled to the appropriate support from Child and Adolescent Mental Health Services (CAMHS).

A Learning Disability Directed Enhanced Service is also in place for GPs to provide an annual health check for adults with a learning disability. The check includes screening for both physical health and mental health conditions.

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety what tailored training initiatives and accessible health care information is available for people with learning disabilities.

**(AQW 46947/11-15)**

**Mr Hamilton:** A variety of accessible training and educational material is available to promote good health for people with learning disabilities. Examples include: presentational educational packs for training within GP surgeries and a GP training pack for delivery of learning disability services.

Easy read materials are available for many health related conditions and individual support is provided to help a person with a learning disability understand conventional leaflets. Some staff are also trained in Makaton to ensure communication of information. Trusts are also currently working to have all information available to people with a learning disability on Trust web-sites.

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety to detail the number of people with learning disabilities that have been (i) offered; and (ii) taken up the offer of annual health checks in each Health and Social Care Trust; and the steps taken to check the quality of delivery by GP practices.

**(AQW 46948/11-15)**

**Mr Hamilton:** The information requested for parts (i) and (ii) is detailed in the following table and is for year 2014/2015 with the exception of the Southern HSC Trust whose figures are for year 2013/14.

HSC Trust	Number. offered an annual health check	Number taken up the offer
Belfast Trust	1214	906
Western Trust	1420	1184

HSC Trust	Number. offered an annual health check	Number taken up the offer
Northern Trust	1484	N/A
South Eastern Trust	1352	1074
Southern Trust	1529	1319

- (iii) Each patient completes an easy read satisfaction survey form and this provides feedback regarding the quality of the service delivered by GP practices.

**Mrs Overend** asked the Minister of Health, Social Services and Public Safety for an update on the development of a cross-departmental internet safety strategy.

**(AQW 46959/11-15)**

**Mr Hamilton:** At its meeting on 29 January 2015, the Northern Ireland Executive agreed to formally commission the Safeguarding Board for Northern Ireland (SBNI) to develop an e-safety strategy and action plan. Terms of Reference (TOR) have been developed and the SBNI has appointed a project manager to deliver the work within an 18 month timeframe. The aim is that the draft e-Safety strategy will be ready for consultation by the end of the financial year and the draft strategy and action plan will be presented to the Executive once complete.

**Mrs Overend** asked the Minister of Health, Social Services and Public Safety what actions his Department is taking to keep children and young people safe online in the absence of a cross-departmental internet safety strategy.

**(AQW 46962/11-15)**

**Mr Hamilton:** Through sponsorship grant, or with the financial support of a number of other departments, and in advance of the delivery of a cross-departmental e-safety strategy, the Safeguarding Board for Northern Ireland (SBNI) is taking forward a number of projects aimed at keeping children and young people safe, particularly on-line. This includes the delivery of key safety messages, through the SBNI's e-safety forum. The forum has already developed guidance on sexting, on-line grooming and blackmail, which was released through schools and an existing e-safety training package is being reviewed to ensure consistency across Northern Ireland. Also, the SBNI was funded to deliver a play to raise awareness of child sexual exploitation. The play, which was attended by nearly seven thousand young people, parents and professionals across Northern Ireland, dealt specifically with on-line grooming. Other funded SBNI projects include the development of safeguarding apps to give young people and parents access to online safety information and advice.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety to outline the process following the cancellation of an outpatient appointment within three days of the visit; and whether allowances are made for (i) older people who have appointments; and (ii) extenuating circumstances.

**(AQW 46968/11-15)**

**Mr Hamilton:** If a patient cancels their appointment, they will be given a second appointment, which should be within 6 weeks of the original appointment date. If a second appointment is cancelled, the patient will not normally be offered a third opportunity and will be referred to their clinician. Extenuating circumstances will be taken into consideration, for example bereavement, when deciding whether to offer a third appointment. While there are no arrangements specific to older people; HSC Trusts should ensure that vulnerable adults who cancel their outpatient appointment have access to an appropriate healthcare professional to provide assistance.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety whether an equality impact assessment has been conducted to ensure the continuation of safe levels of fire service cover, especially in rural communities.

**(AQW 46971/11-15)**

**Mr Hamilton:** The Northern Ireland Fire and Rescue Service (NIFRS) is committed to fulfilling its statutory duties set out in Section 75 of the Northern Ireland Act 1998.

In every aspect of its service delivery, NIFRS, where necessary and appropriate, will consider subjecting activities to equality screening, full equality assessment and public consultation.

**Mrs Overend** asked the Minister of Health, Social Services and Public Safety whether his Department will bring forward a cross-departmental internet safety strategy before the end of the current mandate.

**(AQW 47017/11-15)**

**Mr Hamilton:** Following Executive approval in January 2015, my Department commissioned the Safeguarding Board for Northern Ireland (SBNI) to develop a Northern Ireland e-Safety Strategy and action plan, which will be submitted to the Executive for approval. This work is currently underway. The SBNI has advised that work on the development of the draft Strategy and action plan will complete within the current mandate.

**Mr Hazzard** asked the Minister of Health, Social Services and Public Safety to detail the (i) number of hospitals that fly flags on their premises; (ii) protocol for flying flags at hospitals; and (iii) equality and diversity training offered to Health and Social Care Trust managers to ensure local health facilities are welcoming to all patients and their families.

**(AQW 47051/11-15)**

**Mr Hamilton:** The flying of flags on premises is a matter for Health and Social Care Trusts and it is for each individual Trust to exercise its own discretion.

Trusts offer a range of training in terms of equality and diversity, including the "Discovering Diversity e-Learning" programme which consists of 6 modules including Understanding Prejudice, Dealing with Difference in Groups and Cultural Competence.

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety when he plans to bring the Health (Miscellaneous Provisions) Bill to the Assembly.

**(AQW 47151/11-15)**

**Mr Hamilton:** Subject to Executive agreement, it is my intention to introduce the Health (Miscellaneous Provisions) Bill to the Assembly at the earliest opportunity following summer recess.

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety to detail how much money the community sector has received in each Health and Social Care Trust due to the implementation of Transforming Your Care.

**(AQW 47164/11-15)**

**Mr Hamilton:** The primary, community and social care sectors of the health and social service work together to provide an integrated, local service to patients and service users. Details of monies received solely by the community sector due to the implementation of Transforming Your Care are not held separately. Approved Use of Nalmefene

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail when the Health and Social Care Board will issue a Service Notification to Health and Social Care Trusts and other relevant providers and stakeholders, including Family Practitioners, setting out the expectations for the implementation of National Institute for Health and Care Excellence technology appraisal guidance [TA325] - Nalmefene for reducing alcohol consumption in people with alcohol dependence.

**(AQW 47224/11-15)**

**Mr Hamilton:** In line with guidance set out in Circular HSC (SQSD) 02/13 the Health and Social Care Board is required to individually assess NICE's Technology Appraisals for each new drug and arrive at a decision regarding the process of implementation.

For each TA, the HSC Board is expected to issue a Service Notification to the HSC Trusts and other relevant providers and stakeholders, including Family Practitioners setting out the expectations for implementation. This must occur within no more than 15 weeks from the date of confirmed receipt of notification of endorsement.

However, the Department's budget does not include specific funding for new NICE-approved drugs and, in the absence of additional funding, the HSCB has indicated it will not be able to fund all new NICE approved drugs in 2015/16.

The HSCB has advised that Nalmefene has not yet been issued to the relevant organisations pending the outcome of discussions with DHSSPS in relation to the HSCB funding position for 2015/16.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety, given the National Institute for Health and Care Excellence approved the use of Nalmefene and this was endorsed by his Department in December 2014, to detail why the Health and Social Care Board has not issued a service notification to Health and Social Care Trusts and General Practitioners on its use.

**(AQW 47225/11-15)**

**Mr Hamilton:** In line with guidance set out in Circular HSC (SQSD) 02/13 the Health and Social Care Board is required to individually assess NICE's Technology Appraisals for each new drug and arrive at a decision regarding the process of implementation.

For each TA, the HSC Board is expected to issue a Service Notification to the HSC Trusts and other relevant providers and stakeholders, including Family Practitioners setting out the expectations for implementation. This must occur within no more than 15 weeks from the date of confirmed receipt of notification of endorsement.

However, the Department's budget does not include specific funding for new NICE-approved drugs and, in the absence of additional funding, the HSCB has indicated it will not be able to fund all new NICE approved drugs in 2015/16.

The HSCB has advised that Nalmefene has not yet been issued to the relevant organisations pending the outcome of discussions with DHSSPS in relation to the HSCB funding position for 2015/16.



**Mr Easton** asked the Minister of Health, Social Services and Public Safety what plans he has for the old Banks Nursing home facility on the Groomsport Road, Bangor.

**(AQW 47296/11-15)**

**Mr Hamilton:** The former Bayview Residential Home, The Banks, 165 Groomsport Road, Bangor, which was previously owned by the South Eastern Health and Social Care Trust, was sold on the open market on 22 November 2012.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety whether his Department has any plans to address the issue of doctors training locally and then leaving to work abroad.

**(AQW 47302/11-15)**

**Mr Hamilton:** The HSC Regional Workforce Planning Group, chaired by the Department, has recently undertaken some research looking at how other countries incentivise the recruitment and retention of medical staff by means other than through salary. Consideration is now being given to these ideas and whether or how we can apply or adapt them for use in Northern Ireland.

**Mr Swann** asked the Minister of Health, Social Services and Public Safety to detail why an application for Translarna was rejected for a local Muscular Dystrophy Duchenne sufferer.

**(AQW 47335/11-15)**

**Mr Hamilton:** It would not be appropriate for me to comment on an individual patient's case. In April 2015, the National Institute for Health and Care Excellence (NICE) commenced a highly specialised technology evaluation of ataluren (also known as Translarna) to establish its clinical and cost effectiveness. NICE anticipate that the publication of guidance will be early in 2016. Until NICE guidance is available my Department would not expect this drug to be routinely available.

**Mr McCausland** asked the Minister of Health, Social Services and Public Safety to detail (i) the dates of all meetings of the North Belfast Locality Planning Group; and (ii) whether the minutes of the meetings can be accessed online.

**(AQW 47387/11-15)**

**Mr Hamilton:**

(i) The dates of all meetings of the North Belfast Locality Planning Group are as follows:

18 November 2013	27 January 2015
14 January 2014	24 March 2015
11 February 2014	26 May 2015
8 April 2014	28 July 2015
14 May 2014	29 September 2015
24 June 2014	24 November 2015
17 September 2014	
25 November 2014	

(ii) All the agreed minutes of the North Belfast Locality Planning Group can be accessed online at:  
<http://www.cypsp.org/locality-planning-groups/north-belfast-locality-planning-group/>

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety to detail the support provided to carers and the people they care for when a carer has an illness or short-term disablement which prevents them from providing care.

**(AQW 47499/11-15)**

**Mr Hamilton:** In all circumstances where a carer is no longer able to continue in their caring role, the relevant Health and Social Care (HSC) Trust have a duty to step in and provide the necessary care to the cared for person.

As part of this, I would encourage all carers to have a carers assessment completed. The assessment prompts carers to consider appropriate contingency plans and records information on arrangements that can be put in place, in case of emergency. The assessment also looks at a carer's concerns for the longer term and provides carers with key HSC Trust contact details should the carer no longer be able to continue in their caring role in the future.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the average waiting time for a GP appointment.

**(AQW 47512/11-15)**

**Mr Hamilton:** The information is not available. As independent contractors GP practices are responsible for managing their own appointment systems and managing waiting times.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much his Department has spent on prescriptions in the last three financial years.

**(AQW 47513/11-15)**

**Mr Hamilton:** The ingredient cost before discount of prescriptions dispensed by a community pharmacist, dispensing doctor or appliance supplier and presented for payment, in each of the last three calendar years, is shown in Table 1 below. Prescription cost analysis data, from which this information has been taken, is not published by financial year.

**Table1: Total Ingredient Cost of Prescriptions 2012-2014**

Year	Total ingredient cost of prescriptions
2012	£408,732,053
2013	£409,017,610
2014	£420,509,009

**Source:** Prescription Cost Analysis Database

**Mr Easton** asked the Minister of Health, Social Services and Public Safety whether the general health of the public has improved since the banning of smoking in public places.

**(AQW 47514/11-15)**

**Mr Hamilton:** Life expectancy is a key indicator of the health of the population. An examination of smoking related deaths in Northern Ireland in 2013 revealed that between 2001-2003 (pre smokefree legislation) and 2008-2010 (post smokefree legislation), a reduction in smoking related mortality increased both male and female life expectancy by 0.5 and 0.1 years respectively<sup>1</sup>.

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety Minister to detail the number of people waiting for hip operations broken down by each Health and Social Care Trust; including (a) the age of the youngest patient; (b) the age of the oldest patient; (c) the average age of the patients; (d) the length of the longest waiting time; and (e) length of the shortest waiting time.

**(AQW 47515/11-15)**

**Mr Hamilton:** Information on the number of patients waiting for hip replacement operations, including the age of the youngest patient; the age of the oldest patient; the average age of the patients; the length of the longest waiting time; and length of the shortest waiting time, broken down by Health and Social Care (HSC) Trust, at 31st March 2015, the most recent date for which official statistics are available, is shown in Table 1.

**Table 1: Number of patients waiting for hip replacement operations at 31st March 2015**

	Total number waiting	Age of youngest patient	Age of oldest patient	Average age of patients	Shortest waiting time (in weeks)	Longest waiting time (in weeks)
Belfast	1,027	18	96	67.1	4.6	82.9
South Eastern	<5*	58	77	66.7	1.8	15.7
Southern	187	34	93	66.5	0.7	54.8
Western	452	24	90	65.4	0.6	69.5

**Source:** DHSSPS Inpatient Waiting Times Dataset

\*In line with Branch policy, cell sizes have been masked to protect patient confidentiality.

Hip replacement surgery is not carried out within the Northern HSC Trust.

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety for a break down of the number of hip replacement operations in the last three financial years broken down by Health and Social Care Trust.

**(AQW 47516/11-15)**

**Mr Hamilton:** The following table shows the number of hip replacement procedures carried out in Northern Ireland over the period 20011/12 to 2013/14.

HSC Trust	2011/12	2012/13	2013/14
Belfast	1,899	1,919	2,075
Northern	0	0	0
South Eastern	189	231	205

HSC Trust	2011/12	2012/13	2013/14
Southern	348	377	392
Western	567	501	439
Northern Ireland Total	3,003	3,028	3,111

**Source:** Hospital Inpatient System.

**Mr D McIlveen** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 36991/11-15, to detail the number of (i) interpreters; and (ii) appointments in each language, broken down by Health and Social Care Trust.

**(AQW 47548/11-15)**

**Mr Hamilton:**

- (i) Given that face-to-face interpreting in the HSC is administered on a regional basis by the NI Health & Social Care Interpreting Service (NIHSCIS), the number of interpreters is not broken down by Trust. The NIHSCIS has provided below the current numbers of interpreters registered with NIHSCIS for each requested language.

Language	2015**
Portuguese	20
Hungarian	14
Russian	20
Lithuanian	38

\*\* Note that the NI HSCIS completed a cleanse of the Approved Interpreter Register in June 2015. Those Interpreters who failed to return signed copies of the April 2015 Interpreter BSO Terms of Engagement and Confidentiality Agreement by 1 June 2015 were removed from the Register.

- (ii) Appointments in each language, broken down by Health and Social Care Trust.

Language	Belfast HSCT	Northern HSCT	South Eastern HSCT	Southern HSCT	Western HSCT
Portuguese	527	472	24	3119	7
Hungarian	670	117	48	303	531
Russian	225	139	97	698	104
Lithuanian	457	645	244	5803	374

**Source:** NIHSCIS

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail how much funding has been provided for the Elderly Programme of Care in the last five years.

**(AQW 47549/11-15)**

**Mr Hamilton:** The total spend within the Care of the Elderly Programme of Care in the last five years was as follows:

	Total Spend £000
2009/10	704,768
2010/11	721,323
2011/12	739,575
2012/13	759,715
2013/14	777,552
<b>Total</b>	<b>3,702,933</b>

**Source:** Trust Financial Returns

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail the terms of reference for the Health and Social Care Board's review into outpatient reform.

**(AQW 47551/11-15)**

**Mr Hamilton:** The Health and Social Care Board led Outpatient Reform Steering Group has been established to identify opportunities for the modernisation of the delivery of outpatient services through the development of new or revised service delivery models.

The Terms of Reference for the Outpatient Reform Steering Group are to:

- Agree the aims and objectives of the Outpatient Reform Project
- Develop and agree a Criteria Framework for the prioritisation of outpatient specialties under consideration
- Use the agreed Criteria Framework to prioritise outpatient specialties for reform action
- Identify enablers and develop or progress actions required to support the implementation of new outpatient models.
- Identify and interface with other regional initiatives (including other reform projects) which may have an impact on/ interest in outpatient reform.
- Agree the initial project plan for the priority specialties.
- Report on progress on the Outpatient Reform Project to the HSCB led TYC Transformation Programme Board (TPB), and escalate issues/risks as appropriate to same.

Once priority specialties for reform have been agreed, a decision will be taken regarding the role of the group in the design and implementation of reforms.

The membership of the Outpatient Reform Steering Group is:

Position	Organisation
Co-Chair	HSCB Director of Commissioning
Co-Chair	HSCB HR Director
Member	HSCB Performance Management
Member	Consultant Physician & Endocrinologist - SEHSCT
Member	Assistant Director Allied Health Professionals - SEHSCT
Member	Assistant Director Support Services Directorate - NHSCT
Member	Oncology Consultant - NHSCT
Member	Patient Access Manager - WHSCT
Member	Director of Performance - WHSCT
Member	Director of Performance - BHSCT
Member	Assistant Director of Surgery & Elective Care - SHSCT
Member	Chair of NI Safety Forum
Member	HSCB Senior Accountant
Member	DHSSPS Director of Healthcare Transformation

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety for an update on the progress of adoption legislation.

**(AQW 47553/11-15)**

**Mr Hamilton:** At this stage, Executive agreement to consult on a draft Bill is outstanding. However, I remain committed to consultation on the Bill within the current mandate.

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety whether (i) there has been a lack of secretarial support to draft referral letters at the South West Acute Hospital for physiotherapy, specifically in relation to follow up fracture treatment; (ii) physiotherapists are available but unable to act until they have the required referral letters; and (iii) referrals from the fracture clinic for physiotherapy have been halted, and if so, to provide the date on which they stopped.

**(AQW 47590/11-15)**

**Mr Hamilton:** During the early part of April, there was a particular workload pressure on the surgical secretarial team. Additional resource has been allocated to alleviate staffing pressures and any referrals are now sent on to physiotherapy within a maximum of 10 working days. In certain instances post fracture physiotherapy rehabilitation can be restricted by the referring officer. As this guidance is normally provided in the referral it would be inappropriate for the physiotherapist to act in the absence of a referral post fracture. At no point were referrals from the Fracture Clinic for Physiotherapy stopped

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of outpatient clinics cancelled by the South East Health and Social Care Trust in the last two financial years.

**(AQW 47595/11-15)**

**Mr Hamilton:** From 2008/09 the methodology changed from the reporting of the number of clinics held and cancelled to the reporting of the number of appointments held and cancelled.

Information on the number of consultant-led outpatient appointments cancelled by the hospital in the last two financial years, for each Health and Social Care Trust, is shown in the following table:

HSC Trust	Total number of hospital cancelled appointments	
	2013/14	2014/15 <sup>P</sup>
Belfast	78,495	78,910
Northern	24,136	24,045
South Eastern	24,278	24,052
Southern	15,452	16,524
Western	24,869	25,024

**Source:** QOAR

P Data is provisional

This information is published on an annual basis and is available to view or download from:  
<http://www.dhsspsni.gov.uk/index/statistics/hospital/hospital-activity/outpatient-activity.htm>

Official figures for the 2014/15 financial year will be released on 6th August 2015.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of outpatient clinics cancelled by the Southern Health and Social Care Trust in the last two financial years.

**(AQW 47596/11-15)**

**Mr Hamilton:** From 2008/09 the methodology changed from the reporting of the number of clinics held and cancelled to the reporting of the number of appointments held and cancelled.

Information on the number of consultant-led outpatient appointments cancelled by the hospital in the last two financial years, for each Health and Social Care Trust, is shown in the following table:

HSC Trust	Total number of hospital cancelled appointments	
	2013/14	2014/15 <sup>P</sup>
Belfast	78,495	78,910
Northern	24,136	24,045
South Eastern	24,278	24,052
Southern	15,452	16,524
Western	24,869	25,024

**Source:** QOAR

P Data is provisional

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<http://www.dhsspsni.gov.uk/index/statistics/hospital/hospital-activity/outpatient-activity.htm>

Official figures for the 2014/15 financial year will be released on 6th August 2015.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of outpatient clinics cancelled by the Belfast Health and Social Care Trust in the last two financial years.

**(AQW 47597/11-15)**

**Mr Hamilton:** From 2008/09 the methodology changed from the reporting of the number of clinics held and cancelled to the reporting of the number of appointments held and cancelled.

Information on the number of consultant-led outpatient appointments cancelled by the hospital in the last two financial years, for each Health and Social Care Trust, is shown in the following table:



HSC Trust	Total number of hospital cancelled appointments	
	2013/14	2014/15 <sup>P</sup>
Belfast	78,495	78,910
Northern	24,136	24,045
South Eastern	24,278	24,052
Southern	15,452	16,524
Western	24,869	25,024

**Source:** QOAR

P Data is provisional

This information is published on an annual basis and is available to view or download from:  
<http://www.dhsspsni.gov.uk/index/statistics/hospital/hospital-activity/outpatient-activity.htm>

Official figures for the 2014/15 financial year will be released on 6th August 2015.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of outpatient clinics cancelled by the Northern Health and Social Care Trust in the last two financial years.

**(AQW 47598/11-15)**

**Mr Hamilton:** From 2008/09 the methodology changed from the reporting of the number of clinics held and cancelled to the reporting of the number of appointments held and cancelled.

Information on the number of consultant-led outpatient appointments cancelled by the hospital in the last two financial years, for each Health and Social Care Trust, is shown in the following table:

HSC Trust	Total number of hospital cancelled appointments	
	2013/14	2014/15 <sup>P</sup>
Belfast	78,495	78,910
Northern	24,136	24,045
South Eastern	24,278	24,052
Southern	15,452	16,524
Western	24,869	25,024

**Source:** QOAR

P Data is provisional

This information is published on an annual basis and is available to view or download from:  
<http://www.dhsspsni.gov.uk/index/statistics/hospital/hospital-activity/outpatient-activity.htm>

Official figures for the 2014/15 financial year will be released on 6th August 2015.

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety for his assessment of the review of vascular services and the impact it will have on the Western Health and Social Care Trust.

**(AQW 47647/11-15)**

**Mr Hamilton:** The Health and Social Care Board is currently consulting on the future commissioning of vascular services. Consultation closes on 10 July 2015 and it would not be appropriate to comment on this before the process is complete.

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety for an update on the Ministerial group on Public Health.

**(AQW 47648/11-15)**

**Mr Hamilton:** The structures to take forward the strategic framework for public health, Making Life Better, which was published in June 2014, include a Ministerial Committee for Public Health and an All Departments Officials Group. These structures replace the former Ministerial Group on Public Health and aim to provide strategic leadership and ensure coherence with other key strategic programmes and structures.

The All Departments Officials Group has met twice to date. The first meeting of the Ministerial Committee for Public Health was due to take place on Thursday 11th June 2015 but was postponed to facilitate an Executive meeting. It has been rescheduled for 8th September 2015.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety to detail the number of patients involved in clinical trials since September 2014, broken down by Health and Social Care Trust.

**(AQW 47678/11-15)**

**Mr Hamilton:** The requested information is not currently available and could only be acquired at disproportionate cost.

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to detail (i) the number of children awaiting paediatric gastroenterology services broken down by Health and Social Care Trust; and (ii) the number of hospitals with this service (a) currently; (b) in 2012; (c) in 2013; and (d) in 2014.

**(AQW 47686/11-15)**

**Mr Hamilton:**

- (i) Currently, paediatric gastroenterology is a tertiary service provided by the Belfast Trust at the Royal Belfast Hospital for Sick Children. At the 23rd June 2015, there were 41 children waiting for an outpatient appointment and 215 children waiting for an endoscopy inpatient procedure within the paediatric gastroenterology service.
- (ii) The Royal Belfast Hospital for Sick Children who currently provides the paediatric gastroenterology service also provided this service in 2012, 2013 and 2014. Western Trust provided paediatric gastroenterology services at Altnagelvin Hospital in 2012 and 2013. Northern, South Eastern and Southern Trusts have not provided paediatric gastroenterology services in any of these years.

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to outline the average waiting time for a referral to rheumatology services in each of the Health and Social Care Trusts.

**(AQW 47687/11-15)**

**Mr Hamilton:** Outpatient waiting times are collected in aggregate time bands, based on the length of time a patient is waiting for a first outpatient appointment, therefore it is not possible to calculate an average waiting time. It is, however, possible to calculate the median time band, a similar statistical measure.

The median waiting time for a first outpatient appointment with a consultant in the Rheumatology specialty, at 31st March 2015, the most recent quarter for which official statistics are available, is shown in the following table.

HSC Trust	Median time band (weeks waiting)
Belfast	> 15 weeks
Northern	> 9 – 12 weeks
South Eastern	> 15 weeks
Southern	> 15 weeks
Western	> 9 – 12 weeks

**Source:** Departmental Return CH3

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety, given the recommendation from the Joint Committee on Vaccination and Immunisation (JCVI) in March 2015 that immunisation for meningococcal group W (MenW) disease be offered to 14 to 18 year-olds and be delivered by a Men ACWY vaccine; the announcement of 21 June 2015 by the Department of Health in England that from August 2015 all 17 and 18 year olds in school year 13 will be offered a combined vaccine that protects against the A, C, W and Y strains of meningococcal disease; that the vaccine will also be available to older students aged 19 to 25 who are starting university this year; and the announcement by the Scottish Government of an ACWY vaccination programme, to detail which vaccine local students will be offered in 2015.

**(AQW 47711/11-15)**

**Mr Hamilton:** The Men ACWY conjugate vaccine will be offered to all young people aged 14 to 18 and will also be offered to young people aged 18 to 25 who are starting university. The current Men C programme for freshers will now offer the Men ACWY vaccine, providing protection against these four strains.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety how this year's vaccination programme for local first year university and college students will be delivered.

**(AQW 47712/11-15)**

**Mr Hamilton:** In Northern Ireland it is planned to complete the whole Men ACWY programme over a two-year period with the initial priority given to those who are now 18 year olds who will be offered a Men ACWY vaccine by their GP. This will be followed by a school-based programme during the academic year 2015/16 and then a further GP-based programme beginning in April 2016.

GPs will be actively calling those who were born between 2 July 1996 and 1 July 1997 regardless of whether they are going to University or not. GPs will also vaccinate any older first time university entrants aged 19-24 years who request the vaccination.

The Public Health Agency (PHA) will be promoting the vaccination through various media to encourage both young people and their parents to be aware of the need to get the vaccine if they are in the above age group or are going to university for the first time.

The PHA are also planning to work with all universities in Northern Ireland to ensure that they are promoting the vaccine to their students before they come to university and also at freshers events. Freshers are encouraged to sign up with a local GP as soon as they get to university so they can have all their health needs met, including access to the vaccine if they have not received it before university.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety, given students should receive vaccines at least two weeks prior to the commencement of university or college to ensure maximum effectiveness and approximately 25% of local students availed of the Men C vaccine in 2014, whether his Department has considered pop-up clinics at local university and college campuses during freshers week.

**(AQW 47713/11-15)**

**Mr Hamilton:** The Joint Committee on Vaccination and Immunisation (JCVI), an independent panel of experts that advises the 4 UK Health Ministers on issues related to vaccination, has advised that a Men ACWY vaccine should be offered to all 14- to 18-year-olds.

Despite the very challenging financial situation I am determined to try to identify the funding necessary to be able to introduce the Men ACWY programme in August, in line with the rest of the UK.

GPs will be actively calling those who were born between 2 July 1996 and 1 July 1997 regardless of whether they are going to University. The uptake would be expected to be much higher than last year because of this active calling by the GP. GPs will also vaccinate any older first time university entrants aged 19-24 years who request the vaccination.

The Public Health Agency (PHA) will be promoting the vaccination through various media to encourage both young people and their parents to be aware of the need to get the vaccine if they are in the eligible age group or are going to university for the first time.

The PHA are also planning to work with the universities in Northern Ireland to ensure that they are promoting the vaccine to their students before they come to university and also at freshers' events. Freshers are encouraged to sign up with a local GP as soon as they get to university so they can have all their health needs met, including access to the vaccine if they have not received it before going to university.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety to outline how the MenC vaccination will be delivered in terms of physical and financial resources.

**(AQW 47714/11-15)**

**Mr Hamilton:** The Men ACWY vaccine includes protection against Men C.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of outpatient clinics cancelled by the Western Health and Social Care Trust in the last two financial years.

**(AQW 47752/11-15)**

**Mr Hamilton:** From 2008/09 the methodology changed from the reporting of the number of clinics held and cancelled to the reporting of the number of appointments held and cancelled.

Information on the number of consultant-led outpatient appointments cancelled by the hospital in the last two financial years, for each Health and Social Care Trust, is shown in the following table:

HSC Trust	Total number of hospital cancelled appointments	
	2013/14	2014/15 <sup>P</sup>
Belfast	78,495	78,910
Northern	24,136	24,045
South Eastern	24,278	24,052
Southern	15,452	16,524
Western	24,869	25,024

**Source:** QOAR

P Data is provisional

This information is published on an annual basis and is available to view or download from:  
<http://www.dhsspsni.gov.uk/index/statistics/hospital/hospital-activity/outpatient-activity.htm>

Official figures for the 2014/15 financial year will be released on 6th August 2015.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Northern Health and Social Care Trust spent on agency staff in the last two financial years.

**(AQW 47756/11-15)**

**Mr Hamilton:** The table below shows the Northern Health and Social Care Trust's expenditure on Agency Staff including Medical Locums for the last two financial years.

Trust	2013/2014	2014/2015
NHSCT	£12.4m	£15.5m

**Source:** Northern Health and Social Care Trust

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail how much the Southern Health and Social Care Trust spent on agency staff in the last two financial years.

**(AQW 47758/11-15)**

**Mr Hamilton:** The table below shows the Southern Health and Social Care Trust's expenditure on Agency Staff including Medical Locums for the last two financial years.

Trust	2013/2014	2014/2015
SHSCT	£8.6m	£8.1m

**Source:** Southern Health and Social Care Trust

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 46748/11-15, to provide a breakdown by (a) Health and Social Care Trust; and (b) expenditure.

**(AQW 47766/11-15)**

**Mr Hamilton:** It is not possible to provide the requested information, itemised by Trust, due to the regional nature of the number of investments and the nature of care pathways which may involve individuals being dealt with by more than one healthcare provider.

Of the total £44.31m of Health and Social Care resources 'shifted left' by the end of 2014/15, the expenditure provided for:

- The resettlement of Mental Health / Learning Disability clients (£27.5m)
- a range of transformational initiatives funded directly by HSCB recurrent funding (£16.29m)
- to implement transformational initiatives that resulted in hospital activity avoided (£0.52m)

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety whether there is a sufficient supply of vaccines to cover all first year students aged 18-25 years entering local universities and colleges in September 2015.

**(AQW 47772/11-15)**

**Mr Hamilton:** Supplies of the Men ACWY vaccine are sufficient.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety to outline how the meningitis vaccine can be effectively delivered to locally enrolled students that currently live outside Northern Ireland.

**(AQW 47773/11-15)**

**Mr Hamilton:** It is best to give the Men ACWY vaccine to students before they come to university in Northern Ireland. Students from England and Scotland will be called for the vaccine by their GP if they are equivalent to our year 14 age group and will be invited by various means of communication to attend their GP to get the vaccine if they are freshers aged 19-24 years old before they go to University. Wales have yet to announce their programme but it is expected that they will do something similar.

The Public Health Agency (PHA) have made provisional contacts with universities across Northern Ireland so that they will include details of the ACWY programme in their letters to students and will encourage them to seek to be vaccinated in their home countries before coming to Northern Ireland, or to register with a GP as soon as they arrive here to be vaccinated.

The PHA have also made contact with the international student liaison at Queen's University and they will be advising students to register with GP's as soon as they arrive in Northern Ireland telling them to make sure they are vaccinated.

All freshers are advised to register with a GP on arrival, and Public Health England (PHE) will be providing information on the programme to all universities to encourage students to receive the vaccine. PHE have plans to run communications to students in the first few weeks of term.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety, given that as of September 2015 in England and Scotland, babies aged two months will be offered the Men B vaccine, a second dose at four months and a booster at twelve months, as well as a limited catch-up programme for infants who are due their three and four month vaccinations in September, whether this vaccination will also be offered to local babies.

**(AQW 47774/11-15)**

**Mr Hamilton:** The Men B vaccination programme for babies will be introduced in Northern Ireland in September 2015 in line with the rest of the UK.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety to outline what provisions are being made to ensure appropriate vaccination cover is available for sixteen year old students commencing courses at the College of Agriculture, Food and Rural Enterprise.

**(AQW 47776/11-15)**

**Mr Hamilton:** The Joint Committee on Vaccination and Immunisation (JCVI), an independent panel of experts that advises the 4 UK Health Ministers on issues related to vaccination has advised that a Men ACWY vaccine should be offered to all 14- to 18-year-olds.

Despite the very challenging financial situation I am determined to try to identify the funding necessary to be able to introduce the Men ACWY programme in August, in line with the rest of the UK.

In Northern Ireland it is planned to complete the entire programme over a two-year period with the initial priority given to current 18-year-olds who will be offered a Men ACWY vaccine by their GP. This will be followed by a school-based programme during the academic year 2015/16 and then a further GP-based programme beginning in April 2016.

GPs will also vaccinate any older first time university entrants aged 19-24 years who request the vaccination.

**Mr Gardiner** asked the Minister of Health, Social Services and Public Safety to detail the non-medical operating cost of (i) each Health and Social Care Trust; (ii) the Health and Social Care Board; (iii) the Department of Health, Social Services and Public Safety; (iv) the Business Services Organisation; and (v) the Public Health Agency in each of the last five years

**(AQW 47793/11-15)**

**Mr Hamilton:** This information is not held centrally and could only be provided at disproportionate cost.

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety to outline the criteria a hospital must meet in order to be classified as a teaching hospital.

**(AQW 47851/11-15)**

**Mr Hamilton:** There is no formal definition of a teaching hospital. However, it is generally accepted that a teaching hospital is a hospital, affiliated to a university, that provides clinical education and training to future and current physicians, nurses and other health professionals, in addition to delivering medical care to patients. Standards are set by the relevant regulator; in the case of doctors it is the GMC through its publication 'Tomorrows Doctors'. It is then for the respective university to ensure that the hospitals meet these standards.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail the number of patients presenting and being treated for diacetylmorphine misuse, broken down by Health and Social Care Trust, over the last five years.

**(AQW 47858/11-15)**

**Mr Hamilton:** The number of persons presenting for treatment for diacetylmorphine (heroin) misuse by Health and Social Care Trust is outlined in the table below.

**Number of persons presenting for treatment for diacetylmorphine (heroin) misuse by Health and Social Care Trust 2009/10 to 2013/14**

Trust	2009/10	2010/11	2011/12	2012/13	2013/14
Belfast	87	73	77	67	63
Northern	30	29	31	31	38
South Eastern	14	15	15	13	13
Southern	5	36	19	15	16
Western	20	12	12	23	16



Trust	2009/10	2010/11	2011/12	2012/13	2013/14
Prison	7	59	72	99	106
Total	163	224	226	248	252

## Department of Justice

**Mr McGlone** asked the Minister of Justice where the function of the Office of Public Guardian will lie within the Court structure, in particular whether it will lie within the Family Division or the Chancery Division of the High Court.

**(AQW 47615/11-15)**

**Mr Ford (The Minister of Justice):** The Office of the Public Guardian will be an office within the Northern Ireland Courts and Tribunals Service. It will be distinct from the High Court, but will maintain a close working relationship with the Courts.

An initial scoping exercise has been completed for the establishment of the Office of Public Guardian, including estimated staffing requirements for both that office and for the functions remaining with the High Court. Further work is required to assess fully the impact of the establishment of the Office of Public Guardian, but experience in other jurisdictions would indicate that initial workload will be substantial and that the work of the Family Division of the High Court is also likely to increase. Once the timeline for the implementation of the provisions within the Mental Capacity Bill is finalised, appropriate resources will be put in place.

It is anticipated that the Public Guardian will be a civil service appointment within the Northern Ireland Courts and Tribunals Service. Therefore, the Northern Ireland Judicial Appointments Commission will not make the appointment and the post holder will not be exercising judicial authority. Decisions have not been made yet regarding any potential job specification for the post.

**Mr McGlone** asked the Minister of Justice what assessment has been made of the increased workload on the relevant Division of the High Court following the establishment of the new Office of Public Guardianship; and what resources have been assigned to address the increased workload on the relevant Division of the High Court.

**(AQW 47616/11-15)**

**Mr Ford:** The Office of the Public Guardian will be an office within the Northern Ireland Courts and Tribunals Service. It will be distinct from the High Court, but will maintain a close working relationship with the Courts.

An initial scoping exercise has been completed for the establishment of the Office of Public Guardian, including estimated staffing requirements for both that office and for the functions remaining with the High Court. Further work is required to assess fully the impact of the establishment of the Office of Public Guardian, but experience in other jurisdictions would indicate that initial workload will be substantial and that the work of the Family Division of the High Court is also likely to increase. Once the timeline for the implementation of the provisions within the Mental Capacity Bill is finalised, appropriate resources will be put in place.

It is anticipated that the Public Guardian will be a civil service appointment within the Northern Ireland Courts and Tribunals Service. Therefore, the Northern Ireland Judicial Appointments Commission will not make the appointment and the post holder will not be exercising judicial authority. Decisions have not been made yet regarding any potential job specification for the post.

**Mr McGlone** asked the Minister of Justice (i) whether the appointment of the new Public Guardian will be made through the Northern Ireland Judicial Appointments Commission; (ii) whether it is envisaged that the new post of Public Guardian will exercise judicial authority; (iii) whether a solicitor or barrister will be appointed; and (iv) if so, of how many years standing.

**(AQW 47620/11-15)**

**Mr Ford:** The Office of the Public Guardian will be an office within the Northern Ireland Courts and Tribunals Service. It will be distinct from the High Court, but will maintain a close working relationship with the Courts.

An initial scoping exercise has been completed for the establishment of the Office of Public Guardian, including estimated staffing requirements for both that office and for the functions remaining with the High Court. Further work is required to assess fully the impact of the establishment of the Office of Public Guardian, but experience in other jurisdictions would indicate that initial workload will be substantial and that the work of the Family Division of the High Court is also likely to increase. Once the timeline for the implementation of the provisions within the Mental Capacity Bill is finalised, appropriate resources will be put in place.

It is anticipated that the Public Guardian will be a civil service appointment within the Northern Ireland Courts and Tribunals Service. Therefore, the Northern Ireland Judicial Appointments Commission will not make the appointment and the post holder will not be exercising judicial authority. Decisions have not been made yet regarding any potential job specification for the post.

**Mr McGlone** asked the Minister of Justice to outline the current levels of delay within the Office of Care and Protection; and what steps are being taken to address these delays.

**(AQW 47622/11-15)**

**Mr Ford:** In the last four years the Office of Care and Protection (OCP) has experienced a 45% growth in the number of referrals and a 92% growth in the number of Enduring Powers of Attorney for registration. The number of Controllership orders managed by the OCP has also continued to increase year on year.

The OCP routinely receives up to 350 letters per week.

Controllership applications

The average timeline for assessing and processing an application for Controllership is currently four to six weeks. However, this can vary if the application is incomplete or there are issues that require further investigation or urgent intervention. The OCP has recently published guidance online in an effort to reduce the number of incomplete applications and the high volume of queries in this area.

When the application and supporting paperwork are deemed complete, the OCP aims to issue the Controllership order within 14 days. During the period April 2014 – Mar 2015, 95% of Controllership orders were issued within that timeline.

Applications to release monies

The OCP aims to respond to requests from Controllers to release monies from patients' funds within four weeks. However, that timeline may vary depending on the amount of money sought, the purpose of the expenditure and any requirement to seek third party advice to ensure that the interests of the Patient are met and safeguarded.

Approval of sale of property

All applications for approval to sell a Patient's property are initially referred to the OCP Master, a judicial office holder, to give directions. The timeline for preparing applications for referral is currently two to four weeks. The timeline for fulfilling directions made by the Master will vary on a case-by-case basis. However, when the final contract and deeds are submitted for approval, OCP refers the correspondence to the Master immediately for consideration and a decision is issued within one week of receipt.

**Mr Anderson** asked the Minister of Justice to detail any (i) prosecutions; and (ii) convictions for criminal damage within (a) HMP Maghaberry; (b) HMP Magilligan; and (c) HMP Hydebank Wood, in each of the last four years.

**(AQW 47729/11-15)**

**Mr Ford:** Prosecutions and convictions are a matter for the Police Service for Northern Ireland.

**Mr Anderson** asked the Minister of Justice to detail the staff movements in HMP Maghaberry in each of the last two years, broken down by grade.

**(AQW 47731/11-15)**

**Mr Ford:** The number of staff movements in Maghaberry Prison during the period

1 June 2013 to 1 June 2015, stated by prison grade, are detailed in the following tables:

**Details of staff moves in/out for the period: 1 June 2013 to 31 May 2014**

Grade	New Recruits	Leavers	Transfers In	Transfers Out	Internal moves
Governors	0	3	4	2	0
Functional Heads	0	0	0	0	0
Unit Managers	0	0	1	0	0
Senior Officers	0	8	0	0	10
Main Grade Officers	0	67	2	8	74
Operational Support Grades	0	0	0	0	2
Night Custody Officers	0	5	0	0	0
Custody Prison Officers	15	24	3	7	93
Principal Officers	0	6	0	1	0
<b>Totals</b>	<b>15</b>	<b>113</b>	<b>10</b>	<b>18</b>	<b>179</b>

**1 June 2014 to 1 June 2015**

Grade	New Recruits	Leavers	Transfers In	Transfers Out	Internal moves
Governors	0	1	0	0	0
Functional Heads	0	4	1	0	0
Unit Managers	0	1	0	0	0
Senior Officers	0	7	4	2	14
Main Grade Officers	0	19	1	2	26
Operational Support Grades	0	0	0	0	0
Night Custody Officers	0	0	0	1	0
Custody Prison Officers	0	32	5	1	42
Principal Officers	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>64</b>	<b>11</b>	<b>6</b>	<b>82</b>

Staff moves in/out due to Promotion/ Regrading/ Return from Career Break or Secondment:

**1 June 2013 to 31 May 2014**

Grade	Transfer In	Transfer Out	Career Break	Seconded Out
Governors	2	0	0	0
Functional Heads	0	0	0	0
Unit Managers	0	0	0	0
Senior Officers	0	0	0	0
Main Grade Officers	0	0	0	1
Operational Support Grades	0	0	0	0
Night Custody Officers	0	0	0	0
Custody Prison Officers	36	0	0	0
Principal Officers	0	4	0	0
<b>Totals</b>	<b>38</b>	<b>4</b>	<b>0</b>	<b>1</b>

**1 June 2014 to 31 May 2015**

Grade	Transfer In	Transfer Out	Career Break	Seconded Out
Governors	0	0	0	0
Functional Heads	0	0	0	0
Unit Managers	0	0	0	0
Senior Officers	0	0	0	0
Main Grade Officers	0	0	0	0
Operational Support Grades	0	0	0	0
Night Custody Officers	0	0	0	0
Custody Prison Officers	6	0	1	0
Principal Officers	0	0	0	0
<b>Totals</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>

**Mr Anderson** asked the Minister of Justice to detail the inspections which have been carried out in HMP Maghaberry in each of the last two years.

**(AQW 47735/11-15)**

**Mr Ford:** During the last two years the following inspections have taken place in Maghaberry Prison:

- October 2014 - Joint Inspection by CJINI and RQIA - The Safety of Prisoners Held by the Northern Ireland Prison Service.
- February/March 2015 – RQIA Healthcare Inspection.
- May 2015 – CJINI Unannounced Inspection.
- June 2015 – CJINI Inspection of Indeterminate Sentenced Prisoners.

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 47346/11-15 (i) whether he will review this answer given that the question seeks the collective costs in Legal Aid associated with the Boston Tapes challenges and does not seek information on any individual or specific case; and (ii) by what percentage in costs these cases have been funded from the overall civil legally-aided cases in each relevant financial year.

**(AQW 47801/11-15)**

**Mr Ford:** The Legal Aid Agency does not hold information on the specific nature of the proceedings for which Legal Aid has been granted. The information requested is not recorded separately and could only be obtained by a manual search of files which would incur a disproportionate cost.

**Mr Gardiner** asked the Minister of Justice to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

**(AQW 47878/11-15)**

**Mr Ford:**

- (i) The table below shows the Department's unringfenced resource DEL and capital underspends for the years 2010-11 to 2014-15 by spending area.

	10-11		11-12		12-13		13-14		14-15**	
	Under/(over) spend		Under/(over) spend		Under/(over) spend		Under/(over) spend		Under/(over) spend	
	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m
Core Department *	49.3	5.6	9.8	0.6	5.9	(0.1)	1.7	2.0	4.4	0.8
<b>Executive Agencies</b>										
Forensic Science NI	0.1	0.2	0.0	0.0	0.5	0.1	(0.1)	0.6	0.0	0.3
Youth Justice Agency	1.2	0.0	0.1	(0.3)	0.2	0.1	0.4	0.0	0.8	0.0
Northern Ireland Prison Service	4.0	2.3	(1.9)	(0.9)	0.0	0.7	0.2	0.9	(1.6)	1.6
NI Courts & Tribunals Service	1.5	0.2	(2.5)	0.2	0.3	0.1	(0.1)	0.2	0.1	0.8
<b>Executive Agencies total</b>	<b>6.8</b>	<b>2.7</b>	<b>(4.3)</b>	<b>(1.0)</b>	<b>1.0</b>	<b>1.0</b>	<b>0.4</b>	<b>1.7</b>	<b>(0.7)</b>	<b>2.7</b>
<b>Executive NDPBs</b>										
PSNI	15.7	9.4	9.3	24.1	5.2	13.2	8.8	10.4	14.8	1.4
NI Policing Board	0.4	0.0	0.8	0.0	0.5	0.0	0.4	0.0	0.1	0.0
Police Ombudsman NI	0.4	0.1	0.3	0.1	0.2	0.0	0.0	0.0	0.1	0.0

	10-11		11-12		12-13		13-14		14-15**	
	Under/(over) spend		Under/(over) spend		Under/(over) spend		Under/(over) spend		Under/(over) spend	
	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m	Unring-fenced DEL £m	Capital DEL £m
NI Police Fund	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	(0.1)	0.0
RUC George Cross Foundation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	(0.2)
Probation Board NI	(0.4)	0.9	0.2	0.0	0.2	0.0	0.0	0.0	0.3	0.2
Police Rehabilitation & Retraining Trust	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0
NI Legal Services Commission	5.2	(0.7)	(6.0)	(0.1)	(5.6)	0.1	(1.1)	0.3	(0.8)	0.0
Criminal Justice Inspection	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.1	0.0
<b>Executive NDPBs</b>	<b>21.3</b>	<b>9.7</b>	<b>4.7</b>	<b>24.1</b>	<b>0.7</b>	<b>13.3</b>	<b>8.1</b>	<b>10.8</b>	<b>14.6</b>	<b>1.4</b>
<b>Departmental Total</b>	<b>77.4</b>	<b>18.0</b>	<b>10.2</b>	<b>23.7</b>	<b>7.6</b>	<b>14.2</b>	<b>10.2</b>	<b>14.5</b>	<b>18.3</b>	<b>4.9</b>

\* Includes Compensation Services which was an Agency of the Department until April 2013

\*\* 2014-15 figures are based on provisional outturn

As part of the agreed security funding package in place for the PSNI during the Budget 2011-15 period, the Department had access to planned underspends going into and during the Budget 2011-15 period. This provided some flexibility to manage within a ringfenced settlement. Unringfenced Resource DEL and capital DEL underspends in excess of those planned were used by HM Treasury to offset the security funding requirement. Underspends in relation to the NI Community Safety College were carried forward across the Budget 2011-15 period. However, the Department understands that all such commitments to access these underspends have ceased:

- (ii) it will be a matter for the Department of Finance and Personnel to engage with HM Treasury on future access to underspends.

**Mr Weir** asked the Minister of Justice what discussions his Department has with neighbouring jurisdictions to ensure the sharing of records of people who are banned from keeping animals through criminal conviction or court order, (AQW 47890/11-15)

**Mr Ford:** My Department has not been involved in any discussions to date with neighbouring jurisdictions on this specific issue. However, the interim report of the review into the implementation of the Welfare of Animals Act (Northern Ireland) 2011 identified that, although cases with a cross border element are rare, the bodies responsible for enforcing Animal Welfare legislation (the Police Service of Northern Ireland, The Department of Agriculture and Rural Development and Local Councils) each have arrangements in place, where appropriate, with their counterparts in neighbouring jurisdictions to facilitate carrying out their respective enforcement roles. By way of example the PSNI have protocols in place regarding sharing information with An Garda Síochána and other United Kingdom police forces.

**Mr Moutray** asked the Minister of Justice to outline the rationale for establishing a new Conditional Early Release scheme. (AQW 47938/11-15)

**Mr Ford:** Article 19 of the Criminal Justice (NI) Order 2008 provides my Department with a discretionary power to release a fixed term prisoner on licence up to 135 days early. The power to commence the Conditional Early Release scheme (CER) is contained in legislation that was introduced under direct rule in 2008 and was consulted on widely during that process. In



addition I consulted with the Justice Committee on the precise terms of the scheme on a number of occasions in the lead up to its launch on 1 June 2015. I took the decision to commence this power on the grounds that conditional early release on licence can have a positive impact on a prisoner's rehabilitation by providing an opportunity for early resettlement back into the community. The CER scheme is limited to those prisoners with an exemplary record in custody and who present a low risk of re-offending.

There are a number of statutory based criteria contained in the legislation which will preclude a prisoner making an application for CER. These statutory exclusions have been augmented by my officials to include a number of non-statutory exclusions specifically designed to underpin public confidence in the criminal justice system. A copy of the policy which explains in detail the operation of the CER scheme and includes all exclusions can be found on the DOJ website by searching for Conditional Early Release scheme.

The realisation of savings was not the motivation behind the recent launch of the CER scheme. I am therefore not in a position at this point to set out the savings that may accrue as a result of its launch.

**Mr Moutray** asked the Minister of Justice to detail the consultations that his Department has carried out on the new Conditional Early Release scheme.

**(AQW 47944/11-15)**

**Mr Ford:** Article 19 of the Criminal Justice (NI) Order 2008 provides my Department with a discretionary power to release a fixed term prisoner on licence up to 135 days early. The power to commence the Conditional Early Release scheme (CER) is contained in legislation that was introduced under direct rule in 2008 and was consulted on widely during that process. In addition I consulted with the Justice Committee on the precise terms of the scheme on a number of occasions in the lead up to its launch on 1 June 2015. I took the decision to commence this power on the grounds that conditional early release on licence can have a positive impact on a prisoner's rehabilitation by providing an opportunity for early resettlement back into the community. The CER scheme is limited to those prisoners with an exemplary record in custody and who present a low risk of re-offending.

There are a number of statutory based criteria contained in the legislation which will preclude a prisoner making an application for CER. These statutory exclusions have been augmented by my officials to include a number of non-statutory exclusions specifically designed to underpin public confidence in the criminal justice system. A copy of the policy which explains in detail the operation of the CER scheme and includes all exclusions can be found on the DOJ website by searching for Conditional Early Release scheme.

The realisation of savings was not the motivation behind the recent launch of the CER scheme. I am therefore not in a position at this point to set out the savings that may accrue as a result of its launch.

**Mr Moutray** asked the Minister of Justice to outline the savings that will be made through the introduction of the new Conditional Early Release scheme.

**(AQW 47945/11-15)**

**Mr Ford:** Article 19 of the Criminal Justice (NI) Order 2008 provides my Department with a discretionary power to release a fixed term prisoner on licence up to 135 days early. The power to commence the Conditional Early Release scheme (CER) is contained in legislation that was introduced under direct rule in 2008 and was consulted on widely during that process. In addition I consulted with the Justice Committee on the precise terms of the scheme on a number of occasions in the lead up to its launch on 1 June 2015. I took the decision to commence this power on the grounds that conditional early release on licence can have a positive impact on a prisoner's rehabilitation by providing an opportunity for early resettlement back into the community. The CER scheme is limited to those prisoners with an exemplary record in custody and who present a low risk of re-offending.

There are a number of statutory based criteria contained in the legislation which will preclude a prisoner making an application for CER. These statutory exclusions have been augmented by my officials to include a number of non-statutory exclusions specifically designed to underpin public confidence in the criminal justice system. A copy of the policy which explains in detail the operation of the CER scheme and includes all exclusions can be found on the DOJ website by searching for Conditional Early Release scheme.

The realisation of savings was not the motivation behind the recent launch of the CER scheme. I am therefore not in a position at this point to set out the savings that may accrue as a result of its launch.

**Lord Morrow** asked the Minister of Justice what is the current average timeframe for (i) fingerprint evidence; and (ii) DNA analysis results to be processed by Forensic Service NI, from submission to conclusion.

**(AQW 47951/11-15)**

**Mr Ford:** The Special Fingerprint Unit of Forensic Science Northern Ireland has an average performance of 62 calendar days. The PSNI Fingerprint Bureau conducts the routine processing of the majority of volume crime exhibits.

DNA analysis has three process lines:-

For Criminal Justice DNA samples, i.e. those taken from persons on arrest, the time from receipt of the swab, to uploading of the profiles to the DNA Database, is an average of seven calendar days.

For Volume Crime Database cases, i.e. those aimed at identifying a potential person of interest, the performance is an average of eight calendar days.

For DNA Casework cases the picture is more complicated as the DNA work is invariably integrated within the biology workstream. The reports produced include evidence and opinion based on multiple evidence types, including body fluids and DNA. Biology cases currently average 36 calendar days.

Mr Weir asked the remuneration rate for Special Educational Needs and Disability tribunal panel members; and whether members are paid per day or per case.

**(AQW 47981/11-15)**

**Mr Ford:** The remuneration rates for Special Educational Needs and Disability Tribunal (SENDIST) panel members are as follows:

Panel Member Category	Rate per day
Chairman	£336
Lay Member	£171

Panel members are paid per hearing day, with a half day fee being paid when appropriate. A hearing day is normally exclusive to one appeal and more than one hearing day can be required before the panel can reach a final decision.

The table below details the legal costs incurred by SENDIST in each of the last five years.

Year	2010/11	2011/12	2012/13	2013/14	2014/15
Legal Costs	£619	£1,201	£19,034	£40,796	£10,407

The estimated average cost of a SENDIST hearing is £1,247. This includes panel member fees for one day, an estimated cost of facilities within the Tribunal Hearing Centre and staff administration costs associated with the hearing.

Information on the number of SENDIST tribunals held and the number of appeals upheld is available in respect of the last four financial years only, this is detailed in the table below.

Year	2011/12	2012/13	2013/14	2014/15
Number of Hearings	15	15	12	16
Appeals Upheld	8	8	7	9
Partially <sup>1</sup> Upheld	2	0	1	1

<sup>1</sup> Includes Appeals where the panel has upheld elements of the appeal but rejected others.

Appeal number 30/13 required eight hearing days in total and the approximate cost was £9,544 which includes panel member fees, the cost of facilities provided within The Tribunal Hearing Centre and staff administration costs associated with the hearings.

**Mr Weir** asked the Minister of Justice to detail how much his Department has spent on legal costs incurred by Special Educational Needs and Disability tribunals in each of the last five years.

**(AQW 47983/11-15)**

**Mr Ford:** The remuneration rates for Special Educational Needs and Disability Tribunal (SENDIST) panel members are as follows:

Panel Member Category	Rate per day
Chairman	£336
Lay Member	£171

Panel members are paid per hearing day, with a half day fee being paid when appropriate. A hearing day is normally exclusive to one appeal and more than one hearing day can be required before the panel can reach a final decision.

The table below details the legal costs incurred by SENDIST in each of the last five years.

Year	2010/11	2011/12	2012/13	2013/14	2014/15
Legal Costs	£619	£1,201	£19,034	£40,796	£10,407

The estimated average cost of a SENDIST hearing is £1,247. This includes panel member fees for one day, an estimated cost of facilities within the Tribunal Hearing Centre and staff administration costs associated with the hearing.

Information on the number of SENDIST tribunals held and the number of appeals upheld is available in respect of the last four financial years only, this is detailed in the table below.

Year	2011/12	2012/13	2013/14	2014/15
Number of Hearings	15	15	12	16
Appeals Upheld	8	8	7	9
Partially <sup>2</sup> Upheld	2	0	1	1

2 Includes Appeals where the panel has upheld elements of the appeal but rejected others.

Appeal number 30/13 required eight hearing days in total and the approximate cost was £9,544 which includes panel member fees, the cost of facilities provided within The Tribunal Hearing Centre and staff administration costs associated with the hearings.

**Mr Weir** asked the Minister of Justice to detail the average cost of a Special Educational Needs and Disability tribunal.  
(AQW 47984/11-15)

**Mr Ford:** The remuneration rates for Special Educational Needs and Disability Tribunal (SENDIST) panel members are as follows:

Panel Member Category	Rate per day
Chairman	£336
Lay Member	£171

Panel members are paid per hearing day, with a half day fee being paid when appropriate. A hearing day is normally exclusive to one appeal and more than one hearing day can be required before the panel can reach a final decision.

The table below details the legal costs incurred by SENDIST in each of the last five years.

Year	2010/11	2011/12	2012/13	2013/14	2014/15
Legal Costs	£619	£1,201	£19,034	£40,796	£10,407

The estimated average cost of a SENDIST hearing is £1,247. This includes panel member fees for one day, an estimated cost of facilities within the Tribunal Hearing Centre and staff administration costs associated with the hearing.

Information on the number of SENDIST tribunals held and the number of appeals upheld is available in respect of the last four financial years only, this is detailed in the table below.

Year	2011/12	2012/13	2013/14	2014/15
Number of Hearings	15	15	12	16
Appeals Upheld	8	8	7	9
Partially <sup>3</sup> Upheld	2	0	1	1

3 Includes Appeals where the panel has upheld elements of the appeal but rejected others.

Appeal number 30/13 required eight hearing days in total and the approximate cost was £9,544 which includes panel member fees, the cost of facilities provided within The Tribunal Hearing Centre and staff administration costs associated with the hearings.

**Mr Weir** asked the Minister of Justice how many Special Educational Needs and Disability tribunals have been held in each of the last five years; and in how many cases was the appeal upheld.  
(AQW 47985/11-15)

**Mr Ford:** The remuneration rates for Special Educational Needs and Disability Tribunal (SENDIST) panel members are as follows:

Panel Member Category	Rate per day
Chairman	£336
Lay Member	£171

Panel members are paid per hearing day, with a half day fee being paid when appropriate. A hearing day is normally exclusive to one appeal and more than one hearing day can be required before the panel can reach a final decision.

The table below details the legal costs incurred by SENDIST in each of the last five years.

Year	2010/11	2011/12	2012/13	2013/14	2014/15
Legal Costs	£619	£1,201	£19,034	£40,796	£10,407

The estimated average cost of a SENDIST hearing is £1,247. This includes panel member fees for one day, an estimated cost of facilities within the Tribunal Hearing Centre and staff administration costs associated with the hearing.

Information on the number of SENDIST tribunals held and the number of appeals upheld is available in respect of the last four financial years only, this is detailed in the table below.

Year	2011/12	2012/13	2013/14	2014/15
Number of Hearings	15	15	12	16
Appeals Upheld	8	8	7	9
Partially <sup>4</sup> Upheld	2	0	1	1

4 Includes Appeals where the panel has upheld elements of the appeal but rejected others.

Appeal number 30/13 required eight hearing days in total and the approximate cost was £9,544 which includes panel member fees, the cost of facilities provided within The Tribunal Hearing Centre and staff administration costs associated with the hearings.

**Ms Sugden** asked the Minister of Justice what legislation his Department plans to bring forward by the end of the current Assembly mandate.

**(AQW 47986/11-15)**

**Mr Ford:** My Justice Bill has just completed its Assembly passage and is now awaiting Royal Assent. At its core the Bill has three aims: to improve services for victims and witnesses; to speed up the justice system; and to improve the efficiency and effectiveness of key aspects of the system.

I have also very recently introduced a Justice (No. 2) Bill into the Assembly to improve arrangements for the collection and enforcement of financial penalties and to enhance key aspects of prison services.

The Minister of Health, Social Services and Public Safety and I have introduced the Mental Capacity Bill into the Assembly to create a composite framework for both mental capacity and mental health law.

I am currently in the process of seeking Executive agreement to change the law on abortion in relation to fatal fetal abnormality.

I also have an extensive programme of secondary legislation in both the criminal and civil justice fields.

**Mr Weir** asked the Minister of Justice to detail the cost of the Special Educational Needs and Disability tribunal, reference appeal number 30/13.

**(AQW 47987/11-15)**

**Mr Ford:** The remuneration rates for Special Educational Needs and Disability Tribunal (SENDIST) panel members are as follows:

Panel Member Category	Rate per day
Chairman	£336
Lay Member	£171

Panel members are paid per hearing day, with a half day fee being paid when appropriate. A hearing day is normally exclusive to one appeal and more than one hearing day can be required before the panel can reach a final decision.

The table below details the legal costs incurred by SENDIST in each of the last five years.

Year	2010/11	2011/12	2012/13	2013/14	2014/15
Legal Costs	£619	£1,201	£19,034	£40,796	£10,407

The estimated average cost of a SENDIST hearing is £1,247. This includes panel member fees for one day, an estimated cost of facilities within the Tribunal Hearing Centre and staff administration costs associated with the hearing.

Information on the number of SENDIST tribunals held and the number of appeals upheld is available in respect of the last four financial years only, this is detailed in the table below.

Year	2011/12	2012/13	2013/14	2014/15
Number of Hearings	15	15	12	16
Appeals Upheld	8	8	7	9
Partially <sup>5</sup> Upheld	2	0	1	1

5 Includes Appeals where the panel has upheld elements of the appeal but rejected others.

Appeal number 30/13 required eight hearing days in total and the approximate cost was £9,544 which includes panel member fees, the cost of facilities provided within The Tribunal Hearing Centre and staff administration costs associated with the hearings.

**Mr Campbell** asked the Minister of Justice, pursuant to AQW 46931/11-15, to detail the number of prisoners in Magilligan Prison on 1 May in each year since 2009.

**(AQW 48029/11-15)**

**Mr Ford:** The information you have requested is provided in the table below.

Year	Snapshot Date	Population
2009	01/05/2009	401
2010	01/05/2010	459
2011	01/05/2011	502
2012	01/05/2012	534
2013	01/05/2013	535
2014	01/05/2014	566
2015	01/05/2015	544

**Mr Moutray** asked the Minister of Justice what criteria prisoners would have to meet before being eligible for the new Conditional Early Release scheme.

**(AQW 48033/11-15)**

**Mr Ford:** Article 19 of the Criminal Justice (NI) Order 2008 provides my Department with a discretionary power to release a fixed term prisoner on licence up to 135 days early. The power to commence the Conditional Early Release scheme (CER) is contained in legislation that was introduced under direct rule in 2008 and was consulted on widely during that process. In addition I consulted with the Justice Committee on the precise terms of the scheme on a number of occasions in the lead up to its launch on 1 June 2015. I took the decision to commence this power on the grounds that conditional early release on licence can have a positive impact on a prisoner's rehabilitation by providing an opportunity for early resettlement back into the community. The CER scheme is limited to those prisoners with an exemplary record in custody and who present a low risk of re-offending.

There are a number of statutory based criteria contained in the legislation which will preclude a prisoner making an application for CER. These statutory exclusions have been augmented by my officials to include a number of non-statutory exclusions specifically designed to underpin public confidence in the criminal justice system. A copy of the policy which explains in detail the operation of the CER scheme and includes all exclusions can be found on the DOJ website by searching for Conditional Early Release scheme.

The realisation of savings was not the motivation behind the recent launch of the CER scheme. I am therefore not in a position at this point to set out the savings that may accrue as a result of its launch.

**Mr Moutray** asked the Minister of Justice to detail the number of (i) prosecutions; and (ii) convictions for VAT fraud in each of the last four years, broken down by constituency.

**(AQW 48034/11-15)**

**Mr Ford:** The information requested is not available from datasets held by my Department. Offences relating to VAT fraud may be prosecuted under the Customs and Excise Management Act 1979 or the Value Added Tax Act 1994. Such prosecutions are brought by Her Majesty's Revenue and Customs, which may hold the information requested.



**Mr McNarry** asked the Minister of Justice to detail (i) the amount the police pension scheme is seeking to recover from overpayments and (ii) how many individuals are involved in such claims for overpayments.

**(AQW 48048/11-15)**

**Mr Ford:** I am advised by the Police Service of Northern Ireland that as of 30 June 2015, £176,327.58 is to be recouped from police pension overpayments and that 87 individuals are involved.

**Lord Morrow** asked the Minister of Justice who proposed the employer contribution for police pensions rise from the proposed 14.3 per cent to 25.1 per cent; and to provide, or place in the Assembly Library, copies of these representations.

**(AQW 48056/11-15)**

**Mr Ford:** The actual employer contribution rate for police pension schemes was increased from 24.2% as of 1 April 2010 to 25.1% from 1 April 2015.

The valuation of the police pension schemes required the determination of the rate of employer contribution payable from 1 April 2015 for the four year period from 1 April 2015 to 31 March 2019, in accordance with The Public Service Pensions (Valuation and Employer Cost Cap Directions (Northern Ireland) 2014.

The Police Pension Schemes (Northern Ireland) actuarial valuation as at 31 March 2012 provides detail on this valuation of the police scheme including the employer contribution rates and can be viewed at:

<http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/policing/police-pension-schemes-ni-2012-report-by-the-scheme-actuary.pdf>

**Lord Morrow** asked the Minister of Justice (i) whether the employer contribution for the new police pension is 25.1 per cent; (ii) what is the cost ceiling; and (iii) why that figure has risen above the previously proposed 28 per cent.

**(AQW 48103/11-15)**

**Mr Ford:**

- (i) The employer contribution rate for the new police pension scheme is 25.1%.
- (ii) The cost ceiling is 13.1%.
- (iii) The figure of 28% relates to a calculation by the Government Actuary of the gross cost ceiling, as set out by the UK Government for the purposes of the reform design process for public sector pensions in 2015.

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 45964/11-15, (i) how further offences against a vulnerable victim were able to be committed; (ii) what monitoring was in place; and (iii) for his assessment of the adequacy of Sexual Offences Prevention Orders in circumstances involving index offences.

**(AQW 48173/11-15)**

**Mr Ford:** In the case in question there was no post-conviction supervised licence in force and the statutory monitoring requirements comprised notification (sex offender registration) requirements and a Sexual Offences Prevention Order (SOPO). Both are risk managed by PSNI with appropriate input from other relevant agencies operating the public protection arrangements (PPANI). Designated risk managers utilised monitoring visits to review compliance with the specific conditions of the order and the individual's overall risk management plan.

The SOPO is a risk minimisation measure and it is regrettable that, however robust the risk management strategies in place are or however significant the custodial penalties for SOPO breaches may be, there are some individuals who will actively choose to reoffend.

SOPOs specifically target the risk factors which give rise to the commission of the index offences and the restrictions which are appropriate to minimise the risk of serious sexual harm being caused in the future. They can be useful both in their own right, particularly in the absence of any other statutory measures, and in combination with any applicable statutory supervision requirements to address the specific risks posed by the sexual offenders being risk managed under the PPANI arrangements.

There are clear procedures in place for dealing with non-compliance. When concerns are expressed about an offender, or a potential breach is suspected, police can exercise their powers to search the offender's home for evidence of any increase in current risks or non-compliance with the order's conditions. This can enable police to reassess the risk management plan including invoking the options of referral for multi-agency re-assessment, seeking the court's agreement to additional SOPO restrictions or initiating prosecution for a detected breach.

There is significant evidence within the Criminal Justice Inspection report in 2011 that SOPOs, and the other available measures deployed within the PPANI arrangements more generally, have been successful in managing the complex range of risks posed by sexual offenders.

**Lord Morrow** asked the Minister of Justice why PSNI employer contributions are 2 per cent higher than Wales and England; and why contributions are now 0.5 per cent higher than the old scheme.

**(AQW 48177/11-15)**

**Mr Ford:** The PSNI employer contribution rate is higher than the equivalent rate in the England and Wales Police scheme, because of past service effects. The difference in these past service costs is primarily due to differences in the projected future payroll. However, when measured as a percentage of the liability, the deficit is similar in Northern Ireland to that in England and Wales.

The police pension schemes in Northern Ireland are financed by payments from the employer and from those current police officers who are members of the Schemes. Police officers pay contributions at different rates which are determined by their salary and scheme membership, and reflect the benefits received.

Following discussion at the Police Negotiating Board in July 2014 on the proposed employee contributions rates for 2015 - 2019, Police Association members were invited to provide an alternative to this proposal, so long as it complied with the requirements under the reformed design framework. None were forthcoming.

**Mr Moutray** asked the Minister of Justice to outline the reasons for the delay in the pay increase for staff at Maghaberry Prison who have moved up the custody officer salary scale.

**(AQW 48191/11-15)**

**Mr Ford:** The Northern Ireland Prison Service is in the process of seeking the required remit approval from the Minister of Finance & Personnel, with discussions ongoing to secure that approval at the earliest opportunity. Payment can only be made following completion of this process.

**Mr Somerville** asked the Minister of Justice, pursuant to AQW 27923/11-15 and AQO 2988/11-15, what progress has been made in reviewing life sentencing tariffs for convicted murderers since the dismissal of the Wootton and McConville Appeal in the Court of Appeal of 29 May 2014.

**(AQW 48204/11-15)**

**Mr Ford:** The Department is currently reviewing the legislation governing the determination of tariffs. Following Justice Committee consideration, I intend to publish the results of the review for public consultation later this year.

**Mr Weir** asked the Minister of Justice what engagement his Department plans with the local community on the proposed closure of Newtownards courthouse.

**(AQW 48220/11-15)**

**Mr Ford:** Although the consultation period for the court rationalisation proposals has now closed, my officials remain available to meet with any representatives of the local communities affected by the proposals.

My officials and I previously met with representatives of Ards Borough Council on 12 March 2015 to discuss the proposed closure of Newtownards Courthouse. A public meeting was also held at the Courthouse during the consultation period which was open to all members of the community.

## Department for Regional Development

**Mr Hazzard** asked the Minister for Regional Development to outline the programme of traffic calming works in South Down for 2015/2016.

**(AQW 46629/11-15)**

**Mr Kennedy (The Minister for Regional Development):** I can advise that, subject to a successful outcome of the consultation process, the traffic calming programme for the Newry, Mourne and Down Council area for 2015/16, is;

- College Square, Bessbrook
- Martin's Lane, Newry

Both of these schemes will comprise the conventional road hump design and the associated advance signage and gateway features.

**Lord Morrow** asked the Minister for Regional Development, given the impact bus lane cameras will have on the ability of public hire taxis to pick up hailed fares, whether he will expedite the provision of public hire taxi ranks.

**(AQW 47396/11-15)**

**Mr Kennedy:** Private hire taxis are not permitted to run in, or stop in, any operational bus lane. Unless the bus lane operates full-time, adjacent traffic signs will show the times of operation. Outside of these times, all vehicles including private hire taxis can use the road space. Public hire taxis are permitted to run in and stop in all bus lanes without incurring a penalty, with the following exceptions:

- All motorway bus lanes;
- East Bridge Street – due to the bus gate which detects bus size vehicles and changes traffic signals;
- Castle Street – between Donegall Place and Queen Street;

- Corporation Street – contra-flow bus lane with bus gate at the Dock Street junction;
- Nelson Street – this is a bus only street with a bus gate at the Dock Street junction; and
- Queen's Square - provides access to Laganside Bus Station.

I do not consider that bus lane cameras will have a significant impact on public hire taxi operations. However, officials are currently developing proposals for a number of additional public hire taxi rank spaces in the City Centre.

**Lord Morrow** asked the Minister for Regional Development whether preventing taxis from picking up fares from outside Central Station, Belfast due to bus lane cameras is in compliance with the Disability Discrimination Act; and what engagement Translink or departmental officials held with disability groups.

**(AQW 47518/11-15)**

**Mr Kennedy:** Translink has advised that there was engagement with IMTAC and Disability Action at the time of the Central Station redevelopment in 2001, in order to ensure there was fully accessible access from the station platforms, to the ticket hall, to the lower entrance where both public hire and private hire ranks are located. Access to and from all taxi ranks and the station is fully compliant with the Disability Discrimination Act.

Private hire taxis are not permitted to run in, or stop in, any operational bus lane. Unless the bus lane operates full-time, adjacent traffic signs will show the times of operation. Outside of these times, all vehicles including private hire taxis can use the road space. Public hire taxis are permitted to run in and stop in all bus lanes without incurring a penalty, with the following exceptions:

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- Corporation Street – contra-flow bus lane with bus gate at the Dock Street junction;
- Nelson Street – this is a bus only street with a bus gate at the Dock Street junction; and
- Queen's Square - provides access to Laganside Bus Station.

Regarding taxi rank provision at Central Station, my Department has provided a public hire taxi rank close to the lower door to the station on Mays Meadow. As public hire taxis are able to pick up fares from the public hire taxi rank close to the lower door to the station on Mays Meadow, I do not consider there to be any issues regarding compliance with the Disability Discrimination Act.

I do not consider that bus lane cameras will have a significant impact on public hire taxi operations. However, officials are currently developing proposals for a number of additional public hire taxi rank spaces in the City Centre.

The normal consultation process took place prior to the bus lane legislation for East Bridge Street coming into operation in January 2001 and no objections were received from any disabled groups. No specific engagement occurred with disabled groups at that time.

**Lord Morrow** asked the Minister for Regional Development to detail the areas of Belfast where taxis may use bus lanes without incurring a breach and resultant penalty.

**(AQW 47522/11-15)**

**Mr Kennedy:** Private hire taxis are not permitted to run in, or stop in, any operational bus lane. Unless the bus lane operates full-time, adjacent traffic signs will show the times of operation. Outside of these times, all vehicles including private hire taxis can use the road space. Public hire taxis are permitted to run in and stop in all bus lanes without incurring a penalty, with the following exceptions:

- All motorway bus lanes;
- East Bridge Street – due to the bus gate which detects bus size vehicles and changes traffic signals;
- Castle Street – between Donegall Place and Queen Street;
- Corporation Street – contra-flow bus lane with bus gate at the Dock Street junction;
- Nelson Street – this is a bus only street with a bus gate at the Dock Street junction; and
- Queen's Square - provides access to Laganside Bus Station.

**Mr McMullan** asked the Minister for Regional Development to detail the amount paid out in claims for (i) injury to persons; and (ii) damage to vehicles as a result of defective roads in each of the last five years.

**(AQW 47674/11-15)**

**Mr Kennedy:** Details of the total amounts of compensation paid by my Department for (i) injury to persons; and (ii) damage to vehicles in each of the last five years, are set out in the table below:

Financial Year	Compensation Paid	
	Personal Injury(£K)	Vehicle Damage(£K)*
2014/2015	£2,216	£124
2013/2014	£2,084	£231
2012/2013	£1,882	£128
2011/2012	£1,926	£345
2010/2011	£1,915	£314

\* The figures provided show public liability compensation amounts paid out for Personal Injury and Vehicle Damage, which could have occurred on roads, footways, or in the Department's car parks.

**Mr McMullan** asked the Minister for Regional Development whether Transport NI jobs in the northern division are at risk as a result of budget cuts; and whether depot managers are being asked for plans for the reduction of staff and machinery.  
(AQW 47676/11-15)

**Mr Kennedy:** My Department expects a significant number of industrial and non-industrial staff from TransportNI, including staff in Northern Division, to leave the Department in the coming months under the Northern Ireland Civil Service Voluntary Exit Scheme. This is a voluntary scheme.

As a result of the likely exits, senior managers are developing new structures and new ways of working to cope with less staff. In addition, my Department continues to seek other efficiencies where possible from all Business Units, including the identification and removal from service of old and underutilised vehicles and plants.

**Mr Eastwood** asked the Minister for Regional Development, pursuant to AQW 44581/11-15, when a final proposal for the integrated transport hub will be published.  
(AQW 47691/11-15)

**Mr Kennedy:** Translink has advised that it is currently inviting tenders from suitably qualified and experienced design teams; the objective of which is to develop a fit-for-purpose and affordable solution for the rail station element of the integrated transport hub. Until the tendering and evaluation processes for the rail station and the related integration elements are completed it is not possible to precisely state when a final proposal for the integrated transport hub will be published. I do, however, expect that this work will be prioritised in order that the project can, in its entirety, be effectively progressed.

**Mr Eastwood** asked the Minister for Regional Development whether funding has been secured for the A2 Buncrana Road widening.  
(AQW 47695/11-15)

**Mr Kennedy:** There is no provision in the current budget for construction of the A2 Buncrana Road widening scheme. Spending beyond the current budget period on schemes such as the Buncrana Road widening will be dependent upon the level of funding made available through future budgetary settlements and the relative priorities afforded to schemes competing for the available funds.

**Mr Eastwood** asked the Minister for Regional Development, pursuant to AQW 45030/11-15, when draft Vesting Orders and the draft Direction Order for the A5 will be published.  
(AQW 47696/11-15)

**Mr Kennedy:** As advised in my response to AQW 45030/11-15, it is my intention to circulate a paper to Executive colleagues in the coming weeks, this remains the case.

**Mr Eastwood** asked the Minister for Regional Development whether funding has been secured for the A6 Dualling Derry to Dungiven.  
(AQW 47747/11-15)

**Mr Kennedy:** Funding is in place to develop the scheme to a point where the Departmental Statement is published, setting out how the project should proceed. Further progression will be subject to final approval of the business case and be dependent upon the financial settlement for the next budget period commencing in April 2016.

**Mr Eastwood** asked the Minister for Regional Development whether funding has been secured for the A6 Dualling from the M22, Randalstown to Castledawson roundabout.  
(AQW 47748/11-15)

**Mr Kennedy:** I am very pleased to confirm that a contract for the development of the Randalstown to Castledawson scheme has recently been awarded to the Joint Venture of Grahams/Farrens, with the contract being carried out in two phases.

I have secured finance for phase one of the contract, where the contractor will assist my Department with the completion of the design and to have the scheme "shovel ready" to allow rapid progression to construction when further funding becomes available. However, I have not yet been able to secure finance for phase two, construction. Progression to construction will be subject to final approval of the business case and be reliant upon funding being made available by the Executive.

**Mr Eastwood** asked the Minister for Regional Development for an update on the Highway Links element of the One Plan. (AQW 47749/11-15)

**Mr Kennedy:** The Highway Links element of the One Plan relates to my Department examining the feasibility of links between the A6 and the A2 around the south of the city. Such works, if completed, would complement works carried out around the north of the city.

My Department commissioned consultants to examine proposals to improve the primary road network approaching Londonderry and to consider how traffic on these proposed roads could best be distributed into and around the city. The study aimed to determine if further road improvements were required and, where appropriate, identify possible solutions.

The recommendations set out in the final reports, produced between 2009 and 2011, confirmed the benefits of:

- providing a strategic link from the A6 dualling scheme at Drumahoe to the A5 dualling scheme at Newbuildings;
- extending this strategic A5/A6 link across the Foyle to Donegal, however, the benefits of the latter could only be realised if there was an appropriate high quality link to the National Roads Authority strategic road network; and
- providing a local distributor 'West Link' connecting from the strategic A5/A6 link and skirting around the west of the city to Buncrana Road. This would be challenging and would require a much more detailed investigation to examine its buildability and the benefits arising.

These are conceptual links and, as yet, are not part of any committed or planned construction programme. Any subsequent development of feasible schemes would need to consider the benefits and disbenefits associated with various corridors in terms of engineering feasibility, environmental impact, operational performance, economic viability and overall affordability.

Capital funding for the current budget period is fully allocated. The next review of the Investment Strategy for Northern Ireland may however provide an opportunity for the Department to look at the prioritisation of new schemes. At that time, these proposed strategic links may be considered along with other existing and proposed schemes elsewhere in Northern Ireland.

**Mr Eastwood** asked the Minister for Regional Development, pursuant to AQW 36904/11-15, for an update on the development of a new bus station and interchange in Derry. (AQW 47750/11-15)

**Mr Kennedy:** As I stated in AQW 36904/11-15 Translink has no plans to redevelop the bus station. It has advised that the passenger facilities within the existing station were recently refurbished and provide a good level of amenity. Translink is currently undertaking a feasibility study looking at options to build a new rail station which will include consideration of integrated transport options.

**Mr Buchanan** asked the Minister for Regional Development how much has been set aside from his 2015- 2016 budget for (i) pot hole repair; (ii) street lighting maintenance; (iii) grass cutting; and (iv) weed spraying. (AQW 47757/11-15)

**Mr Kennedy:** My Department is facing a £60 million Resource budget pressure in 2015/16, more than half of which will fall to TransportNI. This budget pressure has created an immediate impact on the delivery of routine maintenance services and the allocation currently available to TransportNI is only sufficient to cover its fixed costs, such as PPP payments and staff costs; energy bills for street lighting and traffic signals; and statutory inspection and testing of street lighting installations.

As a result, there is currently no budget available for Resource funded maintenance activities such as pot hole repair, grass cutting/weed spraying, street lighting repairs etc, although I have decided to allow my Department's internal workforce to provide a skeletal routine maintenance service for these activities. However, can I make it clear that I am doing so at risk, as I cannot allow road safety related maintenance to be stopped.

Roads will still be inspected as normal and repairs will be prioritised in so far as resources permit. These have been difficult choices to make and this is not the service my Department wishes to provide, however, it is a direct consequence of the current very challenging budgetary position.

In 2015/16 TransportNI will be entirely dependent upon funding allocations from monitoring rounds to deliver the full range of maintenance activities beyond June 2015, including those provided by my internal workforce. Once the outcome of June monitoring is known, a decision will have to be taken as to whether or not to stop all maintenance, continue with the skeletal service or return to normal service delivery.



**Mr Buchanan** asked the Minister for Regional Development how much fuel each TransportNI depot is allocated on a weekly basis; and whether this allocation is sufficient for the weekly workload of depot staff.  
(AQW 47760/11-15)

**Mr Kennedy:** I have decided to fund, at financial risk, the provision by TransportNI of a skeletal routine maintenance service to meet basic levels of public safety. For the period from the start of April 2015 to the end of June 2015, the fuel allocation for depots was approximately 70% of the expenditure for the same period in 2014.

**Mr Buchanan** asked the Minister for Regional Development what criteria is used to prioritise essential maintenance work each week.  
(AQW 47761/11-15)

**Mr Kennedy:** Article 8 of the Roads (Northern Ireland) Order 1993 places a duty on my Department to maintain all public roads in a reasonable condition. In recognition of its duty of care, my officials have put in place a set of Maintenance Standards for Safety which specifies response times for the repair of defects, including potholes. The response times are dependent upon the severity of the defect and range from one calendar day to routine inclusion in the next work programme for that particular route.

However, as a direct consequence of the £60 million budgetary pressure facing my Department, over half of which will fall on TransportNI, routine maintenance operations have had to be scaled back considerably and it has not been possible to employ external contractors since the end of March. My Department's internal workforce is continuing to provide a skeleton routine maintenance service. Under normal circumstances they have only sufficient capacity to undertake around 75% of the total workload but given the current financial situation their capacity is also significantly restricted.

For the rest of this year my Department will be entirely dependent upon funding allocations from monitoring rounds to deliver the full range of maintenance activities. Should the financial position improve following these monitoring rounds I will of course review this position.

This is not the service my Department wishes to provide, however, it is a direct consequence of the current very challenging budgetary position.

**Mr Buchanan** asked the Minister for Regional Development, over the last three years, how many employees have been confined to their respective depots and unable to carry out their duties as a result of fuel restrictions.  
(AQW 47762/11-15)

**Mr Kennedy:** My Department's Operations and Maintenance unit has been providing a skeleton service since April 2015, in order to maintain basic levels of public safety on the road network.

Following the introduction of the skeleton service, as managers and staff were becoming acquainted with the new levels of service and reduced budgets, one squad comprising of two industrial staff, were retained in the depot for two days due to fuel concerns.

This issue was resolved at local level and it has been the only occasion across Operations & Maintenance in the last three years.

**Mr Buchanan** asked the Minister for Regional Development to outline TransportNI Policy on the removal of illegal signs.  
(AQW 47763/11-15)

**Mr Kennedy:** The illegal erection of advertising signs along the public road is an offence under The Roads (Northern Ireland) Order 1993.

Advertising Hoardings are normally the subject of a planning application and any infringements of planning laws would normally be pursued under the relevant planning legislation.

Where advertising hoardings are erected illegally on my Department's property, including TransportNI property, action is taken to remove these under Article 87 of the Roads (NI) order 1993. This Article deals with advertisements, pictures, signs, etc. unlawfully affixed to the surface of a road, or any tree, structure or other works in or on a road, that is, signs on Departmental property.

**Mrs Dobson** asked the Minister for Regional Development whether discussions have been held with the Welsh Assembly, Scottish Parliament or Westminster to extend the remit of the Translink Senior Smart Pass to include travelling in England, Scotland or Wales.  
(AQW 47783/11-15)

**Mr Kennedy:** The issue of mutual recognition of concessionary fares has been considered by the Transport Workstream of the British-Irish Council (BIC), which is chaired by my officials.

In 2012, the Transport Workstream brought forward a report which recommended that, in the prevailing economic climate, it was not feasible to pursue the introduction of mutual recognition of concessionary fares. The report was accepted by BIC Ministers, who asked officials to keep the matter under review.

In line with this, the BIC Transport Workstream is continuing to examine a number of key issues including the interoperability of smartcard technology, issues of responsibility for funding and the technological challenge of administering a common clearing system, where concessionary fares are administered by a variety of differing regional and local authority schemes. I am fully supportive of the endeavors of the Transport Workstream.

**Mr Flanagan** asked the Minister for Regional Development why repairs to Johnston's Bridge, Enniskillen were started before the end of the school term and a reduction in traffic flows.

**(AQW 47794/11-15)**

**Mr Kennedy:** The work to strengthen and repair the Johnston Bridge in Enniskillen requires the complete removal of the road surface down to the concrete of the bridge deck. This work, which will extend throughout the summer months, requires the closure of the road to traffic in one direction. Traffic flows tend to reduce before the end of June and the work at the bridges was planned to start on the 22 June to maximise the amount of work carried out over the summer months and take maximum advantage of lighter traffic volumes.

**Mr Flanagan** asked the Minister for Regional Development what consideration has been given to changing the length of time the traffic lights on the Irvinestown Road of Gaol Square Enniskillen remain green, to cope with increased traffic flows as a result of the repair works on Johnston's Bridge on the Cornagrade Road.

**(AQW 47796/11-15)**

**Mr Kennedy:** My traffic management officials for this area are aware of the increased traffic volumes being experienced on A32 Irvinestown Road, due to the lane closure in place at Johnston Bridges.

Officials have been monitoring flows on site since the commencement of the closure and have adjusted the signal timings accordingly. Further monitoring will take place throughout the works, and adjustments will continue to be made to maximise the efficiency of this extremely busy junction.

**Mr Weir** asked the Minister for Regional Development to outline any proposed reductions to the winter gritting schedule for North Down.

**(AQW 47806/11-15)**

**Mr Kennedy:** It is my intention that Winter Service operations during the 2015/16 financial period right across Northern Ireland, including North Down, will remain unaltered, subject to the availability of funding.

My Department submitted a bid totalling £14.8million in the June Monitoring round to provide funding for the delivery of a skeleton Street Lighting, Road & Routine Maintenance and Winter Service, I trust that the Member and the House will robustly support my Department's bid.

**Ms Sugden** asked the Minister for Regional Development, pursuant to AQW 46967/11-15, whether there has been any reduction in the number of weekly trips by Partnerships, compared to the number of trips in January 2015, due to financial constraints.

**(AQW 47837/11-15)**

**Mr Kennedy:** Grant funding allocations are awarded on a financial year basis, covering the period from April to March each year. Reductions in the level of grant awarded to Rural Community Transport Partnerships (RCTPs) were only introduced from April 2015, following the allocation of my Department's 2015/16 budget.

In comparison to January 2015, the number of trips delivered in April 2015 by Rural Community Transport Partnerships rose from 18,023 trips to 18,520 trips. The statistics quoted have been supplied by the RCTPs.

**Mr Ó Muilleoir** asked the Minister for Regional Development for an update on residents parking schemes in South Belfast.

**(AQW 47879/11-15)**

**Mr Kennedy:** The formal consultation exercise for proposed residents' parking schemes in the Lower Malone and Rugby Road/College Park Avenue areas has been completed. I have discussed the implementation of residents' parking schemes throughout Northern Ireland with officials and expect to come to a decision on the way forward in the coming weeks.

**Mr Frew** asked the Minister for Regional Development for an update on plans to improve road safety at Diamond Primary School, Cullybackey.

**(AQW 47923/11-15)**

**Mr Kennedy:** My Department is investigating the possibility of widening the existing 1.0 metre hard standing on Dreen Road to a 2.0 metre footpath over a distance of approximately 100 metres towards Cullybackey. This will allow increased capacity for parents to park at the school and enable the children to walk on a full, standard footpath.

Negotiations are on-going with the land owner regarding the purchase of the necessary land, and the delivery of the scheme will be dependent on the satisfactory conclusion of these discussions.

**Mr Ó hOisín** asked the Minister for Regional Development for his assessment of the two tier system operated by NI Water, which led to inconvenience for customers in the west during the recent industrial action by NI Water staff.

**(AQW 47980/11-15)**

**Mr Kennedy:** NI Water does not operate a two tier system in relation to any part of Northern Ireland. The West is a largely rural area, served by a number of relatively small water treatment works which have limited inter-connectivity between them thus limiting the possibility of supplying water from other areas. In its PC15 Business Plan, NI Water sets out its plans to carry out nominated capital work at a number of the treatment works in the West as well as two major trunk main projects. This work will of course be subject to the availability of funding.

As I announced in my recent written submission, the Utility Regulator published its Report on the Impact of the Industrial Action on 30 June 2015. The Report indicates that NI Water has made significant progress following the review of its handling of the 2010-11 Freeze / Thaw Incident. It details 11 recommendations for action by NI Water. Implementation of the actions required by the Regulator will improve the resilience of NI Water's assets and the Company's ability to respond to incidents in future.

The Regulator will work with NI Water on the implementation of the recommendations of the Review and on those in NI Water's internal review. This will include a plan to deliver all actions by the end of March 2016. In addition, NI Water must ensure that all actions relating to winter preparedness are completed by November 2015.

**Mr Ó hOisín** asked the Minister for Regional Development what action his Department and Translink have taken to secure and deliver a park and ride site on the A6 at Dungiven.

**(AQW 47982/11-15)**

**Mr Kennedy:** Following discussions between my officials, Translink and the PSNI, the site at Magheraboy remains the option favoured and has the greatest likelihood of being delivered in the short term.

The A6 scheme, which includes a bypass of Dungiven and the P&R site at Magheraboy, is well advanced in terms of development. It has been through Public Inquiry and the Inspector has produced a report embracing various recommendations. One of the recommendations was to examine a suggested alternative route for the Dungiven bypass, that was put forward by a third party on the final day of the Public Inquiry, and we are currently quality assuring the route. This work is nearing completion and when I am satisfied that all issues have been appropriately reviewed, I will issue a Departmental Statement.

Actual construction of the scheme will not commence until further funding is confirmed by the Executive. In the meantime, TransportNI is developing the detailed design for this Park and Ride site which will allow it proceed when funding becomes available.

**Mr McNarry** asked the Minister for Regional Development to detail (i) the amount the NI Water pension scheme is seeking to recover from overpayments and (ii) how many individuals are involved in such claims for overpayments.

**(AQW 48050/11-15)**

**Mr Kennedy:** NI Water has advised that the Pension Scheme is administered by Capita Employee Benefits on behalf of the Trustees of the NI Water Ltd Pension Scheme (NIWLPS). The information you are seeking is not available to the Company and could only be obtained at disproportionate cost.

**Lord Morrow** asked the Minister for Regional Development, pursuant to AQW 46983/11-15, whether it is his Department's responsibility to provide public hire taxi ranks, not only for the ease of the drivers but also for passengers.

**(AQW 48054/11-15)**

**Mr Kennedy:** My Department provides taxi ranks by way of a 'Taxi Regulation Order' under part 4A (27A) of the Roads Traffic Regulation (Northern Ireland) Order 1997.

**Mr A Maginness** asked the Minister for Regional Development how many motorists have been caught (i) by camera; and (ii) by mobile detection vehicle, driving in bus lanes during the week commencing 22 June 2015; and how much revenue will have been raised in fines during the week commencing 22 June 2015.

**(AQW 48064/11-15)**

**Mr Kennedy:** In total 1,273 Penalty Charge Notices(PCNs) have been issued to motorists for driving in bus lanes/bus only streets during week commencing 22 June 2015. Of the 1,273 PCNs issued, 147 were detected by the mobile detection unit.

If all of the 1,273 PCNs were paid within 14 days at the discounted rate of £45 per PCN, the revenue raised would amount to £57, 273.00. If not paid within 14 days, the cost of a PCN increases to £90.

There is also an appeals process in place, however, no appeals have been made to date.

**Mr Weir** asked the Minister for Regional Development to outline the timescale for work on the new sewage pumping station in Millisle.

**(AQW 48077/11-15)**

**Mr Kennedy:** Work on a £1m project to upgrade the sewerage infrastructure and a key pumping station in Millisle commenced on 17 June 2015. This work will improve the sewerage network in the area and will provide additional storage capacity, particularly during periods of heavy rainfall. It is anticipated that the overall programme of work will continue until summer 2016.

There had been a delay in the construction of the new pumping station in Millisle due to legal negotiations and the site purchasing process taking longer than expected. NI Water has now acquired the land needed for the scheme. The contract for construction was awarded to BSG Civil Engineering Ltd in March 2015, and a public information event was held on 23 April 2015.

**Lord Morrow** asked the Minister for Regional Development for his assessment of the six month pilot scheme at Castle Junction, Belfast which allowed taxi access; and whether he has any plans to extend this scheme with a view to making it permanent.

**(AQW 48107/11-15)**

**Mr Kennedy:** I have not yet formed a view on the possibility of amending legislation to permit taxi access to Royal Avenue at off-peak times on a permanent basis. My officials have, however, sought the views of key stakeholders on the trial access scheme and, on receipt of their report, I will decide how best to proceed.

**Mr McCarthy** asked the Minister for Regional Development to outline plans for Craigowen Lodge in Seahill, Holywood, including whether a sale or transfer has been considered in order to facilitate restoration.

**(AQW 48124/11-15)**

**Mr Kennedy:** My Department is in the final stages of disposing of Craigowen Lodge to Hearth Housing Association, who plan to refurbish this B1 listed building for future sale on the open market. Such an acquisition by Hearth Housing Association is in keeping with the Public Sector Disposal Guidelines and is considered the best way of ensuring the protection and re-instatement of this listed building.

In line with the good practice outlined in Northern Ireland Environment Agency's "Protocol for the Care of Government Historic Estate", my Department, having sought advice from NIEA's conservation architects, has carried out certain works on the property in order to maintain it until it is sold.

## Department for Social Development

**Mr Gardiner** asked the Minister for Social Development to detail the (i) number of Northern Ireland Housing Executive tenants that have sublet their properties, broken down by housing division area; and (ii) penalty awarded in each case for each of the last three years.

**(AQW 46810/11-15)**

**Mr Storey (The Minister for Social Development):** I assume the Member is referring to unauthorised subletting. The information is not available in the format requested as the Housing Executive introduced a Tenancy Fraud Register in April 2014 to record all instances of tenancy fraud and statistics are not available prior to this period.

The Housing Executive advises that it has investigated 64 cases of unauthorised subletting. In 13 cases their investigations resulted in the tenants terminating their tenancies. The Housing Executive has also advised that, at 10th June 2015 where there is some suspicion of subletting, a further 17 cases are under investigation. A breakdown by Housing Executive region is as follows:

NIHE Region	Investigations Completed	Properties Recovered	Subletting Cases Under Investigation
North Region	25	*	*
Belfast Region	15	*	*
South Region	24	*	*
<b>Total</b>	<b>64</b>	<b>13</b>	<b>17</b>

\* Information at a level less than 10 is not provided to protect individual addresses

In relation to the penalties awarded, in one subletting case (included in the 13 above) the Housing Executive, via the Public Prosecution Service, was successful in obtaining a summary prosecution under the Social Security Administrative (NI) Act 1992 for the defendant failing to tell the Housing Executive of his change of circumstances. The defendant was sentenced to the maximum sentence of three months imprisonment suspended for 12 months.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Mr Humphrey** asked the Minister for Social Development for a breakdown of the age profile of people on the housing waiting list in the Shankill area, including sixteen to eighteen year olds.

**(AQW 47372/11-15)**

**Mr Storey:** The Housing Executive has advised that the table below provides details of waiting list figures by the age profile requested for the Shankill area at 31 March 2015.

Age Band	Shankill District
16– Under 18 years.	2
18 – 59 years.	667
60+ years.	120
<b>Total</b>	<b>789</b>

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**Mr Humphrey** asked the Minister for Social Development for a breakdown of the age profile of people on the housing waiting list in North Belfast, including sixteen to eighteen year olds.

**(AQW 47373/11-15)**

**Mr Storey:** The information is not fully available in the format requested because some of the Common Landlord Areas, the geography by which Waiting List information is collated, overlaps the Parliamentary constituencies of Belfast North and West.

Therefore, the Housing Executive has advised that the table below provides details of waiting list figures by the age profile requested for North Belfast at 31 March 2015.

Age Band	North Belfast Parliamentary Constituency	North & West Belfast Parliamentary Constituency Cross Boundary *
16 – Under 18 yrs.	26	1
18 – 59 yrs.	3,221	124
60+ yrs.	500	30
<b>Total</b>	<b>3,747</b>	<b>155</b>

\* Common Landlord Areas of Ainsworth and Upper Woodvale spread across the two Parliamentary Constituencies

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**Mr Humphrey** asked the Minister for Social Development for a breakdown of the age profile of people on the housing waiting list in West Belfast, including sixteen to eighteen year olds.

**(AQW 47374/11-15)**

**Mr Storey:** The information is not fully available in the format requested because some of the Common Landlord Areas, the geography by which Waiting List information is collated, overlaps the Parliamentary constituencies of Belfast North, South and West.

Therefore the Housing Executive has advised that the table below provides details of waiting list figures by the age profile requested for West Belfast at 31 March 2015.

Age Band	West Belfast Parliamentary Constituency	North & West Belfast Parliamentary Constituency Cross Boundary*	West & South Belfast Parliamentary Constituency Cross Boundary*
16 – Under 18 yrs.	23	1	1
18 – 59 yrs.	3,459	124	30
60+ yrs.	356	30	2
<b>Total</b>	<b>3,838</b>	<b>155</b>	<b>33</b>

\* Common Landlord Areas of Ainsworth, Upper Woodvale and Hamill Street spread across the three Parliamentary Constituencies.

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**Mr McCausland** asked the Minister for Social Development to detail the number of empty homes identified by the Northern Ireland Housing Executive's empty homes scheme in North Belfast, in each of the last two years.

**(AQW 47383/11-15)**

**Mr Storey:** The Housing Executive's Empty Homes Unit and the website for the reporting of empty homes has been operating since April 2014. This allows members of the public to report an empty home across Northern Ireland so that the Housing Executive can take follow up action.

Since the setting up of the Empty Homes Unit 169 properties in the North Belfast area have been reported to it as empty.

**Mr McCausland** asked the Minister for Social Development to detail the number of empty homes brought back into use by the Northern Ireland Housing Executive's empty homes scheme in North Belfast, in the last two years.

**(AQW 47385/11-15)**

**Mr Storey:** Since the introduction of the Empty Homes Strategy eight empty properties have been bought by a Registered Housing Association and brought back into use in the North Belfast area.

**Mr Allister** asked the Minister for Social Development to detail (i) what grants have been approved in 2015/16 under the Belfast City Centre Events Grant Scheme; and (ii) the amount awarded in each case.

**(AQW 47403/11-15)**

**Mr Storey:** I have been informed that the Belfast City Centre Events Grant Scheme have awarded the following grants:

Applicant	Event	Amount
ArtsEkta	Nine Nights	£ 5,500.00
Beat Carnival	Beat Carnival	£ 6,000.00
Belfast Community Circus School	30th Anniversary	£ 6,500.00
Belfast Festival	Belfast Festival	£ 7,500.00
Belfast Healthy Cities	Kidspace	£ 1,500.00
Belfast Photo Festival	Photo Festival	£ 7,716.00
Belfast Pride	Party in the Square	£ 6,000.00
Belfast Ultimate Strongman	Belfast Ultimate Strongman Giant Weekend 2015	£ 5,000.00
Belly Laughs	Belfast Comedy Festival	£ 4,000.00
Black Box Trust	Annual programme of events	£ 6,400.00
Bryson Lagansports	Annual programme of events	£ 8,000.00
Cancer Focus	Dragon Boat Race	£ 2,160.00
Cathedral Quarter Trust	Culture Night	£10,000.00
Comic Relief	Sport Relief - regional games	£ 7,000.00
Community Arts Partnership	Street Art Exhibition	£ 2,000.00
Cathedral Quarter Arts Festival	Festival Marquee in Custom House Square	£10,000.00
Cathedral Quarter Arts Festival	Out to Lunch	£ 8,500.00
Custom Bike Show	Custom Bike Show	£ 1,764.00
East Belfast Partnership	Woodstock R n B	£ 3,300.00
Festival of Fools	Festival of Fools	£10,000.00
Festival of Fools	Sunday Treats street performances	£ 9,000.00
Friends of Cancer Centre	Dragon Boat Race	£ 2,160.00
Macmillan Cancer Support	Dragon Boat Race	£ 2,110.00
Moving on Music	Brilliant Corners & City Centre Event	£ 9,000.00
NI Hospice	Midnight Walk	£ 2,577.00
Outburst Arts Festival	Outburst Arts Festival	£ 3,500.00
Panarts	Nashville songwriters festival and events	£ 8,000.00

Applicant	Event	Amount
Place	Open House Belfast	£ 2,200.00
Queen's University	Boat Race	£ 4,319.00
Science Festivals NI	Science Festival	£ 7,500.00
University of Ulster	Festival of Art & Design	£ 2,000.00
Young At Art	Belfast Children's Festival	£ 9,000.00

**Mr Beggs** asked the Minister for Social Development to (i) detail the number of home improvements completed under the Affordable Warmth Scheme during this financial year: and (ii) account for any delays in upgrading properties.  
(AQW 47431/11-15)

**Mr Storey:** In the 2015/16 financial year to date, 115 homes have had energy efficiency measures provided under the Affordable Warmth Scheme.

The Affordable Warmth Scheme is a new, whole house, comprehensive, energy efficiency scheme which is only recently fully operational. There are no delays in the processing of applications with a current average 19 weeks from receipt of referral from Councils to completion of the works by the grant applicant through an installer of their choice.

The number of completed works for the scheme reflects the fact that the applicant has up to 3 months to have the required works undertaken through a contractor of their choice and at a time of their choosing.

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**Mr Allister** asked the Minister for Social Development, in respect of the Make the Call campaign as part of the Improving Benefit Uptake initiative, to list in its entirety the extent of his Department's engagement with the GAA during the first two years of the campaign's operation.  
(AQW 47461/11-15)

**Mr Storey:** I am committed to ensuring that every individual and household across Northern Ireland is receiving all the social security benefits to which they and their families are entitled. A key element to achieving this objective is the work undertaken by the Improving Benefit Uptake team in working with a wide range of partners including those in the third sector, voluntary organisations and those who have an interest in social welfare across Northern Ireland.

Officials from my department recognise the importance of community level partnerships in reaching people with benefit entitlement needs. For this reason my officials have been exploring closer working relationships with community groups right across Northern Ireland, including sporting bodies to promote the "Make the Call" initiative.

Amongst others, the Ulster Gaelic Athletic Association (UGAA) is one of the community organisations my officials have engaged with during the first two years of the 'Make the Call' campaign. Specifically, my officials delivered 'Make the Call' presentations, facilitated Question and Answer sessions and attended promotional events on the following occasions:

- 7 February 2013 – Improving Benefit Uptake Officials delivered a presentation on 'Make the Call' to Irish Rugby Football Union (IRFU), Irish Football Association (IFA) and Ulster Gaelic Athletic Association (UGAA) This took place in the IFA Head Quarters at Windsor Park.
- 5 June 2013 – Improving Benefit Uptake officials held a roundtable meeting in Lighthouse Building with Irish Rugby Football Union (IRFU), Irish Football Association (IFA) and Ulster Gaelic Athletic Association (UGAA) to discuss collaboration and partnership working and to promote 'Make the Call' within their respective organisations.
- 08 November 2014 – Improving Benefit Uptake officials attended a "Health is Wealth" Conference hosted by the Ulster Gaelic Athletic Association (UGAA) in the Ramada Hotel to promote the 'Make the Call' campaign and encourage benefit uptake.
- 21 February 2015 – Improving Benefit Uptake officials attended an Ulster Gaelic Athletic Association (UGAA) "Health and Well Being" event in the Dunsilly Hotel, Antrim and facilitated a promotional stand to promote the 'Make the Call' campaign and encourage benefit uptake.
- 15 June 2015 - Improving Benefit Uptake officials attended a "Healthy Clubs, Healthy Communities" event hosted by the Irish Rugby Football Union (IRFU), Irish Football Association (IFA) and Ulster Gaelic Athletic Association (UGAA) in the Ramada Hotel, Belfast and facilitated a promotional stand to promote the 'Make the Call' campaign and encourage benefit uptake.

**Mr Dallat** asked the Minister for Social Development to detail (i) the number of Disability Living Allowance tribunals postponed in the last 5 years due to the unavailability of GP medical files; and (ii) the cost of any postponed tribunals.  
(AQW 47471/11-15)

**Mr Storey:** The information is not available in the format requested. The table below outlines the number of Disability Living Allowance (DLA) appeals adjourned at the tribunal hearing due to the absence of General Practitioner records in each of the last five years.

Year	Number of DLA appeals adjourned on the day of appeal hearing due to absence of GP records <sup>1</sup>
2010/11	754
2011/12	708
2012/13	715
2013/14	758
2014/15	689

<sup>1</sup>These figures include GP records that were unavailable or deemed incomplete.

The additional cost incurred as a result of these adjournments is not collated.

**Mr Dallat** asked the Minister for Social Development to detail (i) the number of Disability Living Allowance tribunals held in each of the last three years; and (ii) the cost in (a) fees or wages; (b) travel (c) hire of premises; and (d) other expenses. (AQW 47472/11-15)

**Mr Storey:** The information cannot be provided in the format requested. The Appeals Service (TAS) arranges for all types of benefit appeals to be heard at venues throughout Northern Ireland based on the postal district within which the appellant resides. Therefore, a breakdown of the venue hire costs, panel member fees and expenses for Disability Living Allowance (DLA) appeals is not available.

The tables below detail the total number of appeals that have received a tribunal hearing and the proportion of which relate to DLA appeals; the total cost of panel members' fees and expenses; and the cost of venue hire for all benefit appeals.

Appeals Heard <sup>1</sup>	Total	DLA
2012/13	20,625	5,857
2013/14	25,120	5,768
2014/15	16,727	5,372
<b>Total</b>	<b>62,472</b>	<b>16,997</b>

<sup>1</sup> Includes appeals adjourned for further hearing

Panel Members' Fees & Expenses	2012/13	2013/14	2014/15
Total	£2,961,508	£3,655,209	£2,927,283

  

Venue Hire Cost	2012/13	2013/14	2014/15
Total	£164,096	£210,128	£129,231

**Mr Swann** asked the Minister for Social Development, pursuant to AQW 46014/11-15, whether has he received a response from the Office of the First Minister and deputy First Minister. (AQW 47483/11-15)

**Mr Storey:** I am still awaiting a response to my correspondence of 6 May 2015 to the First Minister and the deputy First Minister (OFMdFM).

**Mr Dickson** asked the Minister for Social Development to detail the number of referrals and installations of energy efficiency measures under the Affordable Warmth Scheme, broken down by month from September 2014. (AQW 47490/11-15)

**Mr Storey:** The number of referrals and installations of energy efficiency measures under the Affordable Warmth Scheme broken down month by month from September 2014 is set out in the table below.

	Referrals	Installations
September 2014	0	0
October 2014	0	0

	Referrals	Installations
November 2014	51	0
December 2014	731	0
January 2015	602	0
February 2015	973	3
March 2015	1,250	5
April 2015	1,452	12
May 2015	1,040	47
June 2015	975	56
<b>Totals</b>	<b>7,074</b>	<b>123</b>

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**Mr Dickson** asked the Minister for Social Development to explain the very low number of installations of energy efficiency measures under the Affordable Warmth Scheme, in contrast to the Warm Homes Scheme.

**(AQW 47491/11-15)**

**Mr Storey:** The Affordable Warmth Scheme is a new, whole house, comprehensive energy efficiency scheme which became fully operational on 1 April 2015. While introduced as a replacement to Warm Homes, the Affordable Warmth Scheme is fundamentally different. The number of completed works for the scheme reflects the short period of time the scheme has been fully operational and the fact that the applicant has up to 3 months to have the required works undertaken through a contractor of their choice and at a time of their choosing.

**Mr Dickson** asked the Minister for Social Development to detail the salary paid to the Director of Transformation in the Northern Ireland Housing Executive.

**(AQW 47493/11-15)**

**Mr Storey:** The Director of Transformation is an employee of the Strategic Investment Board (SIB) who had been recruited to work in the NIHE.

The annual salary is £142,000.

**Mr Flanagan** asked the Minister for Social Development to detail (i) the number of properties that have been completed under the Affordable Warmth programme in this financial year; (ii) how this compares with the same period in 2014/15; and (iii) the reasoning behind the difference in figures in 2014/2015 and 2015/2016.

**(AQW 47575/11-15)**

**Mr Storey:** To date in 2015/16, 123 homes have had energy efficiency measures installed under the Affordable Warmth Scheme. The Affordable Warmth Scheme was launched in September 2014 and became fully operational in April 2015. Therefore, there is no comparison that can be made between the first quarter of this financial year and the first quarter of 2014/15.

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**Mr Flanagan** asked the Minister for Social Development for (i) his assessment of the Border People project in terms of increasing the understanding amongst cross-border workers on social security systems on the island of Ireland; and (ii) whether his Department has provided any financial support to complement the funding provided by the Department of Foreign Affairs.

**(AQW 47576/11-15)**

**Mr Storey:** The Border People Project is an initiative managed by the Centre for Cross Border Studies. My Department has limited input to the work of the Project but officials from the Social Security Agency help support the objectives of the Project by attending meetings of the Border People Advisory Group and providing information and advice on relevant social security issues and assisting with individual benefit enquiries. My Department has not provided any funding to the Border People Project.

**Mr Flanagan** asked the Minister for Social Development whether the Westend Community Centre in Enniskillen is a financial priority for his Department.

**(AQW 47578/11-15)**

**Mr Storey:** I can confirm that Fermanagh District Council submitted an application to the Regional Development Office (West Division) on 11 June 2014, requesting funding of £300,000 from the Neighbourhood Renewal Investment Fund for the provision of a permanent Community Venue in the West End Neighbourhood Renewal area of Enniskillen.

Unfortunately at this stage, with current budget pressures, particularly with regard to Capital projects, it is unlikely that NR funding will become available in this financial year to allow delivery of this Centre.

DSD is aware that this project and its delivery remains a high priority for both the NR Partnership and the new Fermanagh and Omagh Council. The project remains, with a number of others, on a list of potential reserve projects which might be considered by my Department for inclusion in a bid for future funding should slippage money become available later in the year. However, in this context, funding could only be considered in relation to expenditure which could be incurred in the 2015/16 financial year.

**Mr Allister** asked the Minister for Social Development to detail (i) when Research Ireland Limited occupied part of the first floor premises at 148-158 Springfield Road, Belfast; (ii) under what form of lease or other subletting arrangement; and (ii) at what annual charge.

**(AQW 47636/11-15)**

**Mr Storey:** I am unaware of any arrangements whereby Research Ireland Limited has taken offices at 148-158 Springfield Road, Belfast.

**Mr Allister** asked the Minister for Social Development to detail the rental income obtained in respect of subletting of the first floor premises at 148-158 Springfield Road, Belfast.

**(AQW 47637/11-15)**

**Mr Storey:** No income is obtained by the Department in respect of the first floor premises at 148-158 Springfield Road, Belfast.

**Mr Allister** asked the Minister for Social Development whether the Northern Ireland Housing Executive Board asked its acting Chief Executive to resign; and to outline the reasons behind any request to do so.

**(AQW 47661/11-15)**

**Mr Storey:** I understand from correspondence I have seen between the former Acting Chief Executive, Mags Lightbody, and the Chairman of the Housing Executive that Ms Lightbody voluntarily tendered her resignation on 27 May 2015.

**Mr Allister** asked the Minister for Social Development whether any (i) formal complaints or (ii) informal complaints about the behaviour in the workplace of the retiring acting Chief Executive of the Northern Ireland Housing Executive have been received; and if so (iii) to outline the number.

**(AQW 47662/11-15)**

**Mr Storey:** On 2 July, the Northern Ireland Audit Office forwarded to the Department an anonymous letter which contained a complaint about the behaviour in the workplace of the former acting Chief Executive of the Northern Ireland Housing Executive.

Prior to receiving this letter, my Department had not received any complaints, formal or otherwise, about the acting Chief Executive's behaviour.

**Mr Allister** asked the Minister for Social Development to detail (i) the annual cost of the financial package paid to the acting Chief Executive of the Northern Ireland Housing Executive; (ii) whether her salary increased upon being appointed acting Chief Executive; and (iii) the annual cost of the financial package paid to the previous Chief Executive.

**(AQW 47663/11-15)**

**Mr Storey:**

- (1) The annual cost of the financial package paid to the acting Chief Executive of the NIHE, inclusive of pension contributions and expenses, amounted to £177,100.
- (2) Her salary did not change when she took up the Acting Chief Executive position.
- (3) The annual cost of the financial package paid to the previous Chief Executive of the NIHE, inclusive of pension contributions and expenses amounted to £123,600.

**Mr Allister** asked the Minister for Social Development to detail (i) the number of staff that have left the Northern Ireland Housing Executive in the past six months under the Voluntary Exit Scheme; (ii) the cost of the departures; and (iii) the number of staff that left each division within the Northern Ireland Housing Executive.

**(AQW 47664/11-15)**



**Mr Storey:** The Housing Executive has advised as follows:

- (i) In the six months to the end of June 2015, 149 staff left the Housing Executive under the terms of the Voluntary Early Severance scheme;
- (ii) The cost of the departures, including payments to the NILGOSC pension fund, was £5,067,533; and
- (iii) The number of departures by NIHE Division was:
 

■ Landlord Services	47
■ Finance/Housing benefit	29
■ Regional Services	28
■ Corporate Services	26
■ Direct Labour	19

**Mr Allister** asked the Minister for Social Development to detail the (i) number of staff due to leave the Northern Ireland Housing Executive in the current and subsequent financial years under the Voluntary Exit Scheme; and (ii) associated cost. (AQW 47665/11-15)

**Mr Storey:** The Housing Executive has advised that:

- (i) It is estimated that 580 members of staff will leave the organisation under the Voluntary Exit scheme during the current and subsequent financial years; and
- (ii) The associated cost is estimated to be in the region of £35m.

By the end of the period and without adjustments for inflation the annualised savings estimated to be in the region of £19.67m.

**Mr D McIlveen** asked the Minister for Social Development whether he has given any consideration to free parking in Ballymena during the public realm works scheme in order to reduce the impact on local businesses. (AQW 47667/11-15)

**Mr Storey:** DSD does not have responsibility for car parking in Ballymena. Within the commercial core of the town there are three Council owned car parks that are available free of charge, the remainder of the Council owned car parks currently charge a tariff of £1 for 5 hours.

**Mr McMullan** asked the Minister for Social Development what plans his Department has in place to deal with the housing crisis in the Carnlough and the Glens of Antrim area. (AQW47669/11-15)

**Mr Storey:** I recognise that there is a relatively high demand for social housing in the Carnlough and the Glens of Antrim area.

As of March 2015 the total applications on the waiting list for this area was 67, of which 27 are in housing stress. As you will be aware, waiting lists are generally addressed through the normal reallocation of existing stock and new build housing as determined by the projected housing need. However, the low turnover of residents and the difficulty encountered by housing associations in acquiring sites suitable for social housing has contributed to this pressure.

I am advised that the projected housing need for the Carnlough and surrounding Glens area for the period 2014-19, is for 44 new build social homes as set out below.

Settlement area	Social Housing Need (Units) (2014-19)
Cushendall	20
Carnlough	10
Cushendun	8
Waterfoot and Knocknacarry	6
<b>Total Social New Build Requirement</b>	<b>44</b>

In March 2015 Choice Housing confirmed the completion of their second phase of development at Drumalla Park, Carnlough, providing seven new social homes which will address most of the projected need for that particular area.

In addition to this scheme three new build housing schemes are planned for the surrounding Glens as part of the Social Housing Development programme 2015-2018. These, along with the re-allocation process, will go some way to address the current projected need.

	Housing Association	Scheme Name	Units	Programme year
Waterfoot	Ark	Waterfoot (T)	6	2015/16
Cushendall	Rural	Kilnadore Road, Cushendal	14	2016/17
Cushendun	Rural	Craigagh View, Knocknacarry	14	2016/17
<b>Total No. Units</b>			<b>34</b>	

Please be advised that the above information is based on the current Social Housing Development Programme (SHDP). Schemes may be lost or slip to future programme years for a variety of reasons such as delays securing Planning permission. Additional schemes can also be added in-year through new housing association bids or Existing Satisfactory/Off-the-Shelf purchases.

I trust I have addressed your concerns.

**Mr Girvan** asked the Minister for Social Development to detail the cost of (i) an Employment and Support Allowance Appeal Tribunal; (ii) a Disability Living Allowance Appeal Tribunal; and whether members of the panel are paid per appeal or per day. **(AQW 47715/11-15)**

**Mr Storey:**

- (i) The composition of an Employment and Support Allowance Appeal Tribunal panel is a Legally Qualified Member and a Medically Qualified Member.
- (ii) The composition of Disability Living Allowance Appeal Tribunal is a Legally Qualified Member, a Medically Qualified Member and also a Disability Qualified Member.

The current rate payable to each category of panel member is detailed in the table below.

Panel Member Category	Rate per Session
Legally Qualified member	£229.00
Medically Qualified member (up to 40 sessions)	£158.00
Medically Qualified member (over 40 sessions & consultants in certain appeal types)	£189.50
Financially Qualified Member	£154.00
Disability Qualified Member	£98.00

Panel members are paid per half day session, between either 9.30am to 1.00pm or 1.30pm to 5.00pm. Each session includes multiple hearings. Members may be asked to prepare multiple cases for each session and to sit for two sessions in one day.

The Department for Social Development is responsible for determining and paying the remuneration and allowances of panel members. The fee payable is included in members' terms and conditions.

**Mr Gardiner** asked the Minister for Social Development to detail the area of (i) surplus land; and (ii) undeveloped land owned by (a) the Northern Ireland Housing Executive; and (b) each Housing Association; and to detail any plans to dispose of this land. **(AQW 47717/11-15)**

**Mr Storey:** Northern Ireland Housing Executive

- i) The Housing Executive has identified 22 sites (33 hectares) of surplus land on their 'Land Disposal Programme' for 2015/16. These sites have been approved as surplus for sale on the open market. The sites are at various stages of the land disposal process.

Site status	No. of sites with this status
Offers received or completion pending	5 sites
On the market or no offers	9 sites
Pending marketing (estate agent to be appointed)	6 sites
Marketing suspended (strategic review of land being undertaken)	2 sites

- ii) 168 sites (194 hectares) have been classified as Undeveloped Land. There are plans in place to transfer 26 sites (29 hectares) to Housing Associations as part of the Social Housing Development Programme.

The remaining 142 sites (165 hectares) are classified as 'Retained for Future Use'.

The above information does not include land in NIHE ownership that is considered public open space.

**Housing Associations**

Land purchased by housing associations is for the purpose of developing new social and affordable homes. Housing associations do not have surplus sites and any land currently not in the SHDP will be intended for future housing development. Housing associations are actively engaged in seeking new sites for development and acquiring surplus land through the public sector disposal process

**Mr A Maginness** asked the Minister for Social Development to detail the number of (i) claimants that lost their entitlement or saw their entitlement reduced to (a) Employment and Support Allowance; and (b) Disability Living Allowance, in each of the past five years; and (ii) people that subsequently died within the following three months.

**(AQW 47721/11-15)**

**Mr Storey:** The tables below detail the number of people in Northern Ireland who (i) were disallowed Employment and Support Allowance (ESA) following a Work Capability Assessment and (ii) the number of people in Northern Ireland who have had their Disability Living Allowance (DLA) benefit ceased or reduced in each financial year from April 2010 to March 2015.

Financial Year	Number of claimants Disallowed Following ESA Work Capability Assessment
2010 – 2011	8,666
2011 – 2012	12,826
2012 – 2013	14,336
2013 – 2014	6,096
2014 – 2015	8,695
<b>Total</b>	<b>50,619</b>

Financial Year	Number of DLA claimants entitlement ceased	Number of DLA claimants entitlement reduced
2010 – 2011	2,935	2,314
2011 – 2012	2,964	1,983
2012 – 2013	2,783	1,826
2013 – 2014	2,371	1,719
2014 – 2015	2,192	1,593
<b>Total</b>	<b>13,245</b>	<b>9,435</b>

The information requested in relation to the number of claimants who saw their entitlement to Employment and Support Allowance reduced cannot be provided as it is not readily available.

The Social Security Agency is unable to provide the information requested in relation to the number of claimants that have subsequently died within the following three months.

The Social Security Agency uses the Department for Work and Pensions (DWP) IT systems to administer both Employment and Support Allowance and Disability Living Allowance. DWP are currently considering what information might be available for publication with regard to Employment and Support Allowance claimants who have died. My officials are exploring with DWP to establish if similar information is available specifically for Northern Ireland.

The information provided in the tables above are Official Statistics. The Production and dissemination of all such Statistics is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Mr Allister** asked the Minister for Social Development to detail (i) the number of new staff appointed in the Northern Ireland Housing Executive in the last twelve months; and (ii) whether any posts vacated by the Voluntary Exit Scheme have been filled by new recruits; (a) why the posts were filled; and (b) the number of posts filled.

**(AQW 47728/11-15)**

**Mr Storey:** The Housing Executive has advised that:

- (i) 26 new staff have been appointed to the Housing Executive in the period from 1 July 2014 to 30 June 2015; and
- (ii) posts vacated by the Voluntary Exit Scheme have not been filled by new staff.

**Mr Allister** asked the Minister for Social Development to detail (i) the salary costs of the Transformation team in the Northern Ireland Housing Executive in the last twelve months; and (ii) the number of people employed in that team and associated restructuring groups.

**(AQW 47730/11-15)**

**Mr Storey:** The Housing Executive has advised that:

- (i) the total salary cost of the Transformation Team in the Housing Executive in the last 12 months was £745,890.60. This includes National Insurance and Employer's Pension contributions; and
- (ii) 34 staff have been employed in the Transformation Team over the last 12 months. The current staffing complement of the Team is 22. 79 operational staff are also involved in carrying out other transformation related activities ranging from redesign to piloting new and improved ways of working.

**Mr Allister** asked the Minister for Social Development to detail how much his Department has spent on (i) hotels and other external venues; and (b) promotional materials in connection with transformation within the Northern Ireland Housing Executive.

**(AQW 47732/11-15)**

**Mr Storey:** The Housing Executive has advised that they have spent the following amounts in relation to their Transformation Programme: -

- (i) hotels and other external venues:
  - 2013/14 £4,936.32
  - 2014/15 £33,103.05
  - 2015/16 £3,031.00
- (ii) promotional materials:
  - £11,618.00 during the same period.

**Mr Weir** asked the Minister for Social Development to detail the steps being taken to bring empty homes in North Down back in to use.

**(AQW 47741/11-15)**

**Mr Storey:** As part of the Department's five year Empty Homes Strategy and Action Plan issued in September 2013 officials continue to work with the Housing Executive on a number of initiatives and incentives to assist in bringing empty homes back into use. To date, 13 of the 16 actions detailed in the Action Plan have either been achieved or are ongoing.

The Housing Executive's Empty Homes Unit and website was developed and established a mechanism for reporting empty homes. This has been operating since April 2014, allowing members of the public to report an empty home so that the Housing Executive can take follow up action.

The Housing Executive has also developed a "Matching Service" similar to the "The Matchmaker Scheme" in England which will aim to match owners of empty homes with people who wish to buy a home. Testing of the IT system is ongoing and it is anticipated that the scheme will launch in September.

Two Housing Associations are using loan funding to purchase empty homes, refurbish and either sell or rent as affordable homes. Clannmil Housing is currently exploring the potential for bringing empty properties at Skipperstone in Bangor back into use.

The Department and the Housing Executive will continue to consider initiatives being used in other jurisdictions and will implement, as appropriate, in North Down and across Northern Ireland.

**Mr Dickson** asked the Minister for Social Development to outline his Department's responsibilities in regards to achieving child poverty targets.

**(AQW 47744/11-15)**

**Mr Storey:** The Office of the First Minister and deputy First Minister currently has lead responsibility within the Executive for tackling child poverty. However, my Department has responsibility for many of the policy and operational levers to address poverty and disadvantage on the ground, thus it has a key role in contributing to the achievement of child poverty targets. These policies and programmes include: the Neighbourhood Renewal Strategy; the provision of decent and affordable housing; action to address fuel poverty; improved child maintenance arrangements and the delivery of comprehensive social security arrangements.

My Department has committed to a number of important high level targets and supporting actions within the proposed new Child Poverty Strategy 2014-2017. Examples include the delivery of new social and affordable housing, the provision of specialist housing and debt advice to households having difficulty paying their mortgage, the provision of childcare places to assist parents in low income families to increase their skills and gain education and training to avail of paid employment; the support of 30 Nurture Units in local primary schools; and delivery of projects designed to promote social, economic, physical

and community renewal in 36 Neighbourhood Renewal Areas. We have also committed to contributing to actions being led by other departments and organisations.

As part of our work on improving the uptake of benefits, the Department is developing a Household Income Administrative Database to assess eligibility for means tested benefit. This database should improve our capacity to better target those eligible for additional social security and other benefits.

My Department is also responsible for the measurement of poverty in Northern Ireland. The Northern Ireland Poverty Bulletin 2013/14 was released on 25 June 2015 and provides annual estimates of the percentage and number of people, children, working age adults and pensioners living in low income households in Northern Ireland. The estimates are used to monitor progress towards United Kingdom targets to reduce poverty.

**Mr Weir** asked the Minister for Social Development to detail the (i) number of houses in North Down still waiting on double glazing installation under the windows replacement scheme; and (ii) timescale for installation for remaining properties.  
(AQW 47816/11-15)

**Mr Storey:** The Housing Executive has advised that there are 25 properties in North Down still to be double glazed. They are included in a scheme currently on site and work is due to be completed by the end of July 2015.

**Mr Gardiner** asked the Minister for Social Development to detail how much his Department has been spent on (i) state pensions; (ii) other age related benefits; (iii) housing benefit; (vi) disability and incapacity benefits (v) pension credit; and (vi) jobseekers allowance and income support in the last five financial years.  
(AQW 47832/11-15)

**Mr Storey:** The amount of social security benefit expenditure and Housing Benefit paid by the Department for Social Development in the last five years is disclosed in the Table below. The expenditure information is presented per benefit type. This includes the categories listed in the above question.

**Table 1**

Social Security Expenditure per benefit	2014/15 £000	2013/14 £000	2012/13 £000	2011/12 £000	2010/11 £000
Retirement Pension	2,076,639	1,986,379	1,908,856	1,784,924	1,667,590
Christmas Bonus	5,159	4,852	4,869	4,855	4,818
Attendance Allowance	205,325	201,625	203,169	197,185	193,607
Carer's Allowance	141,764	132,652	123,588	111,219	103,573
Disability Living Allowance	971,487	937,495	897,686	840,972	794,670
Pension Credit	307,899	325,463	333,889	349,355	355,844
Income Support	169,147	223,998	324,422	385,197	415,132
Job Seekers Allowance	179,880	211,505	219,253	198,625	184,473
Employment and Support Allowance	734,317	528,693	298,128	147,943	94,576
Industrial Injuries Benefits	30,067	29,748	29,494	29,357	28,653
Widows Benefits	20,347	20,998	21,435	21,253	21,616
Incapacity Benefit	1,986	73,731	197,479	273,823	298,761
Maternity Allowance	12,164	11,873	11,396	10,797	10,083
Job Grant	1,956	1,896	1,630	1,693	1,442
Budgeting Loans	53,970	53,724	51,768	50,006	49,700
Crisis Loans	13,427	14,423	14,663	14,074	16,561
Maternity Payments	1,615	1,673	1,730	2,048	5,357
Funeral Payments	2,506	2,642	2,690	2,501	2,595
Community Care Grants	13,708	13,747	13,497	13,694	13,819
Winter Fuel Payments	53,900	54,045	54,007	54,312	69,185
Repayments of Social Fund Loans	(69,465)	(67,104)	(65,038)	(62,041)	(57,726)
Housing Benefits	655,796	641,763	621,844	592,205	560,227



Social Security Expenditure per benefit	2014/15 £000	2013/14 £000	2012/13 £000	2011/12 £000	2010/11 £000
Cold Weather Payments	375	-	-	47	16,813
<b>Total Benefit Expenditure</b>	<b>5,583,969</b>	<b>5,405,821</b>	<b>5,270,455</b>	<b>5,024,044</b>	<b>4,851,369</b>

**Mrs Dobson** asked the Minister for Social Development for an update on the window and kitchen replacement schemes taking place in the Northern Ireland Housing Executive Estate in Moorefield, Banbridge; including the original planned completion date; and the estimated date of completion.

**(AQW 47840/11-15)**

**Mr Storey:** The Housing Executive has advised that properties in the Moorefield estate, Banbridge, are included in a window scheme which is programmed to commence on site in November 2015, with an estimated completion date of March 2016.

The properties were originally incorrectly included in a double glazing scheme (due to complete 3 July 2015) which was focused on meeting the Programme for Government target to ensure full double glazing in all Housing Executive properties.

The Housing Executive has further advised that properties in Moorefield estate are also included in a kitchen replacement scheme which is due to commence on site in January 2016 with an estimated completion date of March 2016. The scheme was originally planned to commence on site in August/September 2015.

**Mrs Dobson** asked the Minister for Social Development, pursuant to AQW 39964/11-15, for an update on the replacement of single glazed windows in the (a) 166 Northern Ireland Housing Executive properties in the former Banbridge council area; and (b) 232 properties in the former Craigavon council area identified as single-glazed in December 2014.

**(AQW 47841/11-15)**

**Mr Storey:** The Housing Executive has advised that both double glazing schemes in Banbridge for 166 properties and Craigavon for 232 properties commenced in February 2015 and are due to complete at the end of July 2015.

**Mr Nesbitt** asked the Minister for Social Development to detail the (i) total number of Written Assembly Questions answered; and (ii) percentage of Written Assembly Questions answered on time by his Department since May 2011.

**(AQW 47842/11-15)**

**Mr Storey:** As at the end of March 2015, my Department had answered 4125 Written Assembly Questions since May 2011. Of these, 85% have been answered on time.

**Ms Sugden** asked the Minister for Social Development when he intends to publish the strategy for the delivery of generalist advice services 2015-2020.

**(AQW 47872/11-15)**

**Mr Storey:** The new advice strategy "Advising, Supporting, Empowering – a strategy for the delivery of generalist advice services in Northern Ireland 2015 – 2020" will be published in summer 2015.

**Ms Sugden** asked the Minister for Social Development to detail (i) the number of groups who have submitted applications for the Volunteering Small Grants scheme 2015/2016; (ii) the number of applications representing standalone older peoples' groups; and (iii) when the outcome of their applications will be heard.

**(AQW 47874/11-15)**

**Mr Storey:**

- (i) 821 organisations submitted an application to the 2015/2016 Volunteering Small Grants Programme;
- (ii) 55 applications have been received from organisations representing older peoples' groups;
- (iii) It is planned that all applicants to the Volunteering Small Grants Programme will be notified of the assessment decision during July 2015.

**Ms Sugden** asked the Minister for Social Development for an update on proposals for the regeneration of Portrush, including a study to examine options around the redevelopment of Portrush Harbour.

**(AQW 47882/11-15)**

**Mr Storey:** In April 2015 I forwarded a paper to the Executive outlining options on the way forward with the regeneration of Portrush in the run up to the Open Championship returning to Royal Portrush Golf Club.

In relation to the Harbour development, an additional piece of work is now required to identify a further option to be tested at economic appraisal stage. This work will be undertaken over the coming months, subject to funding being available.

**Mr Weir** asked the Minister for Social Development to detail (i) the remuneration rate for social security tribunal panel members; and (ii) whether the rate varies if the tribunal is adjourned or not heard on the day the tribunal is due to take place. (AQW 47901/11-15)

**Mr Storey:**

(i) The current rate payable to each category of panel member is detailed in the table below.

Panel Member Category	Rate per Session £
Legally Qualified Member	229.00
Medically Qualified Member (up to 40 sessions)	158.00
Medically Qualified Member (over 40 sessions and Consultants IRO certain appeal type)	189.50
Financially Qualified Member	154.00
Disability Qualified Member	98.00

(ii) I refer you to my response to your question AQW 41431/11-15 provided in February 2015. The rate of remuneration per session does not vary if appeals before the tribunal are adjourned and subsequently relisted into a new session, which may also contain appeals listed for the first date of hearing.

**Mr A Maginness** asked the Minister for Social Development whether the Northern Ireland Housing Executive owns land between Jellico Parade, Belfast and Northwood Parade, Belfast. (AQW 47907/11-15)

**Mr Storey:** The Housing Executive advise that this land is unregistered and therefore ownership cannot be established. The Housing Executive also advise that it has never had an interest in the lands between Jellicoe Parade and Northwood Parade, Belfast.

**Mr Gardiner** asked the Minister for Social Development to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case. (AQW 47962/11-15)

**Mr Storey:** The information requested is detailed in the table below. Figures are in £million and should be seen in the context of the Department's overall budget for each year, as shown in the final column.

Area /Year	Social Security £'m		Housing £'m		Urban Group £'m		Total Budget £'m
	Resource	Capital	Resource	Capital	Resource	Capital	
2010-11	3.82	0.24	0.03	0.24	0.93	0.46	<b>736.11</b>
2011-12	3.59	0.07	0.02	0.28	0.57	0.69	<b>676.82</b>
2012-13	+ 0.66	0.13	12.33	0.42	0.32	1.21	<b>610.73</b>
2013-14	0.93	1.30	0.32	+0.16	2.00	+1.10	<b>707.22</b>
2014-15	3.42	2.59	3.82	2.79	0.44	+1.58	<b>773.69</b>

There is no provision for end-year underspends to be carried forward at Departmental level.

**Mr Lyttle** asked the Minister for Social Development for an update on the redevelopment of the Girdwood Barracks site; and to detail (a) how his Department will engage with the community on the future management of the site; and (b) the budget available to fund the future of the programme and maintenance of the site. (AQW 48065/11-15)

**Mr Storey:** The development of Girdwood Park is being taken forward under the agreed Masterplan Conceptual Framework (MCF) which has cross community and cross political support.

The Department is currently investing in excess of £5m to put in place infrastructure (roads, power, water and landscaping) at Girdwood Park together with the outdoor sports pitch which is expected to complete late this year. Construction work is progressing well on the Belfast City Council led, SEUPB funded Community Hub which will offer first class, shared leisure and community facilities with classrooms for Belfast Metropolitan College when it opens in October 2015. Apex Housing has begun construction of 60 housing units which are due for completion in early 2016.

The remaining elements of the masterplan include the Indoor Sports Facility and Mixed Use Economic Units and the Department is currently undertaking important preparatory work with other stakeholders to help work out what these facilities could include and the best route for achieving their delivery. The remaining Housing along Cliftonpark Avenue is likely to be the final element of the masterplan to be delivered.

The Department together with Belfast City Council, which will have operational responsibility for the Community Hub and the Sports Pitch, is engaging with the community primarily through the Girdwood Community Forum to agree how these facilities and the wider site will be managed in the future.

In terms of management and maintenance arrangements the Department has responsibility for the site excluding the area where the Community Hub is being constructed which is under licence to Belfast City Council and the Housing at the Kinnaird end of the site which is now under the ownership of Apex Housing.

Once the Community Hub and Sports Pitch become operational later this year responsibility for their management and programming will pass to Belfast City Council. The Department will retain management and maintenance responsibilities for the remainder of the site until 1 April 2016 when its ownership, similar to other Departmental assets, will pass to Belfast City Council under the Reform of Local Government.

**Mr Beggs** asked the Minister for Social Development to detail the (i) number of staff that have left the Northern Ireland Housing Executive under the Voluntray Exit Scheme in the last twelve months; (ii) total cost; and (iii) number of new staff appointed.

**(AQW 48098/11-15)**

**Mr Storey:** The Housing Executive has advised that:

- (iv) There has been one Voluntary Early Severance Scheme which they have released staff under during the past 6 months. In that period 149 staff have left the Housing Executive under the terms of the Voluntary Early Severance Scheme;
- (v) the cost of the departures, including payments to the NILGOSC pension fund, was £5,067,533; and
- (vi) 26 new staff have been appointed to the Housing Executive in the period 1 July 2014 to 30 June 2015. Posts vacated by the Voluntary Early Severance scheme have not been filled by new staff.

**Mr Beggs** asked the Minister for Social Development to detail the (i) cost of each consultant that has been engaged in relation to the transformation team in the last twelve months; and (ii) process by which each consultant was appointed.

**(AQW 48099/11-15)**

**Mr Storey:** The Housing Executive has advised me that no external consultants have been engaged in relation to the Transformation Team in the last twelve months. However, managed services were procured using the Official Journal of the European Union (OJEU) using the Open Procedure in April 2014. This procedure resulted in Vanguard Ireland being appointed to deliver training services to support Transformation. The Housing Executive has advised that the tendered cost for the service was between £200k and £300k.

**Mr Beggs** asked the Minister for Social Development to detail the (i) number of Northern Ireland Housing Executive staff paid gardening leave; (ii) total cost of gardening leave in 2014/15; and (iii) rationale behind this use of public funds.

**(AQW 48100/11-15)**

**Mr Storey:** The Housing Executive has advised that it does not employ the practice known as gardening leave and therefore no member of staff has been granted gardening leave.

**Ms Lo** asked the Minister for Social Development what measures his Department is taking to ensure social housing tenants, subject to stock transfer from one housing association to another, are provided with legitimate tenancy agreements by their new social landlords and that they comply with the Private Tenancies (NI) Order 2006.

**(AQW 48131/11-15)**

**Mr Storey:** When stock transfers from one Housing Association to another, approval must be sought from the Department. As part of that approval process the Department would seek assurances on the arrangements for tenancy agreements and that tenants have been kept fully advised of developments. All Registered Housing Association tenants remain under the same regulatory framework with the same regulatory protections irrespective of which association they are a tenant of. There is therefore no diminution of the protection afforded to them.

With regard to the Private Tenancies (NI) Order 2006, this Order does not apply to social tenancies. Housing Associations are required to comply with Article 9 of the Housing (Northern Ireland) Order 1992.

**Mr McNarry** asked the Minister for Social Development to outline any discussions he or any of his departmental officials have had with NAMA in relation to the disposal of any local NAMA property assets to Cerberus

**(AQW 48234/11-15)**

**Mr Storey:** Neither I nor any of my officials had discussions with NAMA in relation to the disposal of property assets to Cerberus.

**Mr Allister** asked the Minister for Social Development to detail the (i) number of away days held by the Northern Ireland Housing Executive (a) Board; and (b) Directors since April 2013; and (ii) the cost of the away days.

**(AQW 47734/11-15)**

**Mr Storey:** In relation to (a), the Housing Executive has provided the table below detailing the number of away days held by its Board and the costs, since April 2013.

Dates	Cost
23 - 24 April 2013	£2,985.60
30 October 2013	£3,539.20
29 - 30 April 2014	£2,469.94
28 - 29 October 2014	£3,011.90
16 - 17 June 2015	£2,529.00

In relation to (b), the Housing Executive has advised that since April 2013 there have been two away days for Directors as follows:

■ 19 June 2014	£1,317.35
■ 19 March 2015	£804.40

## Northern Ireland Assembly Commission

**Mr McNarry** asked the Assembly Commission to detail the overheads for the Assembly Gift shop over the last 3 years.  
**(AQW 47350/11-15)**

**Mr Ramsey (The Representative of the Assembly Commission):** The overheads for the Northern Ireland Assembly Gift Shop for the last 3 years are highlighted in the table provided overleaf. These overheads include the labour cost, bank processing charges and management fee necessary to operate the Gift Shop / Post Office.

Total	April 2012 / March 2013	April 2013 / March 2014	April 2014 / March 2015
Sales	£58,770.85	£56,801.88	£48,985.88
Gross Profit Margin (40% of Sales)	£23,508.34	£22,720.75	£19,594.35
Overheads	£30,271.64	£32,716.52	£33,832.02
Operating Cost	£6,763.30	£9,995.77	£14,237.67
Customer Transactions	£22,802	£23,480	£22,044

**Mr McNarry** asked the Assembly Commission to detail the turnover for the Assembly Gift shop over the last 3 years.  
**(AQW 47352/11-15)**

**Mr Ramsey (The Representative of the Assembly Commission):** The net turnover for the Northern Ireland Assembly Gift Shop for the last 3 years is highlighted in the table provided overleaf. In essence the term turnover for the Assembly retail operation relates to the gross sales in an given year before overheads and other operating costs.

Total	April 2012 / March 2013	April 2013 / March 2014	April 2014 / March 2015
Sales	£58,770.85	£56,801.88	£48,985.88
Gross Profit Margin (40% of Sales)	£23,508.34	£22,720.75	£19,594.35
Overheads	£30,271.64	£32,716.52	£33,832.02
Operating Cost	£6,763.30	£9,995.77	£14,237.67
Customer Transactions	22,802	23,480	22,044

**Mr McNarry** asked the Assembly Commission to detail the profit margins of the Assembly Gift shop.  
(AQW 47353/11-15)

**Mr Ramsey (The Representative of the Assembly Commission):** The profit margins for the Northern Ireland Assembly Gift Shop for the last 3 years are highlighted in the table provided overleaf. The Gross Profit Margin is the contractually agreed amount of sales returned by Compass / Eurest to the Northern Ireland Assembly in order to offset operational costs.

Total	April 2012 / March 2013	April 2013 / March 2014	April 2014 / March 2015
Sales	£58,770.85	£56,801.88	£48,985.88
Gross Profit Margin (40% of sales)	£23,508.34	£22,720.75	£19,594.35
Overheads	£30,271.64	£32,716.52	£33,832.02
Operating Cost	£6,763.30	£9,995.77	£14,237.67
Customer Transactions	22,802	23,480	22,044

**Mr McNarry** asked the Assembly Commission to detail the profit generated by the Assembly Gift shop over the last 3 years.  
(AQW 47357/11-15)

**Mr Ramsey (The Representative of the Assembly Commission):** The operating costs generated by the Northern Ireland Assembly Gift Shop for the last 3 financial years are highlighted in the table provided overleaf.

It is important to note that due to the nature of Assembly business and the requirement that services often be provided during unsocial sitting hours and for events, where the costs of providing such services exceeds the monies taken in, the extra cost is subsumed by the Assembly. This is referred to as the operating cost. The operating costs relevant to each outlet; depending mostly on level of footfall and sales contribution; are applied as per contractual agreement between the Northern Ireland Assembly Commission and the current support services provider.

In terms of the contract cost, by the end of financial year 2014/15, the contract has achieved savings in the region of £211,000 against the initial Business case (2012) or £262,000 against the 2010 CSR budget targets. By the end of financial year 2015/16, the overall cost of the contract (Catering, Cleaning, Portering, Helpdesk & Ad-hoc services) is forecast to be £631,000, a saving of 30.2% over the last 5 years.

Total	April 2012 / March 2013	April 2013 / March 2014	April 2014 / March 2015
Sales	£58,770.85	£56,801.88	£48,985.88
Gross Profit Margin (40% of Sales)	£23,508.34	£22,720.75	£19,594.35
Overheads	£30,271.64	£32,716.52	£33,832.02
Operating Cost	£6,763.30	£9,995.77	£14,237.67
Customer Transactions	22,802	23,480	22,044

**Mr McKay** asked the Assembly Commission whether swift bricks have been used in the recent renovation work at Parliament Buildings.  
(AQW 47414/11-15)

**Mr Ramsey (The Representative of the Assembly Commission):** Officials from Facilities Directorate met with staff in the Royal Society for the Protection of Birds (RSPB) in early 2014 with regard to the provision of swift boxes at Parliament Buildings.

With the ongoing construction work associated with the roof project it was agreed that swift boxes would be provided as an interim solution for the summer 2014 nesting season. Accordingly, 4 swift boxes were erected at roof level on the building and mating calls were played from sounders, all as per the RSPB recommendations. Unfortunately we were not successful in attracting any swifts to use the boxes on that occasion.

As part of the roof project, we have now incorporated 12 swift bricks in the same area of the roof. It is hoped that the swift bricks, swift boxes and call system will result in swifts being attracted to nest in the roof of Parliament Buildings either this season or in subsequent seasons. We will, of course, continue to liaise with staff in the RSPB on this matter.

Please let me know if you require anything further.



**Mr Girvan** asked the Assembly Commission what security measures are being implemented, to control members of the public in light of the announcement of the first floor of Parliament Buildings being opened up to the public.

**(AQW 47848/11-15)**

**Mr Ramsey (The Representative of the Assembly Commission):** With effect Monday 6th July 2015 and throughout summer recess, members of the public will be able to avail of refreshments in the Member's Dining Room and Room 115 of Parliament Buildings. As is presently the case with other visitors entering Parliament Buildings all must first pass through the existing security facility at East Glen.

It is anticipated that the majority of these visitors will have first partaken of a tour and will then be directed to the MDR or Room 115 by Events staff. Other persons who wish to avail of the refreshment facilities but not as part of a tour, will be directed to the relevant room by Usher Services staff, who will also maintain a first floor presence convenient to the South corridor during that time.

Assembly management also intend placing signs and temporary rope barriers in the Great Hall and First floor areas to delineate those areas to which the public will be permitted access.

I trust this is of assistance.



# Northern Ireland Assembly

Friday 17 July 2015

## Written Answers to Questions

### Department of Agriculture and Rural Development

**Mr Gardiner** asked the Minister of Agriculture and Rural Development to detail (i) the financial underspend in her Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

(AQW 47861/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):**

- (i) Details in relation to the financial underspend of the Department of Agriculture and Rural Development, by intended area of expenditure, for each of the last five financial years; can be seen in the table below. The figures quoted for the 2014-15 financial year are provisional.

	2010/11 Underspend/ (Overspend) £'000	2011/12 Underspend/ (Overspend) £'000	2012/13 Underspend/ (Overspend) £'000	2013/14 Underspend/ (Overspend) £'000	2014/15 Underspend/ (Overspend) £'000
	Final	Final	Final	Final	Provisional
Service Delivery Group	3,775	6,303	(2,531)	202	773
Veterinary Service	4,379	42	1,372	(914)	(341)
Central Policy Group	1,905	5,578	1,648	1,568	224
FCILC	-	-	79	23	(21)
Rivers	(511)	253	127	46	140
Forest Service	339	266	318	168	517
EU Peace Programme	-	-	-	-	-
EU Structural Funds	22	34	15	23	23
Common Agricultural Policy	(18,385)	(7,621)	-	-	-
Equal Pay Settlement	-	28	-	30	-
<b>Total</b>	<b>(8,476)</b>	<b>4,883</b>	<b>1,028</b>	<b>1,146</b>	<b>281</b>

- (ii) In each case, the Department of Agriculture and Rural Development has not carried forward any money associated with these underspends into the following financial year.

**Mr Weir** asked the Minister of Agriculture and Rural Development whether her Department has any plans to maintain a central register of people banned from keeping animals; and how such a register would be made accessible to relevant agencies.  
(AQW 47888/11-15)

**Mrs O'Neill:** The Welfare of Animals Act 2011 provides for offences and penalties in relation to animal welfare. There is no provision in the 2011 Act requiring my Department to maintain a central register for those persons convicted of animal welfare offences. However, my Department maintains a register of persons banned from keeping animals based primarily on prosecution cases taken by DARD.

The Review of the Implementation of the 2011 Act has considered the potential for creating a central register of persons who have been convicted of an offence or disqualified by the courts from keeping animals under the 2011 Act. In its Interim Report

the Review Team has not recommended creation of a central database. That is because of difficult and complex issues regarding freedom of information, data protection and protecting certain human rights.

As an alternative approach, one of the emerging recommendations in the Interim Report is to provide DARD with access to the Criminal Records Viewer and that once this is in place for DARD to investigate options to provide relevant Council staff with similar access to conviction data. This arrangement should provide all relevant enforcement bodies with access to pertinent data.

DARD has sought access to the Criminal Records Viewer and is currently finalising arrangements with the Department of Justice to facilitate this link. Once this is complete my officials, in conjunction with the Department of Justice, will examine how such conviction information can be shared with Councils, including consideration of data-sharing agreements.

In addition, in response to comments from stakeholders the Review Team, in conjunction with partner organisations, is exploring what, if any, steps can be taken in order to assist animal re-homing charities with access to information on those convicted of offences under the 2011 Act.

**Mrs Dobson** asked the Minister of Agriculture and Rural Development for her assessment of the annual cost to the industry of her proposed compulsory Bovine Viral Diarrhoea testing scheme.

**(AQW 47949/11-15)**

**Mrs O'Neill:** The proposed Bovine Viral Diarrhoea (BVD) Order will place a requirement on herd keepers to tag and test all new born calves for BVD for a minimum of three years. Original estimates of the cost to herd keepers, contained in the Regulatory Impact Assessment in 2013, identified that the average increase in cost of a BVD Tag (including Test) over a Standard Tag was £3.37. My Department reviewed the cost of the tag and test kits, available from Tag suppliers, in June 2015 and the average price difference is now £3.44. Given that there are approximately 500,000 calf births registered every year in the north of Ireland, the estimated cost of the industry complying with the legislation, over a three year period, will be approximately £1,720,000 p.a.

The aim of the draft legislation, which I hope to bring forward, is to assist industry with its BVD eradication scheme by making the tagging and testing of new born calves for BVD compulsory. Research has indicated that herd keepers will enjoy economic benefits resulting from BVD eradication and will see a return on their investment within a short timeframe. The respective payback period for the suckler sector is 1.2 years and for the dairy sector, 6 months.

**Mrs Dobson** asked the Minister of Agriculture and Rural Development, in relation to the Animal Health and Welfare Northern Ireland industry database, what arrangements will be in place to (i) link with; or (ii) share data with the Animal and Public Health Information System (APHIS); and whether it is intended that personal details of herd-keepers held on APHIS will be shared.

**(AQW 47950/11-15)**

**Mrs O'Neill:** When herd keepers join the BVD voluntary programme, they currently provide authorisation to allow their APHIS herd information to be shared with Animal Health and Welfare NI (AHWNI) for the purposes of that programme. There is a Data Sharing Agreement in place between the Department, AHWNI and the database provider covering APHIS information. Details of the precise data needed to be shared between the databases within the compulsory programme have not yet been finalised, however, it is expected that the data will be of a similar nature to that currently required.

The current "link" between the databases is in the form of web services which the database provider uses to validate animal information on their database. The information received from APHIS via the web services includes the herd keeper's name and address, along with associated animal information such as herd details, a herd list, and animal movements. Details of the private veterinary practitioner (PVP) authorised on APHIS to carry out the keeper's TB testing are also shared with AHWNI and the database provider, unless the herd keeper has nominated a separate PVP in relation to BVD.

## Department of Culture, Arts and Leisure

**Mr Gardiner** asked the Minister of Culture, Arts and Leisure to detail (i) the financial underspend in her Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

**(AQW 47862/11-15)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** The financial underspend for the years 2010 to 2015 for each area of expenditure is noted below (table 1). The figures apply to Departmental Expenditure Limit (DEL) underspends only and relate to both capital and resource budgets.

DCAL did not carry forward underspends to the following year in any case.

**Table 1: Department of Culture Arts and Leisure - DEL Underspend for the period 2010 – 2015.**

DCAL Function	2010/11		2011/12		2012/13		2013/14		2014/15*	
	(Over)/ Under spend	% of Total Budget	(Over)/ Under spend	% of Total Budget	(Over)/ Under spend	% of Total Budget	(Over)/ Under spend	% of Total Budget	(Over)/ Under spend	% of Total Budget
	£m		£m		£m		£m		£m	
Arts	0.1	0.1%	(0.4)	-0.3%	(0.1)	(0.1)%	0.8	0.5%	(0.2)	(0.1)%
Museums	0.4	0.2%	0.6	0.4%	0.4	0.3%	(0.1)	(0.1)%	0.0	0.0%
Libraries	0.0	0.0%	0.6	0.4%	0.7	0.5%	0.6	0.4%	0.3	0.2%
Sport	1.1	0.7%	0.1	0.1%	(0.3)	(0.2)%	0.3	0.2%	(0.2)	(0.1)%
Cultural Diversity	0.1	0.0%	0.3	0.2%	0.3	0.2%	0.3	0.2%	1.1	0.7%
Inland Fisheries	0.5	0.3%	0.7	0.5%	0.4	0.3%	0.4	0.2%	0.3	0.2%
N/S Body Languages	0.2	0.1%	0.1	0.0%	0.1	0.1%	(0.2)	(0.1)%	(0.6)	(0.4)%
N/S Body Waterways Ireland	0.1	0.0%	1.3	1.0%	0.2	0.1%	(0.2)	(0.2)%	1.2	0.8%
Public Records Office	0.3	0.2%	0.0	0.0%	0.4	0.3%	0.0	0.0%	0.1	0.1%
NI Events Company	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
Equal Pay Award	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
<b>Total</b>	<b>2.6</b>	<b>1.6%</b>	<b>3.3</b>	<b>2.5%</b>	<b>2.1</b>	<b>1.5%</b>	<b>1.7</b>	<b>1.1%</b>	<b>1.9</b>	<b>1.3%</b>
<b>Total Budget</b>	<b>159.9</b>		<b>129.3</b>		<b>142.3</b>		<b>153.2</b>		<b>143.0</b>	

\* Figures taken from provisional outturn as final outturn is not yet available

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure for a breakdown of the £65,000 cost to date of the Líofo website.  
(AQW 47918/11-15)

**Ms Ní Chuilín:** The original budget for the Líofo website was £60,000 and it cost £54,260 to develop. There were also additional costs for maintenance and other remedial work amounting to £10,485, making a total of £64,745.

**Mr D Bradley** asked the Minister of Culture, Arts and Leisure what role Foras Na Gaeilge had in establishing the Líofo website; and in the security breach which occurred on the website.  
(AQW 47919/11-15)

**Ms Ní Chuilín:** The department asked Foras na Gaeilge to commission the website to support the Department's Líofo campaign. Following a competitive tendering exercise, by Foras na Gaeilge, a Dublin based company was awarded the contract. At the time of the security issue, responsibility for the website had transferred to the Department.

**Mr Moutray** asked the Minister of Culture, Arts and Leisure to detail the opening hours of each library in Upper Bann in each of the last three years.  
(AQW 47935/11-15)

**Ms Ní Chuilín:** The opening hours for each library in Upper Bann for each of the last three years are set out at Annex A.



**Annex A****Libraries in Upper Bann****Opening Hours April 2011 - May 2012**

<b>Library</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Total Hrs</b>
Banbridge Library 23 Scarva Street Banbridge BT32 4LH	9.30- 5.30	9.30- 8.00	9.30- 5.30	9.30- 8.00	9.30- 5.30	9.30- 5.00	52.5
Brownlow 2 Brownlow Road Craigavon BT65 5DP	10.00- 5.30	10.00- 8.00	10.00- 5.30	10.00- 8.00	10.00- 5.30	10.00- 5.00	49.5
Gilford Library 37 Mill Street Gilford BT63 6HY Closed 21 April 2012	2.00- 5.30	2.00- 5.30	10.00- 1.00 2.00- 8.00	Closed	10.00- 1.00 2.00- 5.30	10.00- 1.00	25.5
Lurgan Library 1 Carnegie Street Lurgan BT66 6AS	9.30- 8.00	9.30- 8.00	1.00- 8.00	9.30- 8.00	9.30- 5.00	9.30- 5.00	53.5
Portadown Library 24-26 Church Street Portadown BT62 3LQ	9.30- 8.00	9.30- 5.30	9.30- 8.00	9.30- 5.30	9.30- 5.30	9.30- 5.00	52.5

**Revised Opening Hours June 2012 – October 2014**

<b>Library</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Total Hrs</b>
Banbridge Library 23 Scarva Street Banbridge BT32 4LH	9.30- 5.00	9.30- 8.00	9.30- 5.00	9.30- 5.00	9.30- 5.00	9.30- 5.00	48
Brownlow 2 Brownlow Road Craigavon BT65 5DP	10.00- 5.00	1.00- 8.00	10.00- 5.00	10.00- 5.00	10.00- 4.00	10.00- 4.00	40
Gilford Community Centre Mobile Library Service *			2.00- 7.00		10.00- 12.00		7
Lurgan Library 1 Carnegie Street Lurgan BT66 6AS	9.00- 5.00	9.00- 8.00	9.00- 8.00	9.00- 8.00	9.00- 5.00	9.00- 5.00	57
Portadown Library 24-26 Church Street Portadown BT62 3LQ	10.00- 8.00	10.00- 5.00	10.00- 8.00	10.00- 5.00	10.00- 5.00	10.00- 5.00	48

**Opening Hours Implemented November 2014**

<b>Library</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Total Hrs</b>
Banbridge Library 23 Scarva Street Banbridge BT32 4LH	9.30- 5.00	1.00- 8.00	9.30- 5.00	9.30- 5.00	9.30- 5.00	9.30- 5.00	44.5

Library	Mon	Tue	Wed	Thu	Fri	Sat	Total Hrs
Brownlow 2 Brownlow Road Craigavon BT65 5DP	10:00- 5:00	1:00- 7:00	10:00- 5:00	10:00- 5:00	10:00- 4:00	10:00- 4:00	39
Gilford Community Centre Mobile Library Service*			1.45- 5:00				3.25
Lurgan Library 1 Carnegie Street Lurgan BT66 6AS	9:00- 5:00	9:00- 8:00	9:00- 5:00	9:00- 5:00	9:00- 5:00	9:00 5:00	51
Portadown Library 24-26 Church Street Portadown BT62 3LQ	10:00- 5:00	10:00- 5:00	10:00- 8:00	10:00- 5:00	10:00- 5:00	10:00- 5:00	45

\* In addition, Libraries NI staff provide weekly Rhythm and Rhyme sessions Wednesday 10.30-11.00am in Gilford Community Centre

**Mr Moutray** asked the Minister of Culture, Arts and Leisure to detail the departmental funding given to each library in Upper Bann, in each of the last five years.

**(AQW 47936/11-15)**

**Ms Ní Chuilín:** The level of funding which my Department provided, via Libraries NI, to each library in Upper Bann in each of the last five financial years is set out at Annex A.

Please note that certain expenditure on items such as Stock, e2 and vehicle purchases is recorded centrally and not allocated to individual libraries. Therefore this expenditure has been excluded.

#### Annex A

##### Year 2010/11

Library	Recurrent Funding (£)	Capital (£)	Total Funding (£)
Brownlow Library	127,781	3,550	131,331
Lurgan	249,702	-	249,702
Portadown	236,530	-	236,530
Banbridge	143,093	-	143,093
Gilford	60,105	-	60,105
		<b>Total</b>	<b>820,761</b>

##### Year 2011/12

Library	Recurrent Funding (£)	Capital (£)	Total Funding (£)
Brownlow	114,005	206,275	320,280
Lurgan	277,072	37,000	314,072
Portadown	162,578	68,598	231,176
Banbridge	151,078	-	151,078
Gilford	55,825	-	55,825
		<b>Total</b>	<b>1,072,431</b>

**Year 2012/13**

<b>Library</b>	<b>Recurrent Funding (£)</b>	<b>Capital (£)</b>	<b>Total Funding (£)</b>
Brownlow	92,076	-	92,076
Lurgan	230,030	-	230,030
Portadown	207,981	-	207,981
Banbridge	157,230	-	157,230
Gilford	12,328	-	12,328
		<b>Total</b>	<b>699,645</b>

**Year 2013/14**

<b>Library</b>	<b>Recurrent Funding (£)</b>	<b>Capital (£)</b>	<b>Total Funding (£)</b>
Brownlow	96,900	-	96,900
Lurgan	270,741	-	270,741
Portadown	229,684	-	229,684
Banbridge	162,176	-	162,176
Gilford	6,226	-	6,226
		<b>Total</b>	<b>765,727</b>

**Year 2014/15**

<b>Library</b>	<b>Recurrent Funding (£)</b>	<b>Capital (£)</b>	<b>Total Funding (£)</b>
Brownlow	102,442	43,000	145,442
Lurgan	257,420	-	257,420
Portadown	217,205	-	217,205
Banbridge	146,577	-	146,577
Gilford	4,458	-	4,458
		<b>Total</b>	<b>771,102</b>

**Mr Moutray** asked the Minister of Culture, Arts and Leisure to detail the number of people employed by the Arts Council in each of the last four years.

**(AQW 47937/11-15)**

**Ms Ní Chuilín:** The number of people employed by the Arts Council in each of the last four years is as follows:

**No of people employed at ACNI (Headcount) as at 31st March**

<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
64	62	62	57

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure what discussions her officials have had with Roe Angling Association Ltd on the stretch of the River Roe at Deerpark, Limavady, with a view to the potential transfer of management responsibilities from her Department to the Association.[R]

**(AQW 47974/11-15)**

**Ms Ní Chuilín:** My officials have not had any discussions with the Roe Angling Association Ltd regarding the transfer of management responsibilities for the Department's Public Angling Estate stretch of the River Roe at Deerpark, Limavady.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure for her assessment of the economic, social and societal benefits of the City of Culture legacy; and for an estimate of the economic value to the north west and wider region.

**(AQW 47978/11-15)**

**Ms Ní Chuilín:** The DCAL North West Social and Economic Development Programme was designed to create a lasting impact for communities in need. The Programme focussed on:

- Capacity building for the most deprived communities across the North West;
- Building sustainable infrastructure with contributions to key cultural and sporting refurbishment projects;
- Development of festival activity with funding for events delivery equipment such as staging, lighting and barriers to reduce costs of delivering community based festivals for many years to come; and
- Expanding the services of existing community facilities with creative and digital equipment such as iPads, 3D printers and other equipment to assist the growth of social enterprises within communities.

Some of the events which were supported through the Programme have yet to happen, for example the Stendhal Festival, which will take place at the beginning of August. An overall evaluation of the Programme will be carried out when all of the supported events have taken place.

**Mr Dunne** asked the Minister of Culture, Arts and Leisure for an update on the sub-regional stadia programme.  
(AQW 47988/11-15)

**Ms Ní Chuilín:** The Executive endorsed an investment of circa £36m for Sub Regional Stadium Development for Football as a priority in the next CSR and a resource budget of £0.6m was allocated by DFP in January 2015 to allow my Department to develop the programme.

A Strategic Outline Case has been developed and DFP approval was received in June 2015.

My Department has been developing the programme and have worked closely with the IFA to ensure that the programme is aligned to the IFA Facilities Strategy whilst also ensuring the NI Executive and DCAL's priorities have been fully incorporated within the programme.

Programme specific details in terms of eligibility criteria, funding strands, funding limits etc. are currently being finalised. Plans for formal public consultation with key stakeholders are underway and I hope to commence a 20 week consultation in early August 2015.

Following public consultation, it is envisaged that the Sub Regional Programme will be formally launched in early 2016 and step through the assessment process including the various audits of need, competitions and business cases planned for late 2015/16 - early 2016/17, with capital delivery to be undertaken in financial years 2016-2018.

The forthcoming process for allocation of funding will be a fair, open and transparent process and will be based on an evidenced approach to demonstrate need and investment. All projects will be assessed under challenge fund principles with award recommendations being made based on eligibility and projects attaining a high assessment score. I will approve all award decisions.

**Ms McGahan** asked the Minister of Culture, Arts and Leisure what Together: Building a United Community departmental funding opportunities exist for Fermanagh and South Tyrone.  
(AQW 48010/11-15)

**Ms Ní Chuilín:** My Department leads on one of the seven headline actions from the Executive's Together: Building a United Community (TBUC) strategy, namely the development of a cross community youth sports programme. This seeks to enhance good relations through the transformative power of sport and creative activity.

My Department secured funding to run a pilot project from January to March 2015 in the Lower Falls and the Greater Village areas in Belfast. As envisaged in the programme design, a second phase of activities is continuing in these areas in 2015/16 to maximise the sustainable impact of the initiative. Consideration is also being given to a rural pilot in 2015/16 however the area in question has not yet been selected.

The scale and location of future programme activity will be informed by factors including the evaluation of the pilot project; consideration of potential linkages with other TBUC headline actions; and the availability of additional funding from the Executive. Development work is ongoing on future programme activity.

The delivery of the cross community youth sports programme is currently the only DCAL initiative being supported with additional funding under the TBUC strategy. However, my Department already supports an extensive and diverse range of innovative initiatives across the North of Ireland which directly challenge stereotypic thinking and intolerance and help to celebrate diversity. The work of, for example, libraries, museums, the arts, Sport NI and NI Screen highlights the key role of the creative and cultural base in supporting the Executive's commitment to improving community relations and building a united and shared society.

**Mr McCausland** asked the Minister of Culture, Arts and Leisure when she (i) approved; and (ii) signed off the Final Business Case for Casement Park.  
(AQW 48011/11-15)

**Ms Ní Chuilín:** The Full Business Case (FBC) for Casement Park was received by the Department in December 2013.

On the 12th December 2013 a DCAL Stadium Programme Board was held to consider a suite of project documentation relating to the redevelopment of Casement Park including the FBC. The Programme Board recommended that the Programme SRO provided assurance to the Accounting Officer for the release of the Funding Agreement to the UCGAA.

On the 19th December 2013 the Programme SRO wrote to the Accounting Officer, with a recommendation to approve the release of the funding agreement to the UCGAA and the subsequent provision of funding.

On 20th December 2013, the Accounting Officer and the Minister approved the SRO's recommendation.

**Mr McCausland** asked the Minister of Culture, Arts and Leisure when her Department approved the awarding of a Design and Build Contract for Casement Park; and why approval was given before the outcome of the Judicial Review was known. **(AQW 48012/11-15)**

**Ms Ní Chuilín:** In December 2013, following the step through of the required stage boundaries and approval processes the successful contractor for the Casement Park project, Heron Buckingham JV, was appointed on a NEC3 Option A design and build contract.

In April 2014 a local residents group, Mooreland & Owenvarragh Residents Association, submitted an application to seek leave for a judicial review against the DOE's decision to grant planning approval for the Casement Park development. Leave was granted in May 2014, some five months after the successful contractor was appointed.

The design and build contract signed by the successful contractor specifies that statutory obligations need to be addressed. The trigger to proceed from design phase to the actual construction phase is the release of the Construction Notice. The Construction Notice has not been issued as the final design has not been signed off.

I want to make it clear that no decision has been taken or recommended to approve the final design and no construction has been signed off. Building work may only proceed when the construction notice has been issued. That has not taken place nor will it until all obligations have been fully fulfilled.

**Mr McCausland** asked the Minister of Culture, Arts and Leisure who has held the post of Permanent Secretary, or subsequently acting as interim Permanent Secretary, in her Department since May 2011; and to detail the periods during which they have each held the post.

**(AQW 48014/11-15)**

**Ms Ní Chuilín:** Since May 2011 the following people have held the post of Permanent Secretary of my Department, the period during which they have each held the post is also provided.

Rosalie Flanagan held the post of Permanent Secretary from 5/2/2010 to 30/4/2013.

Peter May held the post as Interim Permanent Secretary from 15/5/2013 to 14/11/2014

Cynthia Smith was temporary promoted to the Permanent Secretary post from 17/11/2014 to 29/3/2015

Denis McMahon is the current Permanent Secretary, he took up the post on 30/3/2015.

**Mr McCausland** asked the Minister of Culture, Arts and Leisure who has held the post of Deputy Secretary in her Department since May 2011; and to detail the period during which they each have held the post.

**(AQW 48015/11-15)**

**Ms Ní Chuilín:** Since May 2011, the following people held the post of Deputy Secretary of my Department, the period during which each has held the post is also provided.

Cynthia Smith is the current Deputy Secretary and she has held the post since 23/5/2011. Prior to this the post was temporarily vacant.

Barney McGahan held the post from 17/11/2014 to 31/3/2015, he was in post to cover Mrs Smith's post when she was temporarily promoted to cover the then vacant Permanent Secretary post.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure what is her Department's geographical definition of Northern Ireland's north west.

**(AQW 48018/11-15)**

**Ms Ní Chuilín:** My Department does not have a geographical definition of the North West however, projects funded as part of DCAL's direct investment in the North West are located in Limavady, Coleraine, Strabane, Portstewart and reaching as far south as Castlederg and parts of Mid Ulster. Whilst the distribution of funding has been limited to this area the benefits have extended far beyond the North West.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure what was her Department's total spend on Londonderry UK City of Culture from July 2010 to December 2013.

**(AQW 48019/11-15)**



**Ms Ní Chuilín:** My Department, through the Arts Council, awarded Derry City Council £150k in the 2011/12 financial year for preparatory start up costs in advance of the 2013 City of Culture year.

My Department spent a further £6.5m in 2012/13 and £5.8m in 2013/14 on the 2013 City of Culture cultural programme.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail her Department's spend in Londonderry during the UK City of Culture year in 2013.

**(AQW 48020/11-15)**

**Ms Ní Chuilín:** My Department allocated £6.5m during 2012/13 and £5.8m during 2013/14 to the City of Culture cultural programme, giving a total allocation of £12.3m.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure what was the departmental spend on Londonderry's UK City of Culture Legacy which ended in March 2015.

**(AQW 48021/11-15)**

**Ms Ní Chuilín:** Between January 2014 and March 2015, my Department invested a total of £6,037,273 in City of Culture Legacy projects to maintain momentum after 2013.

Legacy funding has been used to support the development of community cultural strategies and cultural hubs as well as for event delivery equipment and refurbishment projects.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure how much her Department spent in the former Coleraine Borough Council area between July 2013 and March 2015.

**(AQW 48022/11-15)**

**Ms Ní Chuilín:** Details of funding in the former Coleraine Borough Council for the period July 2013 to March 2014 and for the year ended March 2015 are set out on the attached schedule.

DCAL funding to Coleraine Borough Council for the period July 2013 - March 2014

Funder	Amount	Description of Funding
DCAL	£11,355	Community Festivals Fund
Ulster Scots Agency	£16,472	Festival & Music Tuition
Sport NI	£16,499	Limavady Borough Council (payment as lead partner - £65,995) - Active Communities
Sport NI	£10,099	Coleraine and District Riding for the Disabled Association - Building Sport
Sport NI	£713	Rowing Ireland UB - Athlete Investment Programme
Sport NI	£4,340	Carhill Integrated Primary School (Garvagh) - Active Schools
Sport NI	£1,262	Gorran Primary School (Coleraine) - Active Schools
Sport NI	£896	Golfing Union of Ireland UB - Athlete Investment Programme
Sport NI	£2,772	Loreto College (Coleraine) - Active Schools
Sport NI	£353	Horse Sport Ireland - Athlete Investment Programme
Sport NI	£199	Limavady Borough Council (payment as lead partner - £796) - Active Communities
Sport NI	£263	Rowing Ireland UB - Athlete Investment Programme
Sport NI	£263	Rowing Ireland UB - Athlete Investment Programme
Sport NI	£3,514	Limavady Borough Council (payment as lead partner - £14,054) - Active Communities
Sport NI	£4,130	Golfing Union of Ireland UB - Athlete Investment Programme
Sport NI	£24,336	Coleraine and District Riding for the Disabled Association - Building Sport
Libraries NI	£224,428	Coleraine Library - Recurrent
Libraries NI	£96,661	Coleraine Library - Capital
Libraries NI	£20,494	Garvagh Library - Recurrent
Libraries NI	£26,198	Kilrea Library - Recurrent

<b>Funder</b>	<b>Amount</b>	<b>Description of Funding</b>
Libraries NI	£78,084	Portrush Library - Recurrent
Libraries NI	£65,700	Portstewart Library- Recurrent
Northern Ireland Screen	£2,031	Resource funding for Into Film Clubs in Coleraine Borough Council Area
Northern Ireland Screen	£5,000	Creative Learning Centre (CLC) Partnership Sandalford Special School
Northern Ireland Screen	£600	CLC Teacher Training University of Ulster - PGCE Students
Northern Ireland Screen	£150	CLC Teacher Training, Coleraine Academical Institution, Coleraine College, Dunluce School, Loretto College, St. Joseph's College, North Coast Integrated College
Northern Ireland Screen	£300	CLC Pupil Support - Dominican College
Northern Ireland Screen	£150	CLC - Teacher Training St. Columba's PS, Garvagh
Northern Ireland Screen	£600	CLC Teacher Training Cluster - Damhead PS, Gorran PS, Dunseverick PS, Kilmoye PS, Castleroe PS, Ballytober PS
Northern Ireland Screen	£300	CLC Pupil Support - North Coast Integrated College
Northern Ireland Screen	£600	CLC Youth Programme NEELB Camp Rock (Bushmills)
Foras na Gaeilge	£22,999	Grant approved for Naíscoil Ghleann an Iolair for IM preschool
Foras na Gaeilge	£1,750	Grant aid to the University of Ulster for online community media project between Donegal and Uist
Foras na Gaeilge	£3,000	Grant aid to University for online community media project between Donegal and Uist
Arts Council NI	£150,350	Annual Funding Programme Award
Arts Council NI	£16,000	Arts and Older People Programme Award
Arts Council NI	£14,500	Arts and Older People Programme Award
Arts Council NI	£42,381	Arts Development Fund Award
Arts Council NI	£5,000	Musical Instruments for Bands Award
Arts Council NI	£4,995	Musical Instruments for Bands Award
Arts Council NI	£5,000	Musical Instruments for Bands Award
Arts Council NI	£250	Support for the Individual Artist Award
Waterways Ireland	£80,977	Maintenance of waterway along the Lower Bann
MAG Ulster-Scots Academy	£34,395	Coleraine 400 - research and development of Heritage Trail Old Town Centre
MAG Ulster-Scots Academy	£9,779	Resource to Coleraine Borough Council: Exploring Sam Henry's preservation of Ulster-Scots traditions
<b>Total</b>	<b>£993,639</b>	

**DCAL funding to Coleraine Borough Council for the period April 2014 - March 2015**

<b>Funder</b>	<b>Amount</b>	<b>Description of Funding</b>
DCAL	£20,000	Resource - WOMAD Festival
DCAL	£7,000	Resource - The Milk Cup
DCAL	£100,000	Capital - Event Staging
DCAL	£11,534	Community Festivals Fund
Ulster Scots Agency	£16,472	Festival & Music Tuition
Sport NI	£16,436	Limavady Borough Council (payment as lead partner - £65,745) - Active Communities
Sport NI	£300	Coleraine Cougars Special Olympics Club - Awards for Sport

Funder	Amount	Description of Funding
Sport NI	£700	Coleraine Rugby Football and Cricket Club - Awards for Sport
Sport NI	£2,899	Coleraine Rugby Football and Cricket Club - Awards for Sport
Sport NI	£300	Coleraine Cougars Special Olympics Club - Awards for Sport
Sport NI	£1,092	Coleraine Cougars Special Olympics Club - Awards for Sport
Sport NI	£8,680	Coleraine and District Riding for the Disabled Association - Building Sport
Sport NI	£5,000	Bann Wheelers Cycling Club - Awards for Sport
Sport NI	£8,891	Limavady Borough Council (payment as lead partner - £35564) - Active Communities
Sport NI	£1,344,733	Coleraine Borough Council – North Coast Sports Village - Pitches
Sport NI	£25,459	Limavady Borough Council (payment as lead partner - £101,837) - Active Communities
Sport NI	£6,125	John Mitchel's Glenullin GAC - Sport Matters: Community Capital Programme
Sport NI	£22,518	Bann Rowing Club - Sports equipment
Sport NI	£322	Carhill Integrated Primary School (Garvagh) - Active Schools
Libraries NI	£229,532	Coleraine Library - Recurrent
Libraries NI	£3,500	Coleraine Library - Capital
Libraries NI	£26,650	Garvagh Library - Recurrent
Libraries NI	£33,069	Kilrea Library - Recurrent
Libraries NI	£104,310	Portrush - Recurrent
Libraries NI	£89,062	Portstewart - Recurrent
Northern Ireland Screen	£4,764.00	Resource funding for Into Film Clubs in Coleraine Borough Council Area
Northern Ireland Screen	£300	CLC Pupil Support - Dominican College
Northern Ireland Screen	£600	CLC Pupil Support - North Coast Integrated
Northern Ireland Screen	£300	CLC Teacher Training Cluster - Ballyhackett PS, Castleroe PS, St. Aiden's PS, St. Anthony's
Northern Ireland Screen	£600	CLC Teacher Training Cluster, Portrush PS, Portstewart PS, St. John's, St. Malachys, Hezlett, Leany, Harpershill PS
Northern Ireland Screen	£5,000	CLC Partnership Ballysally PS
Northern Ireland Screen	£5,000	CLC Partnership - Portrush PS
Northern Ireland Screen	£900	CLC Extended support Programme - Bushmills PS
Northern Ireland Screen	£600	CLC Teacher Training Sandalford Special School
Northern Ireland Screen	£300	CLC Pupil Support Bushmills PS
Northern Ireland Screen	£300	CLC Pupil Support Killowen PS
Foras na Gaeilge	£22,000	Grant approved for Naíscóil Ghleann an Iolair for IM preschool
Foras na Gaeilge	£1,600	Grant to Craobh Ghleann an Iolair for Youth Event Scheme
Foras na Gaeilge	£1,750	Grant aid to the University of Ulster for Conference Bho Chuan gu Cuan 2
Foras na Gaeilge	£3,000	Grant aid to the University of Ulster for online community media project between Donegal and Uist
Arts Council NI	£150,350	Annual Funding Programme Award
Arts Council NI	£10,000	Creative Industries Innovation Fund Award
Arts Council NI	£8,500	Creative Industries Innovation Fund Award
Arts Council NI	£5,000	Musical Instruments for Bands Award

Funder	Amount	Description of Funding
Arts Council NI	£600	Support for the Individual Artist Award
Waterways Ireland	£87,816	Maintenance of waterway along the Lower Bann.
<b>Total</b>	<b>£2,393,862</b>	

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure to detail the funding her Department, or its arm's-length bodies, have provided to marching bands in each of the last three years.

**(AQW 48035/11-15)**

**Ms Ní Chuilín:** As outlined in my response to AQW/43734/11-15, my Department has funded marching bands through a number of sources in the last three years.

The Arts Council has awarded the following funding to marching bands through the Musical Instruments for Bands scheme:

Year	Amount Awarded
2012/13	£202,691
2013/14	£205,555
2014/15	£104,415
<b>Total</b>	<b>£512,661</b>

The same amount of funding was made available in 2014/15 as in previous years. The lower amount awarded by the Arts Council in 2014/15 is a reflection of the number of eligible applications received and not a reduction in the fund.

The Ulster-Scots Agency (the Agency) has awarded the following funding to marching bands for music and dance tuition and summer schools:

Year*	Amount Awarded
2012	£226,128.45 + €5,940.44
2013	£185,545.36 + €7,653.63
2014	£119,968.57 + €7,328.50
<b>Total</b>	<b>£531,642.38 + €20,922.57</b>

\* The Agency's financial year operates from January-December, therefore grant information is also provided in calendar years.

\*\* The Agency provides grants to organisations in the South of Ireland, and therefore a proportion of the funding is provided in Euros.

The Agency has sent out letters of offer for 2015 to 47 bands in the north for musical tuition totalling £89,938.62; and to one band based in Donegal for €2496. No actual funding has been paid to date as the invoices will not be received until after April.

In addition, funding amounting to £7k has been provided by Foras na Gaeilge to Acadamh Ceoil Chaoimhín Uí Dhochartaigh, Doire, to work with a local Bands Forum. The project will enable adults from a Protestant / Unionist / Loyalist background in the North West area, who have not had an opportunity to learn Irish, to undertake an Irish course and take part in talks, discussions and events concerning the history of the language and in particular its relationship to the Protestant community.

**Mr Humphrey** asked the Minister of Culture, Arts and Leisure what level of resource support, other than finance, her Department has provided for marching bands in each of the last three years.

**(AQW 48036/11-15)**

**Ms Ní Chuilín:** In addition to financial support my Department has produced a Study and Toolkit for Marching Bands which can be found on the DCAL website.

The document is designed for use by policy makers, marching bands and umbrella groups who wish to develop their musical and cultural offering. It provides information on funding available and guidance on building existing strengths and encouraging new approaches to maximise opportunities for development.

The Arts Council also supports the marching bands sector through ongoing support to the Ulster-Scots Community Network. The USCNC provides an umbrella support service and works to build capacity, mainly by assisting bands with fundraising, financial management and governance.

In addition, any potential applicant may contact the Arts Council for advice in relation to the completion of application forms prior to submission. The Arts Council has advised that it understands that the Ulster-Scots Community Network also provides pre-application support.

**Mr Weir** asked the Minister of Culture, Arts and Leisure to detail the financial support her Department has provided to each sports club in North Down in each of the last five years.

**(AQW 48075/11-15)**

**Ms Ní Chuilín:** In the last five financial years up to March 2015, Sport NI, an arms length body of my Department, provided total funding of £544,384 to sports clubs in North Down as detailed in Annex A.

**Annex A**

Year	Organisation	Programme	Amount	Reason
2010/11	Bangor Ladies FC	Sport Matters: Capital and Equipment Programme	£1,813	Sports Equipment
2011/12	Bangor Swimming Club	Awards For Sport	£3,332	Increasing Participation
2013/14	Abbey Villa FC	Sport Matters: Community Capital Programme	£245,000	Changing Facilities
2013/14	Bangor FC	Sport Matters: Community Capital Programme	£245,000	Outdoor Surfaces
2013/14	Hollywood Yacht Club	Sport Matters: Community Capital Programme	£47,769	Sports Equipment
2014/15	Bangor Ladies FC	Awards For Sport	£1,470	Coaching Development
<b>Total</b>			<b>£544,384</b>	

**Mr Weir** asked the Minister of Culture, Arts and Leisure for an update on funding for sub-regional stadia for clubs below Irish Premier League level.

**(AQW 48076/11-15)**

**Ms Ní Chuilín:** The Executive endorsed an investment of circa £36m for Sub Regional Stadium Development for Football as a priority in the next CSR and a resource budget of £0.6m was allocated by DFP in January 2015 to allow my Department to develop the programme.

A Strategic Outline Case has been developed and DFP approval was received in June 2015.

My Department has been developing the programme and have worked closely with the IFA to ensure that the programme is aligned to the IFA Facilities Strategy whilst also ensuring the NI Executive and DCAL's priorities have been fully incorporated within the programme.

Programme specific details in terms of eligibility criteria, funding strands, funding limits etc. are currently being finalised. Plans for formal public consultation with key stakeholders are underway and I hope to commence a 20 week consultation in early August 2015.

Following public consultation, it is envisaged that the Sub Regional Programme will be formally launched in early 2016 and step through the assessment process including the various audits of need, competitions and business cases planned for late 2015/16 - early 2016/17, with capital delivery to be undertaken in financial years 2016-2018.

The forthcoming process for allocation of funding will be a fair, open and transparent process and will be based on an evidenced approach to demonstrate need and investment. All projects will be assessed under challenge fund principles with award recommendations being made based on eligibility and projects attaining a high assessment score. I will approve all award decisions.

**Mr McCausland** asked the Minister of Culture, Arts and Leisure to list the names of each of her Ministerial Special Advisers; and the period during which each has held the post.

**(AQW 48108/11-15)**

**Ms Ní Chuilín:** Since taking up my post as Minister of Culture, Arts and Leisure in May 2011,

I have had three Special Advisors. The names and the period during which my Special Advisors have held the posts is detailed as follows: -

- Mary McArdle From 17/5/2011 to 19/3/2012
- Jarlath Kearney From 2/4/2012 to 4/4/2014



- John McDermott From 8/4/2014 to date.

**Mr Swann** asked the Minister of Culture, Arts and Leisure to list each registered community amateur sport club; and to detail the registration criteria.

**(AQW 48157/11-15)**

**Ms Ní Chuilín:** Registration as a Community Amateur Sports Club (CASC) is a matter for HM Revenue and Customs as it has responsibility for the concessionary scheme that allows sports clubs to benefit from rate relief under a schedule of pre-determined conditions. My Department does not hold registration information for Sports Clubs under the HMRC Scheme.

I understand that under its CASC Scheme, HMRC require clubs to meet

the following criteria:-

- be open to the whole community
- be organised on an amateur basis
- have as its main purpose providing facilities for, and promoting participation in one or more eligible sports (as set out by HMRC)
- meet the location requirement (be within EU); and
- meet the management condition (considered fit and proper persons to manage a club)

## Department of Education

**Mr McCallister** asked the Minister of Education for a comparative breakdown of the cost per pupil with England, Scotland and Wales.

**(AQW 48185/11-15)**

**Mr O'Dowd (The Minister of Education):** My Department does not hold information on comparative costs per pupil.

It is difficult to make meaningful comparisons of per pupil funding across different regions because the other jurisdictions calculate these figures using different categories and different elements within those categories. Differences in levels of delegation and in arrangements for distribution of central funding add a further layer of complexity. Some funding streams do not have equivalents across the countries and differences in spend must be considered in the context of different levels of relative need.

## Department for Employment and Learning

**Ms Sugden** asked the Minister for Employment and Learning whether groups from previous European Social Fund programmes (i) were given a time line for receipt of payment; and (ii) whether payment exceeded that time line.

**(AQW 46311/11-15)**

**Dr Farry (The Minister for Employment and Learning):** Groups were not originally given a timeline for processing of payments under previous European Social Fund (ESF) Programmes, but payments were typically made within around three months of receipt of claims unless there were issues which required clarification for audit reasons.

The ESF Managing Authority recognises that, in recent months, project organisations have been waiting for payments for some time. To relieve financial pressures on organisations, and to speed up the payment process, it has been agreed that from 1 July 2015 the following will apply:-

- i) for unpaid claims submitted with claim periods up to the end of March 2014, 80% of the ESF/DEL contribution (65%) will be paid now with completion of the verification process carried out at a later date. The remaining 20% will be paid when claims are fully vouched;
- ii) for unpaid claims submitted with claim periods from April to December 2014, 50% of the ESF/DEL contribution (65%) will be paid now with completion of verification process carried out at a later date. The remaining 50% will be paid when the claims are fully vouched.

Arrangements have been in place to commence processing the above payments to organisations from 6 July 2015.

Claims submitted with claim periods January to March 2015 will continue to be processed with no partial payment in advance. All outstanding claims will be processed chronologically based on the date of receipt. Claims inspected from 17 June 2015 will be processed using the new verification methodology.

My Department is currently working to address audit and control issues in the ESF Managing Authority so that all payments to project organisations can be released as quickly as possible over the next few weeks.

These arrangements have been communicated to organisations.

**Mr Ramsey** asked the Minister for Employment and Learning to detail what plans his Department has to assist community and voluntary groups, unsuccessful in recent European Social Fund applications, in making the necessary redundancy arrangements for their employees.

**(AQW 47689/11-15)**

**Dr Farry:** My Department does not provide any financial assistance to support organisations which were unsuccessful in the recent European Social Fund (ESF) call in making redundancy arrangements. Organisations which were successful in the previous ESF programme were aware that their projects and the staff recruited to deliver those projects were contracted for the period of the programme until 31 March 2015. They signed letters of offer at the outset of the programme which reflected the time-bound nature of their project.

My Department does offer a customised package of support to companies facing a redundancy situation which is tailored to meet the needs of the employer and their employees. This support may include on-site Job Clinics with either one-to-one or group sessions for employees to receive job search information, advice on employment training and educational opportunities available and careers guidance as appropriate.

Arrangements may also be made for a range of partner organisations to attend these clinics, such as the Social Security Agency and external bodies including Invest NI, the Labour Relations Agency, Citizens Advice Bureau, Further Education Colleges, local Enterprise Agencies and any training providers which the employer considers relevant.

If a clinic is not considered appropriate because of the local circumstances, information packs may be issued to employees, these provide details of a range of services and support from my Department to assist them find suitable alternative employment.

**Ms Sugden** asked the Minister for Employment and Learning whether the Pathways for Young People Education Maintenance Allowance will be continued following the formal interim evaluation of the Pathways to Success strategy.

**(AQW 47838/11-15)**

**Dr Farry:** Educational and Maintenance Allowance (EMA) can continue to be paid to young people through the mechanism whereby project promoters can claim participant costs through the indirect costs element of the new European Social Fund (ESF) programme.

The original focus of the Pathways for Young People EMA was to remove any perceived barriers to participation for 16-17 year olds in the NEET category. The Pathways for Young People funding was restricted to a three year period ending in March 2015. In the guidance made available to applicants for the recent call for ESF project applications, allowances for participants were given as an example of the type of additional costs which could be claimed in the revised simplified model, and it was made clear that any such expenses should be included in the 40% overhead costs.

Sufficient resources are not available in my Department's budget to enable separate funding of the Pathways EMA. I have attempted to maximise ESF funding by channelling available resources into requests for 35% match funding, which is in addition to the 25% DEL contribution, as projects cannot progress without this in place. This support for match funding enables draw-down of the 40% ESF funding available to projects and is a more cost effective use of available resources.

ESF Managing Authority officials have advised projects that they can re-profile the indirect cost section of their applications to take account of participant allowances.

**Ms Sugden** asked the Minister for Employment and Learning, pursuant to AQW 47059/11-15, whether the formal interim evaluation of the Pathways to Success strategy included questions which specifically asked young people and the organisations representing them for their assessment of the Pathways for Young People Education Maintenance Allowance.

**(AQW 47839/11-15)**

**Dr Farry:** The formal interim evaluation conducted a range of investigations with young people, both individually and collectively as part of the Youth Forum, and the organisations representing them. It did not directly pose questions regarding Education Maintenance Allowance (EMA), but rather sought to draw out the opinions of individuals and groups on incentives to participation. It did not find any significant opinion, either way, on the issue of financial incentives being useful or not in attracting young people.

## Department of the Environment

**Mr Agnew** asked the Minister of the Environment whether his Department has dealt with prior threats of infraction or any other action from the European Commission over delays in designating the River Faughan as a Special Area of Conservation.

**(AQW 47845/11-15)**

**Mr Durkan (The Minister of the Environment):** Between 2003 and 2008 the Department was involved through the United Kingdom Government in an infraction case with the Commission regarding sufficiency of the UK's SAC series for Atlantic Salmon. This culminated in the River Faughan being submitted to the Commission as a SAC on 31st Aug 2008.

**Mr Lyttle** asked the Minister of the Environment to detail why planning policy that requires walls or fences which adjoin a road or footpath to be no more than one metre does not apply to hedges.

(AQW 47854/11-15)

**Mr Durkan:** Section 23 of the Planning Act (Northern Ireland) 2011 provides the meaning of development. Development is defined in the Act as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. While building operations (including the erection etc of walls and fences) are part of that meaning, the growing of vegetation including hedges is not considered to be development for planning purposes.

**Mr Gardiner** asked the Minister of the Environment to detail (i) the financial underspend in his Department, broken down by intended area of expenditure, in each of the last five years; and (ii) whether money was carried forward to the following year in each case.

(AQW 47875/11-15)

**Mr Durkan:** The table below details figures for under spend for both Resource DEL and Capital DEL broken down by Departmental Group structure. Where an over spend has been recorded the Departmental Group in question was given the necessary approval to do so.

The Budget Exchange Scheme, which applies to the Executive, allows the carry forward of under spend to the following year at Northern Ireland Block level. The carry forward is capped at 1.5% of Capital DEL Budget and 0.6% of Resource DEL Budget. This facility however is operated at Block, rather than individual department level, with decisions on the use of underspends in future years taken at Executive level.

Year	Departmental Group	Resource (Under spend)/ Over spend £'000	Capital (Under spend)/ Over spend £'000
2010/11	Planning & Local Government Group	(906)	(4)
	Road Safety & Corporate Services Group	(278)	(47)
	Environment Group	(70)	(137)
	Equal Pay Claim	(122)	0
<b>Total</b>		<b>(1,376) (0.9%)</b>	<b>(188) (1.6%)</b>
2011/12	Planning & Local Government Group	312	(44)
	Road Safety & Corporate Services Group	(727)	(159)
	Environment Group	(643)	(479)
<b>Total</b>		<b>(1,058) (0.8%)</b>	<b>(682) (10.4%)</b>
2012/13	Planning & Local Government Group	(129)	(42)
	Road Safety & Corporate Services Group	(398)	158
	Environment Group	(160)	(152)
<b>Total</b>		<b>(687) (0.5%)</b>	<b>(36) (0.5%)</b>
2013/14	Planning & Local Government Group	(374)	2
	Road Safety & Corporate Services Group	(298)	(136)
	Environment Group	110	(12)
<b>Total</b>		<b>(562) (0.4%)</b>	<b>(146) (2.4%)</b>
2014/15	Local Government, Road Safety & Corporate Services Group	(362)	(32)
	Planning Group	(1,166)	0
	Environment & Marine Group	494	(313)
<b>Total</b>		<b>(1,034) (0.8%)</b>	<b>(345) (2.8%)</b>

**Mr Flanagan** asked the Minister of the Environment whether he has given any consideration to enabling people to access and view applications for discharge consents on his Department's website.

(AQW 47883/11-15)

**Mr Durkan:** Under the Water (Northern Ireland) Order 1999, the consent of the Department of the Environment is required to discharge trade or sewage effluent to a waterway or water contained in underground strata.

The Control of Pollution (Applications and Registers) Regulations (Northern Ireland) 2001 state that applications for discharge consent (excluding certain exemptions as specified in the Regulations) must be advertised in accordance with the Regulations. These advertisements must be placed in two newspapers circulating in the locality of the proposed discharge. This fully meets the public consultation requirements of the existing legislation.

The Department recognises the technological advancement of public media, and recognises that providing the facility to access applications via the internet would be advantageous for both the Department and the general public. DOE officials have been tasked with considering this matter for possible future development as part of ongoing work to enhance internet access for the public.

**Mr Hussey** asked the Minister of the Environment (i) for an update on the erection of a republican memorial in Castlederg; (ii) details of any communication on this matter between his Department and the Minister for Social Development; (iii) whether this will remain a matter for his Department to resolve and not be passed to Derry and Strabane District Council; and (iv) whether he will introduce legislation to ensure that any similar memorials built in the future will be removed.

**(AQW 47953/11-15)**

**Mr Durkan:** The majority of Planning functions, including most enforcement cases, transferred to the new councils on 1 April 2015. The case referred to in the question is now the responsibility of Derry City and Strabane District Council.

You may therefore wish to contact the Council regarding the matters raised. The point of contact for Derry City and Strabane District Council is Maura Fox, Planning Manager, who can be emailed at [planning@derrycityandstrabanedistrict.com](mailto:planning@derrycityandstrabanedistrict.com)

In relation to point (ii) of your question, I can confirm that I have had no correspondence with the Minister for Social Development regarding the matter.

Finally, there is existing legislation in place by virtue of the Planning (Northern Ireland) Act 2011 which defines what constitutes development requiring planning permission, and which also provides for enforcement powers to deal with unauthorised development. Under this act, local Councils may take enforcement action where it is expedient to do so, having regard to the provisions of the local development plan and any other material considerations.

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 46851/11-15 and AQW 46730/11-15, to detail (i) what actions constitute tampering with taxi meters; and (ii) which Department or agency has responsibility for dealing with the tampering of taxi meters.

**(AQW 47965/11-15)**

**Mr Durkan:** Pursuant to AQW 46851/11-15 and AQW 46730/11-15 the actions that constitute tampering with a taxi meter include:

- Breaking the tamper evident seals
- Installation of an unapproved tariff
- Adjusting the date, time or distance (pulses per mile)
- Installing a device to alter the distance (pulses per mile)

The Driver & Vehicle Agency (DVA) has a statutory responsibility for the annual roadworthiness testing and licensing of taxis in Northern Ireland and during annual test its examiners will ensure that every installed meter conforms to prescribed fitment, calibration and sealing requirements.

During routine enforcement operations, DVA has responsibility for enforcing the legislative requirements and if there is suspicion of an alleged taximeter tampering offence, a prohibition notice can be issued which will result in the automatic suspension of the PSV licence until such times as the taximeter has been retested and verified, as being correctly calibrated, before being resealed by the Agency.

**Mr Ó hOisín** asked the Minister of the Environment for his assessment of the weir and hydro scheme installed at Ross's Mill, Dungiven; and whether this follows any guidelines issued by his Department or the Northern Ireland Environment Agency.

**(AQW 47979/11-15)**

**Mr Durkan:** The Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 give the Department powers to determine licence applications and where necessary enforce compliance with licence conditions through the inspection of abstraction and impounding activities within Northern Ireland (NI). As part of the determination of an application an assessment is made to determine the quantity of water that may be utilised, under licence, for activities such as hydro power development.

A licence has been issued by the Department to abstract water at Ross's Mill for the purposes of hydro power generation.

The hydro scheme was licensed with seasonal flow conditions which follow UK Technical Advisory Group (UK TAG) Water Resource Guidance Standards to ensure watercourses meet their objectives under the Water Framework Directive and are designed to protect migratory fish passage and habitat within the impacted (or dewatered) stretch of the river.

Currently the Ross's Mill hydro scheme is in the final stages of construction but is not yet operational.

The Department is aware of a number of complaints received during the construction phase of the project from local anglers relating to site conditions and river level alteration arising from work carried out on site and near the weir. No pollution incidents or non compliances were recorded in the follow up investigations.

**Mr Lyttle** asked the Minister of the Environment to outline the minimum standards for the removal of Japanese Knotweed from properties.

**(AQW 48000/11-15)**

**Mr Durkan:** It is an offence to plant or cause to 'grow in the wild' any plant listed in Schedule 9 PART II of the Wildlife (Northern Ireland) Order 1985. Japanese knotweed is included on this list. My Department upholds this part of the legislation in conjunction with the P.S.N.I.

There is no legal requirement for a landowner to control or remove existing established areas of Japanese knotweed from their own land, therefore there are no statutory rules or standards regulating removal by chemical or other treatment.

Should a land owner wish to excavate and remove Japanese knotweed from their land then the removal and disposal of this 'controlled non-hazardous waste' is regulated under the Waste and Contaminated Land (NI) Order 1997 articles 4 (1a) and 4 (1b) and by the Waste Management Licensing (NI) Regulations 2003 schedule 2.

**Mr Lyttle** asked the Minister of the Environment what obligations do owners of properties affected by Japanese Knotweed have to inform and update the owners of neighbouring properties affected by the treatment of Japanese Knotweed.

**(AQW 48001/11-15)**

**Mr Durkan:** It is an offence to plant or cause to 'grow in the wild' any plant listed in Schedule 9 PART II of the Wildlife (Northern Ireland) Order 1985. Japanese knotweed is included on this list. My Department upholds this part of the legislation in conjunction with the P.S.N.I.

There is currently no legal requirement for a property owner to control or remove existing established areas of Japanese knotweed from their own land, neither is there any requirement for a property owner to inform or update neighbouring landowners of any management/eradication plans that they have.

**Mr Lyttle** asked the Minister of the Environment what enforcement mechanisms are in place to ensure that home, business and property owners deal with Japanese Knotweed appropriately to ensure they don't affect adjacent or nearby homes.

**(AQW 48002/11-15)**

**Mr Durkan:** It is an offence to plant or cause to 'grow in the wild' any plant listed in Schedule 9 PART II of the Wildlife (Northern Ireland) Order 1985. Japanese knotweed is included on this list.

There is no legal requirement for a landowner to control or remove existing established areas of Japanese knotweed from their own land. Therefore there are no enforcement mechanisms in place to control plants that are already established or to require landowners to deal with Japanese knotweed on their land.

If a landowner is disposing of knotweed, or any other controlled waste, by cuttings or by excavation The Waste and Contaminated Land (Northern Ireland) Order 1997 (as amended) is relevant. This legislation places a duty of care on 'anyone who produces, collects, carries, keeps, treats or disposes of controlled waste to take all the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'.

**Mr Agnew** asked the Minister of the Environment whether his Department was aware that sand extraction from Lough Neagh Special Protection Area (i) required planning permission; and (ii) did not have planning permission, before it granted Aggregates Levy Credit Scheme certificates to the unauthorised operators.

**(AQW 48006/11-15)**

**Mr Durkan:** As set out in my response to AQW 37520/11-15, Aggregates Levy Credit Scheme certificates were issued following confirmation from Planning Service and other regulatory authorities that sites were operating within the regulatory framework. This assessment was based upon the on shore operations being lawful.

**Mr Agnew** asked the Minister of the Environment to set out the regulatory and planning requirements of the Aggregates Levy Credit Scheme (ALCS) Code of Practice, specifically in relation to (i) Natura 2000 and Area of Special Scientific Interest sites; (ii) species protected by European law; and to detail how his Department complied with these requirements before granting the ALCS certificates in relation to Lough Neagh Special Protection Area.

**(AQW 48007/11-15)**

**Mr Durkan:** Prior to an Aggregates Levy Credit Scheme (ALCS) certificate being issued, the Department had to satisfy itself that the operator was operating the site within the regulatory framework, as outlined in Section 2.4 of the ALCS Code of Practice. ALCS certificates were issued following confirmation from Planning Service and other regulatory authorities that sites were operating within the regulatory framework.



**Mr Campbell** asked the Minister of the Environment to detail the difference in the number of first time driving test applicants failing their test between 2004 and 2014.

**(AQW 48028/11-15)**

**Mr Durkan:** The Driver & Vehicle Agency (DVA) conducts driving tests under the Motor Vehicle (Driving Licence) Regulations (NI) 1996 as amended.

The difference in the number of first time private car driving test applicants failing their test between 2005-06 and 2013-14, the period for which records are available, is set out in the table below:

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Fail	15,122	15,423	17,245	16,895	14,904	14,046	12,703	10,913	9,908
Pass	13,591	13,029	13,317	13,737	14,910	14,401	13,697	13,738	13,128
Total	28,713	28,452	30,562	30,632	29,814	28,447	26,400	24,651	23,036
Fail Rate(%)	52.7%	54.2%	56.4%	55.2%	50.0%	49.4%	48.1%	44.3%	43.0%
Pass Rate(%)	47.3%	45.8%	43.6%	44.8%	50.0%	50.6%	51.9%	55.7%	57.0%

**Mr Moutray** asked the Minister of the Environment to detail the number of illegal landfill sites discovered in each of the last four years, broken down by constituency.

**(AQW 48042/11-15)**

**Mr Durkan:** The Northern Ireland Environment Agency does not routinely record information categorised by constituency. However, available records indicate a total of 62 known sites which are set out in the attached table. These are recorded by former Council areas.

The number of illegal landfill sites is not a straightforward matter and can be subject to issues of definition. For example, in addition to the unauthorised deposit of waste by infilling, these figures incorporate old, closed landfill sites which have been added to without the proper authorisations, or those where (sometimes smaller quantities of) waste from the main activity has been illegally deposited, such as a vehicle breaker.

Council	2011 – From start Qtrr 2	2012	2013	2014	2015 to end Qtrr 1	Total no. of known landfills in last 4 yrs
Antrim			2	2		4
Ards				1		1
Armagh	1	1				2
Ballymena				1		1
Ballymoney						0
Belfast		1		1		2
Banbridge			1			1
Carrickfergus						0
Castlereagh				1		1
Cookstown					1	1
Coleraine	2	1	1	1		5
Craigavon			1			1
Derry		3	2	2		7
Down	1	1	3	1	2	8
Dungannon	1	1		2	1	5
Fermanagh			1			1
Larne	1		2			3
Limavady				1		1
Lisburn	1	1	1	2		5

<b>Council</b>	<b>2011 – From start Qtr 2</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 to end Qtr 1</b>	<b>Total no. of known landfills in last 4 yrs</b>
Magherafelt				1		1
Moyle	1					1
Newry & Mourne		1	2	2	1	6
Newtownabbey			1			1
North Down						0
Omagh	1		1	2		4
Strabane						0
<b>Total</b>	<b>9</b>	<b>10</b>	<b>18</b>	<b>20</b>	<b>5</b>	<b>62</b>

**Mr A Maginness** asked the Minister of the Environment to detail (i) the extent of the Japanese Knotweed problem in Belfast; (ii) what assistance his Department can provide to homeowners concerned that Japanese Knotweed will spread to their property from another property; and (iii) whether he plans to introduce new legislation to address the problem of Japanese Knotweed and other invasive alien species.

**(AQW 48045/11-15)**

**Mr Durkan:**

- (i) Departmental officials keep records of any reports of Japanese knotweed submitted to them from across Northern Ireland along with those uploaded to the online recording systems of CEDaR and the Invasive Species Ireland Alien Watch. The Belfast Hills Partnership recently mapped Invasive Alien Species, including Japanese knotweed, under a grant from my Department funded through the NIEA Grant Programme. These records suggest that Japanese knotweed has a scattered distribution across Belfast where it is mainly associated with unmanaged and derelict sites.
- (ii) Departmental Officials upon request, provide species, biosecurity and site specific treatment information for Japanese knotweed, but would always advise residential landowners to contact organisations such as the Property Care Association or the Royal Institute of Chartered Surveyors, which provide detailed information for householders who have Japanese knotweed growing on or near their property. Several private companies specialise in knotweed control and management.
- (iii) The Council of the European Union adopted a Regulation on the prevention and management of the introduction and spread of invasive alien species on 22 October 2014 and it came into operation on 1 January 2015. The Regulation lays down a range of rules to prevent, minimise and mitigate the adverse effects of invasive alien species on biodiversity and ecosystem services.

The core provision of the legislation is a list of invasive alien species of Union concern which the European Commission is developing using risk assessments and scientific evidence. The legislation requires the Commission to present its proposed list before the end of 2015. Until the Commission formally submits the draft list to Member States for consultation, it is too early to specify what species will be proposed for inclusion in the Union list.

The Department is developing subordinate legislation to administer and enforce the EU Regulation.

**Lord Morrow** asked the Minister of the Environment to detail (i) how his Department will enforce a maximum taxi tariff for the single tier without meters being fitted; and (ii) how it will establish if the correct meter is in the correct casing given older meters can be reprogrammed without breaking the seal on the meter.

**(AQW 48052/11-15)**

**Mr Durkan:**

- (i) The maximum taxi tariff will be implemented by the same Statutory Rule that will require all taxis to have a taximeter fitted.
- (ii) The taximeter programme checksum, supplied to the Driver and Vehicle Agency (DVA) by the taximeter manufacturer, is unique to the particular make and model of taximeter. Therefore, DVA will be in a position readily to identify that a taximeter is present in the correct casing.

**Lord Morrow** asked the Minister of the Environment to detail who made the decision to brief one specific taxi business owner on proposals for a two mile radius for the purposes of the single tier taxi system and to allow selected days (Friday and Saturday) to operate as public hire type taxis from midnight until 6am; and whether (a) it is normal departmental protocol to have the individual announce the proposals via the media; (b) the announcement was endorsed by his Department as best

practice, given this was how the Belfast Taxi Association first learned of the proposals; and to detail why the Belfast Taxi Association, which represents over 800 drivers in Belfast, was excluded from these discussions.

**(AQW 48057/11-15)**

**Mr Durkan:** You will be aware that the Assembly voted in February 2015 to annul the Taxi Licensing Regulations (Northern Ireland) 2014 which introduced a single tier taxi licensing regime throughout the North. During the annulment debate, many of the speakers expressed support for much of the content of the regulations but indicated that they would vote for annulment because of the single tier regime introduced. They asked that a sensible compromise proposal be brought forward on this aspect of the regulations.

Following the annulment debate, I therefore engaged with members of the Environment Committee to explore options for a compromise proposal. My Department wrote to the Committee with a proposal on 13 March 2015, which was discussed and agreed to by the Committee at its public meeting on 19 March 2015. Following that, my Department wrote to all taxi drivers on 23 March 2015 to inform them of the annulment and that the Department was working to bring forward new regulations, with as little change as possible to the timetable to commence the regulations on 29 June 2015. The letter did not contain details of the agreement or timetable, pending further progress on the policy and legislative work.

The agreed shape of taxi licensing arrangements in Belfast was therefore in the public domain from 19 March 2015. No decision was taken to brief any particular individuals or organisations on the agreement and my Department was not involved in the relaying of the public agreement by any individual in the taxi industry.

Taxi companies and individuals who contacted my Department on foot of receipt of the 23 March letter were informed about progress on taxi reform, including the new model for taxi licensing in Belfast. Those companies and individuals included Value Cabs (a meeting with my officials took place at Value Cabs' request on 24 April 2015), Belfast Taxi Association (a meeting took place at their request on 1 June 2015) and representatives of Belfast Public Hire drivers (who were advised during a phone call, the date of which cannot be confirmed).

My Department is currently preparing further communications on the remaining elements of the taxi reform programme, including its nature and timetable, following the clearance by the Environment Committee of the remaining SL1 forms for the various regulations, and briefing of the Committee by my officials at its meeting on 2 July. My Department has delayed communication until the details of the various regulations had been confirmed, so as to provide coordinated briefing on the various regulations and avoid any confusion among the industry. I was aware of this approach by my officials.

**Mr Agnew** asked the Minister of the Environment to outline the terms of reference of the review he has ordered into his Department's handling of the Aggregates Levy Credit Scheme; and to detail (a) if the investigation will be conducted independently; and (b) the timescale for reporting on the outcome.

**(AQW 48079/11-15)**

**Mr Durkan:** The Department will conduct a review into its decision to issue certificates, under the Aggregates Levy Credit Scheme (ALCS), to the operators extracting sand from Lough Neagh. The Department will establish whether the conditions of the ALCS were properly applied at the time of certification. The Department will report the outcome of the review in due course.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 47167/11-15, given the close proximity to the Owenkillew Special Area of Conservation, whether a Habitats Regulation Assessment (HRA) was (a) required; (b) carried out before his Department permitted development rights for exploratory drilling; and (c) if no HRA was undertaken, how this complies with the requirements of the Habitats Directive.

**(AQW 48082/11-15)**

**Mr Durkan:** The drilling of boreholes close to the Owenkillew River would constitute a project or plan with the potential to affect the Special area of conservation. A HRA would therefore be required. As required by Regulations 55 & 56 of The Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995 a HRA was undertaken before permitted development rights were conferred. The requirements of the Directive and Regulations have been fully complied with.

**Lord Morrow** asked the Minister of the Environment to detail (i) the taxi companies or operators that were advised, briefed or informed about the proposals for a two mile radius for the purposes of single tier taxi system and to allow selected days (Friday and Saturday) to operate as public hire type taxis from midnight until 6am; (ii) on what dates did same occur and who attended on behalf of his Department; and (iii) who decided which companies or operators would be advised, briefed or informed; and (iv) why those specific companies were chosen to be briefed.

**(AQW 48105/11-15)**

**Mr Durkan:** You will be aware that the Assembly voted in February 2015 to annul the Taxi Licensing Regulations (Northern Ireland) 2014 which introduced a single tier taxi licensing regime throughout the North. During the annulment debate, many of the speakers expressed support for much of the content of the regulations but indicated that they would vote for annulment because of the single tier regime introduced. They asked that a sensible compromise proposal be brought forward on this aspect of the regulations.

Following the annulment debate, I therefore engaged with members of the Environment Committee to explore options for a compromise proposal. My Department wrote to the Committee with a proposal on 13 March 2015, which was discussed and agreed to by the Committee at its public meeting on 19 March 2015. Following that, my Department wrote to all taxi drivers on 23 March 2015 to inform them of the annulment and that the Department was working to bring forward new regulations, with as little change as possible to the timetable to commence the regulations on 29 June 2015. The letter did not contain details of the agreement or timetable, pending further progress on the policy and legislative work.

The agreed shape of taxi licensing arrangements in Belfast was therefore in the public domain from 19 March 2015. No decision was taken to brief any particular individuals or organisations on the agreement and my Department was not involved in the relaying of the public agreement by any individual in the taxi industry.

Taxi companies and individuals who contacted my Department on foot of receipt of the 23 March letter were informed about progress on taxi reform, including the new model for taxi licensing in Belfast. Those companies and individuals included Value Cabs (a meeting with my officials took place at Value Cabs' request on 24 April 2015), Belfast Taxi Association (a meeting took place at their request on 1 June 2015) and representatives of Belfast Public Hire drivers (who were advised during a phone call, the date of which cannot be confirmed).

My Department is currently preparing further communications on the remaining elements of the taxi reform programme, including its nature and timetable, following the clearance by the Environment Committee of the remaining SL1 forms for the various regulations, and briefing of the Committee by my officials at its meeting on 2 July. My Department has delayed communication until the details of the various regulations had been confirmed, so as to provide coordinated briefing on the various regulations and avoid any confusion among the industry. I was aware of this approach by my officials.

**Lord Morrow** asked the Minister of the Environment to (i) provide a copy of the Equality Impact Assessment on the proposed re-naming of public hire taxis as wheelchair accessible taxis; (ii) clarify who put forward this proposal and the rationale behind it; and (iii) explain how the separation of one sector of the industry to a defined grouping promotes inclusivity and equality of choice.

**(AQW 48106/11-15)**

**Mr Durkan:** My Department has not at any time proposed the renaming of public hire taxis as wheelchair accessible taxis. The forthcoming taxi licensing regulations will create four new classes of taxi, Classes A, B, C and D. Existing public hire taxis could fit into any of those Classes, depending on the use to which the vehicle is put. Where an individual taxi driver wishes to advertise and operate their taxi as being wheelchair accessible, they will require a Class B licence, which will be granted subject to the vehicle complying with the necessary technical requirements.

The Department has carried out equality impact screening exercises at a number of stages during the taxi reform programme. Each screening exercise established that there were no adverse impacts on any of the Section 75 groupings and therefore no EQIA was required. Whilst my Department remains alert to any possibility of such adverse impacts, it remains satisfied that the proposed legislation does not create any adverse equality impacts.

**Lord Morrow** asked the Minister of the Environment, pursuant to AQW 46758/11-15, whether his Department received notification from Hale UK in 2014 stating it has been brought to our attention that a number of companies have alleged to be authorised dealers of HALE products, thus causing confusion to our customers. This is been (sic) looked at with the appropriate authorities to ensure it stops.... HALE GMBH and its subsidiary companies have 2 authorised dealers in Northern Ireland....Any other company purporting to have a HALE franchise should be reported to me with immediate effect; and to provide or place in the Assembly Library a copy of any response or follow up reports to the manufacturer on this issue.

**(AQW 48110/11-15)**

**Mr Durkan:** The Driver & Vehicle Agency (DVA) received the Hale Electronic notification in October 2014. DVA only tests and approves taximeter programmes presented by the manufacturer's authorised dealer.

**Mr McNarry** asked the Minister of the Environment to detail (i) the amount the local government public sector pension scheme is seeking to recover in overpayments; and (ii) how many individuals are involved in such claims for overpayments.

**(AQW 48115/11-15)**

**Mr Durkan:**

- (i) The Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) is currently seeking to recover £149,878 in overpayments; and
- (ii) there are 205 individuals involved in claims for overpayments.

**Mr McCarthy** asked the Minister of the Environment what action is being taken in relation to the scrap yard at 21 Bridge Road South, Helens Bay, Bangor.

**(AQW 48125/11-15)**

**Mr Durkan:** The Northern Ireland Environment Agency has not received any recent complaints about this site and, as such, is not currently taking action against it.

**Ms Lo** asked the Minister of the Environment for an update on the timescales for the publication of the Strategic Planning Policy Statement (SPPS), given that it was due to be published in final form by end of 2014 ahead of the transfer of planning powers to councils on 1 April 2015.

**(AQW 48132/11-15)**

**Mr Durkan:** The member will be aware that the draft Strategic Planning Policy Statement (SPPS) was issued for public consultation in February 2014. Work was completed on the final SPPS in March this year and it was subsequently circulated to Executive colleagues. Since then I have endeavoured to bring the document before the Executive Committee for consideration on a number of occasions.

It is critical that the SPPS is published urgently as it is an essential component of the new two-tier planning system which came into effect on 1 April 2015. The SPPS sets the strategic direction for councils to bring forward detailed operational planning policies within their new local development plans, tailored to local circumstances. It will also provide clarity and certainty to councils and all users of the planning system. I have pressed the urgent need for its publication on Ministerial Colleagues and will publish the SPPS in final form as soon as the Executive has considered it.

**Mrs Overend** asked the Minister of the Environment, in relation to dual licensing arrangements, whether his Department will allow one vehicle to have more than one licence; and for an update on the timescale of the regulation.

**(AQW 48164/11-15)**

**Mr Durkan:** When the relevant sections of the Taxis Act (Northern Ireland) 2008 are commenced, a taxi will be required to have a taxi licence in order to operate legally. There will be four separate Classes of taxi licence, each of which will be required to meet differing technical and physical requirements and which will be permitted to operate in different ways. For this reason it would not be practical to issue two licences to an individual vehicle.

My Department is working through policy development, legislative and operational activities prior to making the remaining taxi regulations; communications will issue to the industry during July.

**Mr Gardiner** asked the Minister of the Environment to detail the number of council employees in each council, broken down by job title, that had a total annual remuneration in excess of (a) £60,000; (b) £75,000; (c) £100,000 in each of the last three years; and to list every individual remuneration in excess of £115,000.

**(AQW 48169/11-15)**

**Mr Durkan:** Remuneration levels for council employees are a matter for each individual district council as each is a separate legal entity. The response to this request would be a matter for each individual council.

**Lord Morrow** asked the Minister of the Environment why the Belfast Taxi Association was not informed of, or invited to discuss, proposals for a two mile radius for the purposes of single tier taxi system and to allow selected days (Friday and Saturday) to operate as public hire type taxis from midnight until 6am; and to detail when (i) these proposals were first discussed; and (ii) when he became aware there had been no engagement with the Belfast Taxi Association.

**(AQW 48176/11-15)**

**Mr Durkan:** You will be aware that the Assembly voted in February 2015 to annul the Taxi Licensing Regulations (Northern Ireland) 2014 which introduced a single tier taxi licensing regime throughout the North. During the annulment debate, many of the speakers expressed support for much of the content of the regulations but indicated that they would vote for annulment because of the single tier regime introduced. They asked that a sensible compromise proposal be brought forward on this aspect of the regulations.

Following the annulment debate, I therefore engaged with members of the Environment Committee to explore options for a compromise proposal. My Department wrote to the Committee with a proposal on 13 March 2015, which was discussed and agreed to by the Committee at its public meeting on 19 March 2015. Following that, my Department wrote to all taxi drivers on 23 March 2015 to inform them of the annulment and that the Department was working to bring forward new regulations, with as little change as possible to the timetable to commence the regulations on 29 June 2015. The letter did not contain details of the agreement or timetable, pending further progress on the policy and legislative work.

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My Department is currently preparing further communications on the remaining elements of the taxi reform programme, including its nature and timetable, following the clearance by the Environment Committee of the remaining SL1 forms for the various regulations, and briefing of the Committee by my officials at its meeting on 2 July. My Department has delayed communication until the details of the various regulations had been confirmed, so as to provide coordinated briefing on the various regulations and avoid any confusion among the industry. I was aware of this approach by my officials.

**Mr Allister** asked the Minister of the Environment to detail the projects outside Northern Ireland that have received funding from his Department in each of the last three years.

**(AQW 48182/11-15)**

**Mr Durkan:** My Department has not provided funding to any projects outside Northern Ireland in each of the last three years.

## Department of Finance and Personnel

**Mr Nesbitt** asked the Minister of Finance and Personnel to detail the (i) total number of Written Assembly Questions answered; and (ii) percentage of Written Assembly Questions answered on time by her Department since May 2011.

**(AQW 47706/11-15)**

**Mrs Foster (The Minister of Finance and Personnel):** DFP has answered 2,339 Written Assembly Questions since May 2011.

Of these, 70% were answered on time.

**Mr Allister** asked the Minister of Finance and Personnel when will she issue and lay the 2014/15 report on special advisers as required by section 6 of the Civil Service (Special Advisers) Act (NI) 2013.

**(AQW 47917/11-15)**

**Mrs Foster:** The Annual Report about Special Advisers employed for the period 1 April 2014 to 31 March 2015 was laid before the Northern Ireland Assembly on 1 July 2015. It was also posted on the DFP Publications Website on this date.

**Mr Allister** asked the Minister of Finance and Personnel, in relation to the first tranche of the Voluntary Exit Scheme, and broken down by Department to detail (i) how many posts are to be released by grade; and (ii) how many members of staff have received conditional offers per grade, represented as individuals as opposed to whole-time equivalents.

**(AQW 47921/11-15)**

**Mrs Foster:** My Department believes that the release of the information you seek could have the unintended consequence of identifying individual staff who applied to the Scheme and those who subsequently received a conditional offer.

My Department will however publish key information relating to the management and outcome of the Scheme, on its website, after the Scheme has closed and when all the voluntary exits have been completed.

**Mr Allister** asked the Minister of Finance and Personnel whether unsuccessful applicants to the Voluntary Exit Scheme have been informed of their order on the list and, if not, why not.

**(AQW 47926/11-15)**

**Mrs Foster:** To date there are no unsuccessful applicants to the Voluntary Exit Scheme. Applicants selected in the first tranche to leave were issued with conditional offers on 2 June, subject to the necessary resources becoming available. Those applicants had until 30th June to accept the offer or withdraw from the Scheme.

Applicants not selected to leave in the first tranche were advised that they have not yet been selected and remain in the Scheme for consideration in future tranches, subject to funding becoming available. My Department will, however, publish key information relating to the management and outcome of the Scheme on its website after the Scheme has closed and when all the voluntary exits have been completed and in line with data protection requirements.

**Mr Allister** asked the Minister of Finance and Personnel, given the Department of Culture, Arts and Leisure's advertisement for two posts for Líofo officers (IRC 198775 and IRC 201717), to detail the operation of the recruitment freeze within the Northern Ireland Civil Service.

**(AQW 47869/11-15)**

**Mrs Foster:** The NICS-wide embargo on recruitment and substantive promotion applies to all NICS grades and disciplines with exceptions to be granted only with agreement of Departmental Accounting Officers.

**Mr Allister** asked the Minister of Finance and Personnel given her Department's previous interest in the future of Ulster Bank, whether the interest of local customers are adequately protected in circumstances where the bank has sold its loan book to Cerberus without the consent of each borrower, as promised in facility letters signed by such borrowers.

**(AQW 47960/11-15)**

**Mrs Foster:** The regulation of financial services is a reserved matter and my Department does not have any formal authority in this regard.

**Mr Allister** asked the Minister of Finance and Personnel to detail the mathematical formula for the value for money score used in the Voluntary Exit Scheme as it affects (i) full time staff (ii) part time staff and (iii) partially retired staff.

**(AQW 47964/11-15)**

**Mrs Foster:** There is no difference in how the value for money score is calculated for full-time, part-time and partially retired staff. The method of calculation is set out at question 29 of the Scheme frequently asked questions which can be accessed on the Scheme website at [http://www.dfpni.gov.uk/index/working-in-the-nics/nics\\_voluntary\\_exit\\_scheme.htm](http://www.dfpni.gov.uk/index/working-in-the-nics/nics_voluntary_exit_scheme.htm)

## Department of Health, Social Services and Public Safety

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety Health to detail the number of under eighteens presenting with psychoactive substance issues over the last two years, broken down by Health and Social Care Trust.

**(AQW 46834/11-15)**

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** The number of people in each Health and Social Care Trust aged under eighteen, presenting for treatment for New Psychoactive Substances, is outlined in the table below.

**Number of persons aged under 18 presenting for treatment for New Psychoactive Substances 2011/12 to 2013/14**

Belfast	Northern	South Eastern	Southern	Western	Total
11	7	5	0	27	50

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety for a breakdown of the number of (i) children and young people; and (ii) adults treated for psychoactive substance abuse for each of the last five years, broken down by Health and Social Care Trust.

**(AQW 46857/11-15)**

**Mr Hamilton:** Data are only available from 2011/12 onwards and due to small numbers, it is not possible to provide figures for Health and Social Care Trusts by individual year. The number of persons aged under 18 years old and adults aged 18 and above presenting for treatment for New Psychoactive Substances are outlined in Tables 1 and 2.

**Table 1: Number of persons aged under 18 presenting for treatment for New Psychoactive Substances 2011/12 to 2013/14**

Belfast	Northern	South Eastern	Southern	Western	Total
11	7	5	0	27	50

**Table 2: Number of persons aged 18 and above presenting for treatment for New Psychoactive Substances 2011/12 to 2013/14**

Belfast	Northern	South Eastern	Southern	Western	Prison	Total
48	<5	12	<5	39	16	122

**Mr Ramsey** asked the Minister of Health, Social Services and Public Safety what steps his Department is taking to monitor the implementation of the Regulation and Quality Improvement Authority recommendations following the Review of Guidelines and Audit Implementation Network guidelines on caring for people with a learning disability within general hospital settings.

**(AQW 46951/11-15)**

**Mr Hamilton:** Following receipt of this report in December 2014, my officials considered its findings in partnership with colleagues in the HSC Board and the Public Health Agency.

We accepted its key recommendations, which seek to improve the care provided to people with learning disabilities in general hospital settings. We are now taking forward further work to develop a robust mechanism to ensure that the HSC Trusts deliver against these recommendations in a timely manner.

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail what assessment he has made on the number of domestic fires caused by electrical faults.

**(AQW 47436/11-15)**

**Mr Hamilton:** The number of domestic fires caused by electrical faults is routinely recorded on the Northern Ireland Fire and Rescue Service's Incident Reporting System. In 2014, there were 286 dwelling fires caused by electrical faults.

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what plans his Department has to offer the Men ACWY vaccine to teenagers.

**(AQW 47529/11-15)**

**Mr Hamilton:** The Joint Committee on Vaccination and Immunisation (JCVI), an independent panel of experts that advise the 4 UK Health Ministers on issues related to vaccination have advised that a Men ACWY vaccine should be offered to all 14 to 18 year olds.

Despite the very challenging financial situation I am determined to try to identify the funding necessary to be able to introduce the Men ACWY programme in August, in line with the rest of the UK.

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety to detail any studies conducted into the usefulness and accuracy of the pain score as a method of ascertaining pain being experienced by a patient in hospital.

**(AQW 47581/11-15)**

**Mr Hamilton:** There are numerous studies into the usefulness and accuracy of the pain score covering many patient groups and hospital specialties. A search of the NICE website for pain assessment tools through the following link <https://www.evidence.nhs.uk/> revealed 512 such studies when confined to evidence summaries of clinical interest.

## Department of Justice

**Lord Morrow** asked the Minister of Justice, pursuant to AQW 47394/11-15, in relation to the section on the instigation or not of a Serious Case Review, (i) whether the Sexual Offences Prevention Order (SOPO) acts as a guideline for agencies to amend risk management or monitoring; and, (ii) whether offenders bound by a SOPO self-managing any risk they may present, which is only acted upon when a breach is detected.

**(AQW 47894/11-15)**

**Mr Ford (The Minister of Justice):** A Sexual Offences Prevention Order (SOPO) is a civil order imposed by a court in circumstances where it believes that specific restrictions or prohibitions are appropriate to protect the public from the risk of serious sexual harm that may be posed by an individual. Where a SOPO is imposed on conviction an offender is also often subject to other statutory measures such as notification requirements under the Sexual Offences Act 2003 and/or statutory post-release supervision with both prescribed and risk-specific licence conditions.

All of these measures, where applicable, form part of an individual risk management plan which takes account of the current assessed risk in regard to public safety. The imposition of a SOPO, any concerns about compliance with SOPO conditions or a detected breach could trigger the plan's re-assessment by the relevant agencies involved in their risk management.

**Ms Sugden** asked the Minister of Justice whether the Fear of Crime Strategic Action Plan 2012-14 will be updated within the current Assembly mandate, to tackle crime and fear of crime amongst older people.

**(AQW 48218/11-15)**

**Mr Ford:** The Fear of Crime Strategic Action Plan arising from the Community Safety Strategy has been updated for 2015-17 and was noted by the Justice Committee in April 2015. A copy of the updated Plan is available on the Department of Justice website by searching for Community Safety Action Plan under the Publications section.

A progress report on the Plan is prepared annually for the Justice Committee.

## Department for Regional Development

**Ms Sugden** asked the Minister for Regional Development, pursuant to AQO 8404/11-15, how adjustments will focus on protecting the service users of the Disability Action Transport Scheme.

**(AQW 47562/11-15)**

**Mr Kennedy (The Minister for Regional Development):** My Department continues to provide over £2.3m in grant assistance to Disability Action for these important services.

Disability Action has committed to continually look to maximise the Disability Action Scheme to see if services to the most vulnerable can be maintained. However in light of the reduction in funding to its grant, Disability Action engaged in a process of review of service provision to ensure that this important transport continues to be provided to its members.

Following this review a fare increase was introduced. The increase in fares for people using the Scheme was an operational decision made by Disability Action following consultation with scheme users at user forum meetings. It is aimed at ensuring services are maintained in a climate of financial uncertainty and with least disruption to client groups. This is the first time from 2006 that there has been a fare increase.

Disability Action also undertook an analysis of trip demand by day and time of day and considered a number of options which took account of the times when most members travelled again these changes were subject to discussion with members at user forums.

The reductions on the amount of trips available to members following these changes is minimal and the fare increase will contribute to ensuring that based on direct delivery, only 5% of journeys will be affected by these changes. Disability Action has advised that these changes will have the least impact on their clients and will keep these matters under consideration

In addition Disability Action have considered efficiencies within its own organisation and identified and implemented changes to make savings which again ensure that front line services are protected.

Although there was a reduction in funding provided to Disability Action and other transport service providers, my Department has bid for additional funding as part of June monitoring. Should this bid be successful, it is likely that Disability Action will receive additional funding.

**Mr Moutray** asked the Minister for Regional Development how much his Department has spent on upgrades to railway lines in each of the last three years.

**(AQW 47934/11-15)**

**Mr Kennedy:** The requested information is outlined in the following table:

Project	FY12/13 £M	FY1314 £M	FY1415 £M	Total £M
Work on Newry Line	4.8	0.6	3.4	8.8
Work on Londonderry Line	25.6	4.4	4.4	34.4
Work on Larne Line	0.7	0.0	0.3	1.0
Work Impacting All Lines	2.5	3.6	3.3	9.4
<b>Total</b>	<b>33.6</b>	<b>8.6</b>	<b>11.4</b>	<b>53.6</b>

**Ms Sugden** asked the Minister for Regional Development what legislation his Department plans to bring forward by the end of the current Assembly mandate.

**(AQW 48060/11-15)**

**Mr Kennedy:** It is my intention to introduce the following items of Primary legislation before the end of the current mandate - March 2016:

Water Bill

This Bill would extend my Department's powers to pay subsidy to Northern Ireland Water on behalf of customers in the absence of domestic water charges; to improve governance arrangements for NI Water; to introduce new powers in relation to the standard of construction of sewerage infrastructure; to restrict surface water connections to the public sewer network; and to cease the requirement on Northern Ireland Water to install meters at domestic properties connecting to the public water supply for the first time.

Amendment to the Land Acquisition and Compensation (Northern Ireland) Order 1973

This Bill would amend the Land Acquisition and Compensation (Northern Ireland) Order 1973 by introducing a legislative change permitting a mechanism for top-up payments relating to compulsory purchase compensation in order to ensure that the system of assessing compensation payments in respect of compulsory acquisition in Northern Ireland is fairer and similar to England and Wales.

**Mr A Maginness** asked the Minister for Regional Development to detail the cost of installing bus lane cameras in Belfast; and the annual cost of operating the mobile detection vehicle.

**(AQW 48063/11-15)**

**Mr Kennedy:** The cost of installing the bus lane cameras in Belfast was £162,611 and the annual cost of operating the mobile detection unit is £43,046.

**Ms Sugden** asked the Minister for Regional Development how his Department engages with older people and people with disabilities to identify and meet their transport needs; and what groups he has engaged in East Londonderry since September 2014.

**(AQW 48219/11-15)**

**Mr Kennedy:** My Department engages with a wide range of organisations in relation to transport including the Inclusive Mobility Transport Advisory Committee. This Committee is comprised of older people and people with disabilities who advise government and others in Northern Ireland on issues that affect the mobility of older people and people with disabilities.

Other organisations engaged include Rural Community Transport Partnerships, Disability Action, Royal National Institute for the Blind, Cedar Foundation, Guide Dogs NI, Barnardos, Action Mental Health, Volunteer Now, Action on Hearing Loss, Autism Network NI, Shopmobility, Epilepsy Action NI and the Omnibus Partnership.

My Department is also represented on the Vision Strategy Steering Group, Autism Strategy Regional Multi Agency Implementation team, the Health Trust Day Opportunities Project Group, Healthy Ageing Strategic Partnership and the Bamford Action Plan Steering Group.

Since September 2014 in the development of a draft Accessible Transport Strategy 2025 my Department has been engaged with regional organisations representing the interests of older people and people with disabilities. My officials engaged with 31 regional organisations and 12 took up the opportunity to meet with them. Meetings were held at venues across Northern Ireland including Coleraine and Londonderry.

## Department for Social Development

**Mr Campbell** asked the Minister for Social Development how many homes does he estimate will benefit from the Affordable Warmth Scheme by 31st March 2016; and how that figure compares with the number benefitting under Warm Homes in the last full year in which it operated.

**(AQW 46880/11-15)**

**Mr Storey (The Minister for Social Development):** In the last full year of operation (2014/15) the Warm Homes Scheme improved the energy efficiency of 7,004 homes.

The Affordable Warmth Scheme and Warm Homes Scheme are fundamentally different and the two schemes cannot be compared on a like for like basis.

The Affordable Warmth Scheme offers additional energy efficiency measures such as boiler replacement and window upgrades which were not available under the Warm Homes Scheme. The targeted approach is finding houses which need significant work to improve their energy efficiency and the additional measures available have resulted in a higher average grant level of £3,400 for the Affordable Warmth Scheme compared to £1,440 under the Warm Homes Scheme.

Officials recently briefed the Social Development Committee on the Affordable Warmth Scheme and discussed the budget and the Programme for Government milestone commitment. It was suggested that the current Programme for Government milestone commitment to assist 9,000 homes each year may need to be reviewed to reflect the higher average grant level and the budget available. My Department will develop and bring forward a new milestone target which reflects the new scheme more accurately.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Mr Allister** asked the Minister for Social Development what departmental funding is being provided to Orangefest in 2015/16 .

**(AQW 47404/11-15)**

**Mr Storey:** My Department is provided funding of £46,530 to Belfast Orangefest Limited in the 2015/16 financial year. This funding covers the cost of the Orangefest Director's post and associated office administration costs.

**Mr Allister** asked the Minister for Social Development whether he is aware of any PSNI investigations regarding the occupation and use of its first floor premises at 148-158 Springfield Road, Belfast.

**(AQW 47638/11-15)**

**Mr Storey:** I am not aware of any PSNI investigations regarding the occupation and use of the first floor premises at 148-158 Springfield Road, Belfast.

**Mr Allister** asked the Minister for Social Development to detail how much has been spent refurbishing and improving the Northern Ireland Housing Executive Headquarters in Adelaide Street, Belfast, in the last twelve months.

**(AQW 47733/11-15)**



**Mr Storey:** The Housing Executive has advised that between the period 1 June 2014 and 31 May 2015 they spent £185,000 on maintenance, refurbishment and improvements to the Housing Centre, Adelaide Street, Belfast. This is the most recent 12 month period that figures are available for.

**Ms Lo** asked the Minister for Social Development whether he is aware of tenants living in properties owned by social landlords/housing associations with tenancy agreements which are not valid under the Private Tenancies Order; and to detail what steps his Department will take to address any invalid tenancy agreement.

**(AQW 47895/11-15)**

**Mr Storey:** The provisions of the 2006 Private Tenancies Order does not apply to tenants living in properties owned by the Housing Executive or Registered Housing Associations.

**Mr McMullan** asked the Minister for Social Development to list the addresses for any planned social housing in (a) Waterfoot; (b) Cushendall; and (c) Cushendun; and to detail (i) the number of houses being considered for the above locations; and (ii) any plans for consulting with the surrounding property owners.

**(AQW 47940/11-15)**

**Mr Storey:**

- (i) Please find attached details of the planned social housing schemes planned for Cushendall, Cushendun and Waterfoot.

Location	Housing Association	Scheme Name	Units	Programme Year
Waterfoot	Ark	Main Street	6	2015/16
Cushendall	Triangle	Kilnadore Road	14	2016/17
Cushendun	Triangle	Craigagh Road	14	2016/17

- (ii) As part of all new build developments in the social housing development programme, consultation is carried out through both the planning process

(statutory consultees and local press/neighbour notifications) and the housing association's own consultation process in line with the Housing Association Guide. The full DSD guidance regarding consultation can be found at [http://www.dsdni.gov.uk/index/hsdiv-housing/ha\\_guide/hag-index/hagsa-scheme-approval-contents/hagsa-background-consultation.htm](http://www.dsdni.gov.uk/index/hsdiv-housing/ha_guide/hag-index/hagsa-scheme-approval-contents/hagsa-background-consultation.htm)

However, in terms of the schemes identified above, as discussions are still ongoing with the landowners regarding the acquisition of the sites, consultation with the surrounding property owners may be premature as there is a risk that the acquisition may not progress.

**Ms McGahan** asked the Minister for Social Development to detail the number of (i) people who are homeless by age bracket; (ii) people in housing stress by age bracket; (iii) people living in hostel accommodation; (iv) single people requiring accommodation; and (v) average number of points required to obtain a house, in the South Tyrone District

**(AQW 48008/11-15)**

**Mr Storey:** The information is not available in the format requested as the Housing Executive collates waiting list statistics by Parliamentary Constituency and by Council areas. The Housing Executive has advised that the new Mid Ulster Council area is the closest geographically to South Tyrone and have therefore provided the figures in the table attached: -

In relation to: -

- (i) & (ii): The table details the information in relation to the Mid Ulster Council area at 31 March 2015\*.

Age Band	Homeless Applicants	Total Applicants in Housing Stress
16 -17	3	3
18 - 59	541	899
60+	65	115
Total	609	1,017

In relation to: -

- (iii) MUST Hostel in Cookstown has a capacity of 20 units, 17 of which were occupied at 5 April 2015;\* and  
De Paul Northern Ireland, Castlehill, Dungannon has a capacity of 22 units, all of which were occupied at 5 April 2015\*
- (iv) There were 763 single person applicants on the waiting list for Mid Ulster at 31 March 2015\*, of which 438 were considered to be in housing stress; and

- (v) The average points of applicants allocated housing in the Mid Ulster District Council area during 2014/15 (at the point of allocation) was 91.8.

\* The Housing Executive advises that this is the most up to date information currently available.

**Mr Weir** asked the Minister for Social Development to detail the number of (i) referrals to the Affordable Warmth Scheme since its introduction; and (ii) schemes successfully delivered in the Ards and North Down Borough Council area.

**(AQW 48074/11-15)**

**Mr Storey:** At 30th June 2015, the Housing Executive had received 7,391 referrals since the introduction of the Affordable Warmth Scheme on 15 September 2014. A total of 595 of these referrals are from the Ards & North Down Borough Council.

19 homes in the Ards & North Down Borough Council area have had energy efficiency measures installed under the Affordable Warmth Scheme

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Mr Beggs** asked the Minister for Social Development to detail how much the Northern Ireland Housing Executive spent on away day for board members and directors and the number of away days including the cost of any overnight accommodation, in each of the last three years.

**(AQW 48102/11-15)**

**Mr Storey:** The Housing Executive has advised me that five away day sessions have been held by its Board in the last three financial years. The dates and costs, including accommodation costs, of those away days are shown in the table attached: -

Dates	Cost (including overnight accommodation)
2012/13	No Away days
<b>2013/14</b>	
23 - 24 April 2013	£2,985.60
29 - 30 October 2013	£3,539.20
<b>2014/15</b>	
29 - 30 April 2014	£2,469.94
28 - 29 October 2014	£3,011.90
16 - 17 June 2015	£2,529.00

The Housing Executive has also advised that in the last three financial years there have been two away day sessions for Directors, both in 2014/15. The dates and costs, including accommodation costs, of those away days are shown in the table:

Dates	Cost (including overnight accommodation)
17 - 18 June 2014	£1,317.35
19 - 20 March 2015	£804.40

**Mr Beggs** asked the Minister for Social Development to detail (i) how much has been spent on refurbishing the Northern Ireland Housing Executive's headquarters on Adelaide Street, Belfast, in the last twelve months; and (ii) any additional work planned in the remainder of this financial year.

**(AQW 48162/11-15)**

**Mr Storey:** In relation to: -

- (i) The Housing Executive has advised that between the period 1 June 2014 and 31 May 2015 they spent £185,000 on maintenance, refurbishment and improvements to the Housing Centre, Adelaide Street, Belfast. This is the most recent 12 month period that figures are available for.
- (ii) They have further advised that additional work is likely to be carried out in 2015/16, however, the details of this work are not yet known as discussions are ongoing with the Strategic Investment Board (SIB).

**Mr Milne** asked the Minister for Social Development to detail the number of claimants in receipt of (a) full housing benefit; and (b) partial housing benefit broken down by council area.

**(AQW 48227/11-15)**

**Mr Storey:** The Housing Executive has provided the table attached detailing the housing benefit cases which have a Housing Benefit rent entitlement, which accounts for over 98% of the total housing benefit caseload.

<b>Council Area</b>	<b>Number of claimants in receipt of full housing benefit</b>	<b>Number of claimants in receipt of partial housing benefit</b>
Belfast City Council	37,006	7,147
North Down & Ards	8,630	2,163
Lisburn & Castlereagh	7,996	2,129
Armagh, Banbridge & Craigavon	8,944	2,160
Newry, Mourne & Down	14,215	2,683
Mid Ulster	6,944	1,468
Fermanagh & Omagh	7,389	1,106
Mid & East Antrim	8,230	2,116
Antrim & Newtownabbey	7607	2071
Causeway & Glens	10,363	2,220
Derry & Strabane	17,685	3,047
<b>Totals</b>	<b>135,009</b>	<b>28,310</b>

The Housing Executive has advised that it is not possible to provide a full/partial split for Housing Benefit “rates only” cases, which comprises just over 1.5% of total Housing Benefit caseload and these have therefore not been included in the table.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

**Ms P Bradley** asked the Minister for Social Development to outline what improvements are planned for properties in the Abbeyville area of North Belfast which were previously included in the Stock Transfer Scheme.  
(AQW 48236/11-15)

**Mr Storey:** A multi-element improvement scheme is planned for 21 properties in Abbeyville Park in North Belfast. The estimated start date for this scheme is March 2016.

The improvement scheme will include re-roofing, the removal of aluminium cladding and the provision of external insulation board. There will also be kitchen replacements, rewiring of kitchens and window and door replacements where required.



# Revised Written Answers

This section contains the revised written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.





# Northern Ireland Assembly

## Revised Written Answers

### Department for Social Development

*In this Bound Volume, page WA 7, replace AQW 47079/11-15 with:*

**Mr Dallat** asked the Minister for Social Development to detail (i) the number of people on the waiting list for social housing; and (ii) what plans are in place to provide social housing, in Cushendall and the surrounding Glens area.

**(AQW 47079/11-15)**

**Mr Storey (The Minister for Social Development):**

- (i) The total number of people on the waiting list in Cushendall and the surrounding Glens area as of March 2015 is as follows:

Type	Single Person	Small Adult	Small Family	Large Adult	Large Family	Older Person	Total
Total Applicants	20	7	25	0	11	17	80
Housing Stress	16	3	12	0	7	9	47
Annual Allocations	2	0	1	0	0	2	5

Broken down by area:

LHA/CLA	Type	Single Person	Small Adult	Small Family	Large Adult	Large Family	Older Person	Total
Cushendall	Total Applicants	13	6	14	0	7	13	53
	Housing Stress	11	2	7	0	6	8	34
	Annual Allocations	1	0	0	0	0	2	3
Waterfoot	Total Applicants	4	1	4	0	1	2	12
	Housing Stress	3	1	2	0	0	1	7
	Annual Allocations	1	0	0	0	0	0	1
Cushendun	Total Applicants	3	0	7	0	3	2	15
	Housing Stress	2	0	3	0	1	0	6
	Annual Allocations	0	0	1	0	0	0	1

- (ii) The projected housing need for the Cushendall and surrounding Glens area for the period for 2014-19, is 34 new build social homes.

The following three housing schemes are planned for the Cushendall and surrounding Glens area as part of the Social Housing Development Programme 2015-2018;

	Housing Association	Scheme Name	Units	Programme year
Waterfoot	Ark	Waterfoot (T)	6	2015/16
Cushendall	Triangle	Kilnadore Road, Cushendall	14	2016/17
Cushendun	Triangle	Craigagh View, Knocknacarry	14	2016/17
<b>Total No. Units</b>			<b>34</b>	

Please be advised that the above information is based on the current Social Housing Development Programme (SHDP). Schemes may be lost or slip to future programme years for a variety of reasons such as delays securing Planning permission. Additional schemes can also be added in-year through new housing association bids or Existing Satisfactory/Off-the-Shelf purchases.

In this Bound Volume, page WA 111, replace AQW 47669/11-15 with:

**Mr McMullan** asked the Minister for Social Development what plans his Department has in place to deal with the housing crisis in the Carnlough and the Glens of Antrim area.

**(AQW47669/11-15)**

**Mr Storey:** I recognise that there is a relatively high demand for social housing in the Carnlough and the Glens of Antrim area.

As of March 2015 the total applications on the waiting list for this area was 67, of which 27 are in housing stress. As you will be aware, waiting lists are generally addressed through the normal reallocation of existing stock and new build housing as determined by the projected housing need. However, the low turnover of residents and the difficulty encountered by housing associations in acquiring sites suitable for social housing has contributed to this pressure.

I am advised that the projected housing need for the Carnlough and surrounding Glens area for the period 2014-19, is for 44 new build social homes as set out below.

Settlement area	Social Housing Need (Units) (2014-19)
Cushendall	20
Carnlough	10
Cushendun	8
Waterfoot and Knocknacarry	6
<b>Total Social New Build Requirement</b>	<b>44</b>

In March 2015 Choice Housing confirmed the completion of their second phase of development at Drumalla Park, Carnlough, providing seven new social homes which will address most of the projected need for that particular area.

In addition to this scheme three new build housing schemes are planned for the surrounding Glens as part of the Social Housing Development programme 2015-2018. These, along with the re-allocation process, will go some way to address the current projected need.

	Housing Association	Scheme Name	Units	Programme year
Waterfoot	Ark	Waterfoot (T)	6	2015/16
Cushendall	Triangle	Kilnadore Road, Cushendal	14	2016/17
Cushendun	Triangle	Craigagh View, Knocknacarry	14	2016/17
<b>Total No. Units</b>			<b>34</b>	

Please be advised that the above information is based on the current Social Housing Development Programme (SHDP). Schemes may be lost or slip to future programme years for a variety of reasons such as delays securing Planning permission. Additional schemes can also be added in-year through new housing association bids or Existing Satisfactory/Off-the-Shelf purchases.

I trust I have addressed your concerns.

# Journal of Proceedings





# Minutes of Proceedings



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# Northern Ireland Assembly

**Monday 22 June 2015**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Assembly Business

### 2.1 Committee Chairperson and Deputy Chairperson Nominations

The Speaker informed Members that, with effect from 15 June 2015, Mr Roy Beggs replaced Mr Danny Kinahan as Chairperson of the Audit Committee and that, with effect from 15 June 2015, Mrs Sandra Overend replaced Mr Danny Kinahan as Deputy Chairperson of the Committee for Education, and confirmed the appointments.

## 3. Matter of the Day

### 3.1 Tragic Events in Berkeley, California

Mr Martin McGuinness, made a statement, under Standing Order 24, in relation to the tragic events in Berkeley, California. Other Members were also called to speak on the matter.

The Deputy Speaker (Mr Beggs) took the chair.

## 4. Public Petition

### 4.1 Public Petition – Dromore High School New Build

Mr Jonathan Craig was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding a new build at Dromore High School.

### 4.2 Public Petition – Pedestrian Crossing on the Ormeau Road

Mr Máirtín Ó Muilleoir was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding a pedestrian crossing on the Ormeau Road.

## 5. Executive Committee Business

### 5.1 Motion – Suspension of Standing Orders 10(2) to 10(4)

#### **Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 22 June 2015.

*Minister of Justice*

The Question being put, the Motion, was **carried** with cross-community support *nemine contradicente*.

### 5.2 Further Consideration Stage – Justice Bill (NIA Bill 37/11-15)

*A valid Petition of Concern, under Standing Order 28, was presented in relation to Amendment 7, on Tuesday 16th June 2015 (Appendix 1).*

*Debate on the Bill, suspended on Tuesday 16 June 2015, resumed.*

### Clauses

After debate, Amendment 7 inserting a new Clause 89A after Clause 89 was **negatived** on division by a cross-community vote (Division).

After debate, Amendment 8 to Clause 90 was **made** without division.

After debate, Amendment 9 inserting a new Clause 95A after Clause 95 was **made** without division and it was agreed that the new clause stand part of the Bill.

After debate, Amendment 10 inserting a new Clause 98A after Clause 98 was **made** without division and it was agreed that the new clause stand part of the Bill.

*The debate was suspended for Question Time.*

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

## 6. Question Time

### 6.1 Office of the First Minister and deputy First Minister

Questions were put to, and answered by the Minister of Finance and Personnel, Mrs Arlene Foster, on behalf of the First Minister the Rt Hon Peter Robinson. The junior Minister, Miss Michelle McIlveen, also answered a number of questions.

### 6.2 Culture, Arts and Leisure

Questions were put to, and answered by, the Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín.

*The Deputy Speaker (Mr Dallat) took the Chair.*

## 7. Executive Committee Business (cont'd)

### 7.1 Further Consideration Stage – Justice Bill (NIA Bill 37/11-15) (cont'd)

*Debate resumed on the Bill.*

After debate, Amendment 11 was, by leave, **withdrawn**.

*Amendment 12 was not moved.*

After debate, Amendment 13 to Clause 99 was **made** without division.

After debate, Amendment 14 to Clause 99 was **made** without division.

*As Amendment 11 was withdrawn, Amendment 15 was not called.*

After debate, Amendment 16 to Clause 103 was **made** without division.

*As Amendment 11 was withdrawn, Amendment 17 was not called.*

### Schedules

After debate, Amendment 18 to Schedule 1 was **made** without division.

After debate, Amendment 19 inserting a new Schedule 6A after Schedule 6 was **made** without division and it was agreed that the new schedule stand part of the Bill.

*As Amendment 11 was withdrawn, Amendment 20 was not called.*

*As Amendment 11 was withdrawn, Amendment 21 was not called.*

After debate, Amendment 22 to Schedule 8 was **made** without division.

Bill (NIA 37/11-15) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

**7.2 First Stage – Pension Schemes Bill (NIA Bill 54/11-16)**

The Minister for Social Development, Mr Mervyn Storey, introduced a Bill to make provision about pension schemes, including provision designed to encourage arrangements that offer people different levels of certainty in retirement or that involve different ways of sharing or pooling risk.

The Pension Schemes Bill (NIA Bill 54/11-16) passed First Stage and ordered to be printed.

**7.3 First Stage – Environmental Better Regulation Bill (NIA Bill 55/11-16)**

The Minister of the Environment, Mr Mark H. Durkan, introduced a Bill to enable provision to be made for protecting and improving the environment; to provide for an integrated environmental permitting system; to provide for a review of powers of entry and associated powers and for the repeal or rewriting of such powers and for safeguards in relation to them; to provide for the repeal or rewriting of offences connected with the exercise of any such powers and for the preparation of a code of practice in connection with such exercise; to amend the Clean Air (Northern Ireland) Order 1981 to provide for a new method for authorising fuels for use in a smoke control area and for exempting fireplaces from the provisions of Article 17 of that Order; to amend the Environment (Northern Ireland) Order 2002 to remove the requirement on district councils to make an assessment of air quality under Article 13 of that Order; to amend the Water and Sewerage Services (Northern Ireland) Order 2006 to transfer certain functions to the Department of the Environment from the Department for Regional Development; and for connected purposes.

The Environmental Better Regulation Bill (NIA Bill 55/11-16) passed First Stage and ordered to be printed.

**7.4 Second Stage – Budget (No. 2) Bill 2015 (NIA 53/11-16)**

The Minister of Finance and Personnel, Mrs Arlene Foster, moved the Second Stage of the Budget (No. 2) Bill 2015 (NIA 53/11-16).

*Debate ensued.*

*The Speaker took the Chair.*

*The sitting was suspended at 7.08pm and resumed at 7.21pm with the Deputy Speaker (Mr Dallat) in the Chair.*

*The Speaker took the Chair.*

*The Deputy Speaker (Mr Dallat) took the Chair.*

*The Speaker took the Chair.*

*The debate was suspended at 9.55pm.*

**8. Adjournment****Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 9.55pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

22 June 2015



## Appendix 1

# Northern Ireland Assembly

**The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, accordance with Standing Order 28, on Tuesday 16 March 2015 in relation to Amendment No. 7 of the Further Consideration Stage of the Justice Bill (NIA Bill 37/11-15):**

- Mr Martin McGuinness
- Ms Megan Fearon
- Mr Cathal Boylan
- Mr Gerry Kelly
- Mr Chris Hazzard
- Mr Cathal Ó Hoisín
- Ms Caitríona Ruane
- Mr Pat Sheehan
- Mr Phil Flanagan
- Ms Carál Ní Chuilín
- Mr Alex Maskey
- Ms Rosaleen McCorley
- Mr Oliver McMullan
- Ms Jennifer McCann
- Mrs Michelle O'Neill
- Mr Conor Murphy
- Ms Bronwyn McGahan
- Mr Seán Lynch
- Mr Barry McElduff
- Mr Declan McAleer
- Mr Máirtín Ó'Muilleoir
- Ms Maeve McLaughlin
- Ms Michaela Boyle
- Mr Ian Milne
- Mr Raymond McCartney
- Mr Daithí McKay
- Mr Fra McCann
- Mr John O'Dowd
- Mr Stewart Dickson
- Ms Anna Lo MBE
- Mr Basil McCrea
- Ms Claire Sugden
- Mr Alban Maginness

# Justice Bill

## Annotated Marshalled List of Amendments

### Further Consideration Stage

### Tuesday 16 and Monday 22 June 2015

Amendments tabled up to 9.30am Thursday, 11 June 2015 and selected for debate

#### Amendment 1 [Made]

Clause 6, Page 4, Line 40

At end insert -

‘(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.’

*Minister of Justice*

#### Amendment 2 [Made]

Clause 7, Page 5

Leave out lines 7 to 12 and insert -

‘7.—(1) The Magistrates’ Courts (Northern Ireland) Order 1981 is amended as set out in subsections (2) to (5).

(2) After Article 29 insert—

#### ‘Committal proceedings for indictable offences

29A.—(1) Committal proceedings in a magistrates’ court in relation to an indictable offence are to be conducted—

- (a) in a case where the court directs under this Article that a preliminary investigation is to be held, by way of a preliminary investigation;
- (b) in all other cases, by way of a preliminary inquiry.

(2) An accused may apply to the court for a direction that a preliminary investigation is to be held.

(3) Magistrates’ court rules may make provision in relation to an application under paragraph (2), including provision—

- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(4) The court, after considering the application and any representations made to the court, may direct the holding of a preliminary investigation if (and only if) the court is satisfied that a preliminary investigation is required in the interests of justice.

(5) In determining an application under paragraph (2) the court shall in particular have regard to—

- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be witnesses at a preliminary investigation.”.

(3) In Article 30 (preliminary investigation) for paragraph (1) substitute—

“(1) This Article applies where committal proceedings are conducted by way of a preliminary investigation following a direction under Article 29A.”.

(4) Omit Article 31 (preliminary inquiry at request of prosecution).

(5) In Article 32 (preliminary inquiry: service of documents)—

(a) in paragraph (1) for the words from the beginning to the end of sub-paragraph (a) substitute—

“(1) A reasonable time before the day fixed for the conduct of committal proceedings, the prosecution shall—

- (a) provide the clerk of petty sessions with copies of the documents mentioned in sub-paragraph (b); and”;

(b) in paragraph (1)(b) omit—

- (i) the words “a copy of that notice together with”; and
- (ii) the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;

(c) omit paragraph (3).

(6) In section 4 of the Criminal Jurisdiction Act 1975 (trial of extra-territorial offences) for subsection (3) substitute—

“(3) Where a person is charged with an extra-territorial offence so much of Article 29A of the Magistrates’ Courts (Northern Ireland) Order 1981 as affords to the accused a right to apply for a direction that a preliminary investigation is to be held shall not apply, and the procedure shall be by way of preliminary inquiry under that Order, and not by way of preliminary investigation.”.

(7) Section 3 of the Justice and Security (Northern Ireland) Act 2007 (committal proceedings for trial without a jury) is repealed.’

*Minister of Justice*

### **Amendment 3 [Made]**

#### **Clause 8, Page 5**

Leave out lines 14 to 16 and insert -

‘8.—(1) Article 34 of the Magistrates’ Courts (Northern Ireland) Order 1981 (giving of evidence on oath at preliminary inquiry) is amended as follows.

(2) After paragraph (1) insert—

“(1A) The prosecution or the accused may apply to the court for leave to require a person to attend and give evidence on oath in accordance with paragraph (2).

(1B) Magistrates’ court rules may make provision in relation to an application under paragraph (1A), including provision—

- (a) for an application to set out the grounds on which the application is made and contain such other information as may be prescribed;
- (b) requiring an application to be made before a prescribed time;
- (c) for the procedure to be followed in determining the application (including provision for representations to be made to the court by the prosecution or the accused).

(1C) The court, after considering the application and any representations made to the court, may give leave to the applicant if (and only if) the court is satisfied that the interests of justice require it.

(1D) In determining an application under paragraph (1A) the court shall in particular have regard to—

- (a) the nature of the offence or offences charged;
- (b) the interests of the persons likely to be required to give evidence at the preliminary inquiry.

(1E) Where leave is granted to one party under paragraph (1C), the court may (without any application) grant leave to the other party to require a person to attend and give evidence on oath in accordance with paragraph (2).”.

(3) In paragraph (2) for the words from the beginning to “may each require” substitute “The court (of its own motion), the prosecution (if granted leave under paragraph (1C) or (1E)) and the accused (if granted such leave) may each require”.

*Minister of Justice*

### **Amendment 4 [Not called]**

#### **Clause 8, Page 5, Line 16**

After ‘justice’ insert ‘, with the presumption of exemption from giving evidence on oath to a vulnerable witness; a victim of rape or a violent sexual assault unless deemed that exceptional circumstances exist’

*Mr Raymond McCartney*

*Mr Seán Lynch*

*Mr Chris Hazzard*

### **Amendment 5 [Made]**

#### **Clause 48, Page 35, Line 1**

Leave out subsections (2) to (4) and insert -

‘(2) In Article 49 (1) (interpretation of Part 3)—

(a) after the definition of “agencies” insert—

“ “child” means a person under the age of 18;

“conviction” includes—

- (i) a conviction by or before a court outside Northern Ireland;
- (ii) any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;
- (iii) a caution given to a person in respect of an offence which, at the time when the caution was given, the person has admitted;”;

(b) after the definition of “specified” insert—

“ “relevant previous conviction”, in relation to a person, means a conviction for a sexual or violent offence by reason of which the person falls within a specified description of persons;”.

(3) In Article 50 (guidance to agencies on assessing and managing certain risks to the public) after paragraph (2) insert—

“(2A) Guidance under this Article must contain provisions about arrangements for considering the disclosure, to any particular member of the public, of information concerning any relevant previous convictions of a person where it is necessary to protect a particular child or particular children from serious harm caused by that person; and the guidance may, in particular, contain provisions for the purpose of preventing a member of the public from disclosing that information to any other person.”.

(4) In Article 50(3) for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.

*Minister of Justice*

#### **Amendment 6 [Made]**

##### **New Clause**

After clause 81 insert -

##### **‘Unpaid community service after early release**

**81A.** In Article 19 of the Criminal Justice (Northern Ireland) Order 2008 after paragraph (1) insert—

“(1A) The Department may by regulations, having consulted the Probation Board, provide for a community service scheme, under which a person released under paragraph (1) may be required to engage in unpaid community service for the remaining period of the fixed term they would have served but for their early release.”.

*Mr Alastair Ross*

#### **Amendment 7 [Negatived on division by a cross-community vote]**

##### **New Clause**

After clause 89 insert -

##### **‘Sentencing for violent offences against older people**

**89A.**—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.

(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) For the purposes of this section “violent offence” means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) If there are exceptional circumstances which justify—

(a) the imposition of a lesser sentence than that provided for under subsection (2), or

(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,

the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.

(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.

(6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.

(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—

“and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.

*Mr Edwin Poots*

*Mr Paul Givan*

#### **Amendment 8 [Made]**

##### **Clause 90, Page 65, Line 7**

Leave out from beginning to ‘magistrates’ court’ on line 8 and insert ‘In relation to criminal proceedings in the Crown Court or a magistrates’ court, it is the duty of the court, the prosecution and the defence’

*Minister of Justice*

**Amendment 9 [Made]****New Clause**

After clause 95 insert -

*‘Domestic violence protection notices and orders*

**Domestic violence protection notices and orders**

**95A.** Schedule 6A (which makes provision about domestic violence protection notices and orders) has effect.’

*Minister of Justice*

**Amendment 10 [Made]****New Clause**

After clause 98 insert -

*‘Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

**Amendment to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**

**98A.**—(1) Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (independent guardian) is amended as follows.

(2) In subsection (4) for paragraph (a) (which requires arrangements to be made with a charity registered under the Charities Act (Northern Ireland) 2008) substitute—

“(a) be made with a charity;”.

(3) In subsection (11) (definitions) after the definition of “administrative decision” insert—

““charity” means an institution which is—

(a) a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008 or treated as such a charity by virtue of the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013;

(b) a charity within the meaning of section 1 of the Charities Act 2011; or

(c) a charity within the definition set out in section 106 of the Charities and Trustee Investment (Scotland) Act 2005;”.

*Minister of Justice*

**Amendment 11 [Withdrawn]****New Clause**

After clause 98 insert -

*‘Amendments to the Firearms (Northern Ireland) Order 2004*

**Amendments to the Firearms (Northern Ireland) Order 2004: firearm certificates**

**98A.**—(1) The Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) In Article 11 (variation of firearm certificate), at the end insert—

“(1) If a person—

(a) sells a rifle (“the first rifle”) to the holder of a firearms dealer’s certificate (“the dealer”); and

(b) as part of the same transaction purchases a rifle (“the second rifle”) from him,

the dealer may vary that person’s firearm certificate by substituting the second rifle for the first rifle in accordance with the prescribed bands contained in Schedule 9 to this Order.

(2) The Secretary of State may introduce additional calibres to the bands contained in Schedule 9 if it is considered appropriate to do so for the purposes of improving the variation process.”.

(3) For Schedule 6 (Fees), substitute the Schedule set out in Schedule 6B to this Act.

(4) After Schedule 8, insert as Schedule 9 (Bands) the Schedule set out in Schedule 6C to this Act.’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*



**Amendment 12 [Not moved]****New Clause**

After clause 98 insert -

**‘Amendments to the Firearms (Northern Ireland) Order 2004: young shooters**

**98B.** In the Firearms (Northern Ireland) Order 2004 in Schedule 1 (firearm certificates – exemptions)—

(a) after sub-paragraph (3)(b) of paragraph 9, insert—

“(ba) have an air gun in his possession without a firearm certificate unless he has attained the age of 11 and is, at all times, under the supervision of a person who has attained the age of 25 and who has held a firearm certificate for an airgun of that type for at least five years;” and

(b) for sub-paragraph (3) of paragraph 11, substitute—

“(3) Subject to sub-paragraph (4), sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 11.

(4) Persons aged 11 or older but under 18 must, at all times, be supervised by a person who has attained the age of 25 and who has held a firearm certificate for a shotgun of that type for at least five years.”.’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*

**Amendment 13 [Made]**

**Clause 99**, Page 70, Line 17

Leave out ‘or 51(12)’ and insert ‘, 51(12) or paragraph 10 of Schedule 6A’

*Minister of Justice*

**Amendment 14 [Made]**

**Clause 99**, Page 70, Line 18

After ‘section’ insert ‘6(2)’

*Minister of Justice*

**Amendment 15 [Not called]**

**Clause 103**, Page 71, Line 9

After ‘96’ insert ‘to 98 and 98B’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*

**Amendment 16 [Made]**

**Clause 103**, Page 71, Line 11

At end insert -

‘( ) paragraph 10 of Schedule 6A and section 95A so far as relating to that paragraph;’

*Minister of Justice*

**Amendment 17 [Not called]**

**Clause 103**, Page 71, Line 12

At end insert -

‘(1A) Section 98A and Schedules 6B and 6C shall come into operation 90 days after this Act receives Royal Assent.’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*

**Amendment 18 [Made]**

**Schedule 1**, Page 87, Line 8

After ‘preliminary inquiry’ insert ‘or a preliminary investigation’

*Minister of Justice*

**Amendment 19 [Made]****New Schedule**

After schedule 6 insert -

**‘SCHEDULE 6A****DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS***Power to issue a domestic violence protection notice*

1.—(1) A police officer not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this paragraph.

(2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—

- (a) P has been violent towards, or has threatened violence towards, an associated person, and
- (b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

- (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),
- (b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,
- (c) any representations made by P as to the issuing of the DVPN, and
- (d) in the case of provision included by virtue of sub-paragraph (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in sub-paragraph (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,
- (b) to prohibit P from entering the premises,
- (c) to require P to leave the premises, or
- (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.

*Contents and service of a domestic violence protection notice*

2.—(1) A DVPN must state—

- (a) the grounds on which it has been issued,
- (b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,
- (c) that an application for a domestic violence protection order (“a DVPO”) under paragraph 4 will be heard within 48 hours of the time of service of the DVPN and a notice of the hearing will be given to P,
- (d) that the DVPN continues in effect until that application has been determined, and
- (e) the provision that a court of summary jurisdiction may include in a DVPO.

(2) A DVPN must be in writing and must be served on P personally by a constable.

(3) On serving P with a DVPN, the constable must ask P for an address for the purposes of being given the notice of the hearing of the application for the DVPO.

*Breach of a domestic violence protection notice*

3.—(1) A person arrested by virtue of paragraph 2(1)(b) for a breach of a DVPN must be held in custody and brought before the court of summary jurisdiction which will hear the application for the DVPO under paragraph 4—

- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
- (b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of sub-paragraph (1)(a), the court may remand the person.

- (3) If the court adjourns the hearing of the application by virtue of paragraph 4(7), the court may remand the person.

*Application for a domestic violence protection order*

- 4.—(1) If a DVPN has been issued, a constable must apply for a DVPO.
- (2) The application must be made by complaint to a court of summary jurisdiction.
- (3) The application must be heard by the court not later than 48 hours after the DVPN was served pursuant to paragraph 2(2).
- (4) A notice of the hearing of the application must be given to P.
- (5) The notice is deemed given if it has been left at the address given by P under paragraph 2(3).
- (6) But if the notice has not been given because no address was given by P under paragraph 2(3), the court may hear the application for the DVPO if the court is satisfied that the constable applying for the DVPO has made reasonable efforts to give P the notice.
- (7) The court may adjourn the hearing of the application.
- (8) If the court adjourns the hearing, the DVPN continues in effect until the application has been determined.
- (9) On the hearing of an application for a DVPO, Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (summons to witness and warrant for arrest) does not apply in relation to a person for whose protection the DVPO would be made, except where the person has given oral or written evidence at the hearing.

*Conditions for and contents of a DVPO*

- 5.—(1) The court may make a DVPO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.
- (3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.
- (4) Before making a DVPO, the court must, in particular, consider—
- (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and
  - (b) any opinion of which the court is made aware—
    - (i) of the person for whose protection the DVPO would be made, and
    - (ii) in the case of provision included by virtue of sub-paragraph (8), of any other associated person who lives in the premises to which the provision would relate.
- (5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.
- (6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.
- (7) Provision required to be included by virtue of sub-paragraph (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPO is made, the DVPO may also contain provision—
- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,
  - (b) to prohibit P from entering the premises,
  - (c) to require P to leave the premises, or
  - (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO.
- (9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.
- (10) A DVPO may be in force for—
- (a) no fewer than 14 days beginning with the day on which it is made, and
  - (b) no more than 28 days beginning with that day.
- (11) A DVPO must state the period for which it is to be in force.

*Breach of a DVPO*

6.—(1) A person arrested by virtue of paragraph 5(9) for a breach of a DVPO must be held in custody and brought before a court of summary jurisdiction within the period of 24 hours beginning with the time of the arrest.

(2) If the court finds that the person has breached the DVPO, the court may—

- (a) order the person to pay a sum not exceeding £5000; or
- (b) commit the person to prison for a fixed period not exceeding 2 months.

(3) Payment of any sum ordered to be paid under sub-paragraph (2)(a) is enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

(4) If the matter is not disposed of when the person is brought before the court under sub-paragraph (1), the court may remand the person.

(5) In section 44(5) of the Judicature (Northern Ireland) Act 1978 (appeals relating to punishment of contempt and other defaults) in paragraph (c) after “Article 112 of the Magistrates’ Courts (Northern Ireland) Order 1981” insert “or paragraph 6 of Schedule 6A to the Justice Act (Northern Ireland) 2015”.

*Further provision about remand*

7.—(1) This paragraph applies for the purposes of the remand of a person by a court under paragraph 3(2) or (3) or 6(4).

(2) The court may remand the person—

- (a) in custody, that is to say, commit the person to custody to be brought before the court at the end of the period of remand; or
- (b) on bail, that is to say, take from the person a recognizance conditioned for subsequent appearance before the court.

(3) If the person is remanded in custody, the court may give its consent to the person being remanded on bail in accordance with sub-paragraph (2)(b) in which event the court must fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to sub-paragraphs (8), (11) and (12), the period for which a person is remanded in custody must not exceed—

- (a) in case where the person is before the court and consents, 28 days;
- (b) in any other case, 8 days.

(5) The period for which a person is remanded on bail must not exceed 28 days unless both the person and the relevant police officer consent.

(6) For the purposes of sub-paragraph (5) the relevant police officer is—

- (a) in the case of a remand prior to the hearing of an application for a DVPO, the authorising officer;
- (b) in any other case, the constable who applied for the DVPO.

(7) In the case of a person over the age of 21, the power to remand in custody includes power, on an application made by a police officer not below the rank of inspector, to commit that person to—

- (a) detention at a police station; or
- (b) the custody (otherwise than at a police station) of a constable.

(8) The period for which a person is remanded under sub-paragraph (7) must not exceed 3 days.

(9) A person shall not be committed to detention at a police station under sub-paragraph (7)(a) unless there is a need for the person to be so detained for the purposes of inquiries into a criminal offence; and, if a person is committed to such detention—

- (a) the person shall, as soon as that need ceases, be brought back before the court;
- (b) the person shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (responsibilities in relation to persons detained) relate; and
- (c) the detention of the person shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(10) A person shall not be committed to the custody (otherwise than at a police station) of a constable under sub-paragraph (7)(b) unless there is a need for the person to be kept in such custody for the purposes of inquiries into a criminal offence; and if a person is committed to such custody, the person shall, as soon as that need ceases, be brought back before the court.

(11) If the court has reason to suspect that a medical report will be required, the power to remand a person may be exercised for the purpose of enabling a medical examination to take place and a report to be made; and if the person is remanded in custody for that purpose, the remand may not be for more than 21 days.

(12) If the court has reason to suspect that the person is suffering from mental illness or severe mental impairment within the meaning of the Mental Health (Northern Ireland) Order 1986, the court has the same power to remand a person under Article 42 of that Order (remand to hospital for medical report) as it has under that Article in the case of an accused person (within the meaning of that Article).

(13) The court may order a person to be brought before it at any time before the expiration of the period for which the person has been remanded.

(14) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with persons likely to give evidence at the hearing or otherwise obstruct the course of justice.

#### *Guidance*

- 8.—(1) The Department may issue guidance relating to the exercise by a constable of functions under this Schedule.
- (2) A constable must have regard to any guidance issued under this paragraph when exercising a function to which the guidance relates.
- (3) Before issuing guidance under this paragraph, the Department must consult—
- (a) the Chief Constable,
  - (b) the Policing Board, and
  - (c) such other persons as the Department thinks fit.

#### *Interpretation*

- 9.—(1) In this Schedule—
- “associated person” means a person who is associated with P within the meaning of Article 3 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998;
  - “the authorising officer” has the meaning given by paragraph 1(1);
  - “a DVPN” has the meaning given by paragraph 1(1);
  - “a DVPO” has the meaning given by paragraph 2(1)(c);
  - “P” has the meaning given by paragraph 1(2).
- (2) In calculating—
- (a) when the period of 24 hours mentioned in paragraph 3(1)(a) or 6(1) ends, or
  - (b) when the period of 48 hours mentioned in paragraph 4(3) ends,

Christmas Day, Good Friday, any Sunday and any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 are to be disregarded.

- (3) In calculating the length of any period of remand, the period is to be taken as beginning on the day after the person is remanded.

#### *Pilot schemes*

10.—(1) The Department may by order provide for any provision of paragraphs 1 to 9 to come into operation for a period of time to be specified in or under the order for the purpose of assessing the effectiveness of the provision.

- (2) Such an order may make different provision for different areas.

- (3) More than one order may be made under this paragraph.

(4) Provision included in an order under this paragraph does not affect the provision that may be included in relation to paragraphs 1 to 9 in an order under section 103.’

*Minister of Justice*

#### **Amendment 20 [Not called]**

#### **New Schedule**

After schedule 6 insert -

#### **‘SCHEDULE 6B**

#### **SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004**

#### **“SCHEDULE 6**

#### **FEES**

#### *Firearm certificate*

1. Grant or renewal of firearm certificate	£88
2. Variation by Chief Constable on application of holder (except as mentioned in paragraph 3)	£26
3. Variation by Chief Constable to substitute one firearm for another of the same calibre or type	£17
4. Duplicate firearm certificate	£14
5. Variation by a Registered Firearms Dealer	£12



*Museum firearms licence*

6. Grant of museum firearms licence by the Department of Justice	£125
7. Extension of museum firearms licence granted by the Department of Justice to additional premises	£75

*Visitor's firearm permit*

8. Grant of visitor's firearm permit (except where paragraph 8 applies)	£18
9. Grant of six or more visitor's firearm permits (taken together) on a group application	£60

*Firearms dealer's certificate*

10. Grant or renewal of firearms dealer's certificate	£380
11. Duplicate firearms dealer's certificate	£14

*Firearms club*

12. Grant or renewal of authorisation	£95
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*Game fair permit*

13. Grant of game fair permit	£15
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These fees will not be increased for a period of at least 5 years from the date of commencement.”’

*Mr Paul Frew*

*Mr Edwin Poots*

*Mr Patsy McGlone*

**Amendment 21 [Not called]**

**New Schedule**

After schedule 6 insert -

‘SCHEDULE 6C

SCHEDULE INSERTED AS SCHEDULE 9 TO THE FIREARMS (NORTHERN IRELAND) ORDER 2004

“SCHEDULE 9

Article 11.

BANDS

Band	Calibre
1. Small quarry air rifles	.177 - .25
2. Small quarry	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. Medium quarry Centre Fire	.17 Centre Fire .22 Hornet .222 .204 Ruger .223/5.56 .220 Swift .22/250
4. Large quarry Centre F	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06

*Rules for Banded System*

1. The banded system applies to firearms conditioned for dual use, eg. field use and for target use in a PSNI approved target club.
  2. All handguns are excluded including personal protection weapons.
  3. All muzzle loading and black powder firearms are excluded.
  4. Any firearm which is “on-loan” can be exchanged under the banded system.
  5. A person under a 6 month supervisory condition can still exchange a firearm for another firearm within the same band. The initial supervisory condition will remain in force until the remainder of 6 month supervisory period has been completed.
  6. When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.
- Any transactions outside of these rules must be carried out under the normal variation process.”.

*Mr Paul Frew**Mr Edwin Poots**Mr Patsy McGlone***Amendment 22 [Made]****Schedule 8, Page 140, Line 12**

Leave out from beginning to end of line 13 on page 142 and insert -

,

The Magistrates’ Courts (Northern Ireland) Order 1981 (NI 26)	<p>Article 31.</p> <p>In Article 32—</p> <p>(a) in paragraph (1)(b) the words “a copy of that notice together with” and the words “a reasonable time before the day fixed for the conduct of the preliminary inquiry”;</p> <p>(b) paragraph (3).</p>
The Justice and Security (Northern Ireland) Act 2007 (c. 6)	Section 3.

,

*Minister of Justice*

# Northern Ireland Assembly

22 June 2015

Division

## Further Consideration Stage – Justice Bill (NIA Bill 37/11-15) – Amendment 7

The Question was put and the Assembly divided.

Ayes: 41

Noes: 46

### AYES

#### Unionist:

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr McQuillan, Mr G Robinson.*

### NOES

#### Nationalist:

*Mr Attwood, Ms Boyle, Mr Byrne, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

#### Unionist:

*Mr Allister, Mr McCallister, Mr B McCrea, Ms Sugden.*

#### Other:

*Mr Agnew, Mrs Cochrane, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Noes: Mr Hazzard, Mr Lynch.*

Total votes	87	Total Ayes	41	[47.1%]
Nationalist Vote	35	Nationalist Ayes	0	[0.0%]
Unionist Votes	45	Unionist Ayes	41	[91.1%]
Other Votes	7	Other Ayes	0	[0.0%]

The Motion was **negatived** on a cross-community vote.

# Northern Ireland Assembly

## Papers Presented to the Assembly on 17 June – 22 June 2015

### 1. Acts of the Northern Ireland Assembly

### 2. Bills of the Northern Ireland Assembly

Pension Schemes Bill (NIA Bill 54/11-16).

Environmental Better Regulation Bill (NIA Bill 55/11-16).

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

### 5. Assembly Reports

The Northern Ireland Assembly Members' Pension Fund Annual Report and Accounts (NIA 249/11-16) (Assembly Commission).

Report on the Review of the Operation of the Barnett Formula (NIA 254/11-16) (Committee for Finance and Personnel).

### 6. Statutory Rules

S.R. 2015/274 The Smoke Control Areas (Exempted Fireplaces) (Amendment) Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/278 The Controlled Drugs (Supervision of Management and Use) (Amendment) Regulations (Northern Ireland) 2015 (DHSSPS).

### 7. Written Ministerial Statements

### 8. Consultation Documents

Consultation on Proposed Consolidated Water Framework Directive Priority Substances and Classification Regulations (DOE).

### 9. Departmental Publications

### 10. Agency Publications

The Commissioner for Public Appointments Northern Ireland Annual Report 2014/15 (CPANI).

### 11. Westminster Publications

### 12. Miscellaneous Publications





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# Northern Ireland Assembly

**Tuesday 23 June 2015**

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Assembly Business

### 2.1 Motion – Committee Membership

#### **Proposed:**

That Mr Ross Hussey replace Mrs Sandra Overend as a member of the Committee for Education; and that Mr Robin Swann replace Mr Tom Elliott as a member of the Committee for Agriculture and Rural Development with effect from 30 June 2015.

*Mr R Swann*

*Mrs S Overend*

The Question being put, the Motion was **carried** without division.

## 3. Committee Business

### 3.1 Motion – Report on the Review of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members (NIA 178/11-16)

#### **Proposed:**

That this Assembly notes the report of the Committee on Standards and Privileges on the Review of the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members (NIA 178/11-16); agrees to the new Code of Conduct and Guide to the Rules set out in annex 1 of the report; and further agrees to the other recommendations contained within the report.

*Chairperson, Committee on Standards and Privileges*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 4. Executive Committee Business

### 4.1 First Stage – Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16)

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, introduced a Bill to make provision about credit unions and co-operative and community benefit societies and for connected purposes.

The Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16) passed First Stage and ordered to be printed.

### 4.2 Consideration Stage – Budget (No.2) Bill (NIA Bill 52/11-16)

The Speaker informed Members that Consideration Stage of the Budget (No.2) Bill could not proceed on Tuesday 23 June 2015 as the Bill had not yet passed second stage.

#### 4.3 Consideration Stage – Insolvency (Amendment) Bill (NIA Bill 39/11-16)

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, moved the Consideration Stage of the Insolvency (Amendment) Bill.

Fifty amendments were tabled to the Bill and selected for debate.

##### Clauses

The question that Clauses 1 and 2 stand part of the Bill was **agreed** without division.

After debate, Amendment 1 to Clause 3 was **made** without division.

After debate, Amendments 2 to 7 to Clause 3 were **made** without division.

The question being put, it was **agreed** without division that Clause 3, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 4 to 10 stand part of the Bill.

After debate, Amendment 8 to Clause 11 was **made** without division.

The question being put, it was **agreed** without division that Clause 11, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 12 stand part of the Bill.

After debate, Amendments 9 to 11 to Clause 13 were **made** without division.

The question being put, it was **agreed** without division that Clause 13, as amended, stand part of the Bill.

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

After debate, Amendment 12 to Clause 14 was **made** without division.

After debate, Amendments 13 to 35 to Clause 14 were **made** without division.

After debate, Amendment 36 to Clause 14 was **made** without division.

The question being put, it was **agreed** without division that Clause 14, as amended, stand part of the Bill.

After debate, Amendment 37 inserting new Clause 14A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 38 inserting new Clause 14B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 39 inserting new Clause 14C was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 40 inserting new Clause 14D was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 41 inserting new Clause 14E was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 42 inserting new Clause 14F was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 43 inserting new Clause 14G was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 44 inserting new Clause 14H was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 45 to Clause 15 was **made** without division.

The question being put, it was **agreed** without division that Clause 15, as amended, stand part of the Bill.

The question that Clauses 16 to 21 stand part of the Bill was **agreed** without division.

##### Schedules

After debate, Amendment 46 inserting new Schedule A1 was **made** without division and it was **agreed** that the new schedule stand part of the Bill.

The question being put, it was **agreed** without division that Schedule 1 stand part of the Bill.

After debate, Amendments 47 and 48 to Schedule 2 were **made** without division.

The question being put, it was **agreed** without division that Schedule 2, as amended, stand part of the Bill.

After debate, Amendments 49 and 50 to Schedule 3 were **made** without division.

The question being put, it was **agreed** without division that Schedule 3, as amended, stand part of the Bill.

#### **Long Title**

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

Bill NIA 39/11-16 stood referred to the Speaker.

## **5. Committee Business**

### **5.1 Motion – Extension of Committee Stage – The Public Services Ombudsperson Bill (NIA 47/11-16)**

#### **Proposed:**

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 30 September 2015, in relation to the Committee Stage of the Public Services Ombudsperson Bill (NIA 47/11-16).

*Chairperson, Ad Hoc Committee on the Public Services Ombudsperson Bill*

The Question being put, the Motion was **carried** without division.

### **5.2 Motion – Report on the Review of the Operation of the Barnett Formula (NIA 254/11-16)**

#### **Proposed:**

That this Assembly approves the report of the Committee for Finance and Personnel on its Review of the Operation of the Barnett Formula (NIA 254/11-16); and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.

*Chairperson, Committee for Finance and Personnel*

*Debate ensued.*

*The sitting was suspended at 1.02pm.*

*The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Beggs) in the Chair.*

## **6. Question Time**

### **6.1 Education**

Questions were put to, and answered by, the Minister of Education, Mr John O'Dowd.

### **6.2 Employment and Learning**

Questions were put to, and answered by, the Minister for Employment and Learning, Dr Stephen Farry.

### **6.3 Assembly Commission**

Questions were put to, and answered by, Members of the Assembly Commission.

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

## **7. Committee Business (cont'd)**

### **7.1 Motion – Report on the Review of the Operation of the Barnett Formula (NIA 254/11-16) (cont'd)**

*Debate resumed.*

The Question being put, the Motion was **carried** without division.

## 8. Private Members' Business

### 8.1 Motion – STEM Subjects

**Proposed:**

That this Assembly notes the importance of the promotion of science, technology, engineering and mathematics (STEM) degrees for the future of the Northern Ireland economy; considers that there should be a greater emphasis on STEM subjects in the education system; and calls on the Executive to investigate innovative ways to promote the uptake by students of these degree programmes to encourage young talent to remain in Northern Ireland post their degree programmes.

*Mr T Buchanan*

*Mr D Hilditch*

*Mr P Weir*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 9. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 6.15pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

23 June 2015

# Insolvency (Amendment) Bill

## Marshalled List of Amendments

### Consideration Stage

### Wednesday, 17 June 2015

Amendments tabled up to 9.30am Thursday, 11 June 2015 and selected for debate  
The Bill will be considered in the following order-  
Clauses, Schedules and Long Title

**Amendment 1 [Made]**

**Clause 3, Page 5, Line 30**

**Leave out 'at year's end'**

*Minister of Enterprise, Trade and Investment*

**Amendment 2 [Made]**

**Clause 3, Page 5, Line 31**

**Leave out from 'in' to 'year,' on line 32**

*Minister of Enterprise, Trade and Investment*

**Amendment 3 [Made]**

**Clause 3, Page 6, Line 5**

**Leave out 'at year's end'**

*Minister of Enterprise, Trade and Investment*

**Amendment 4 [Made]**

**Clause 3, Page 6, Line 6**

**Leave out from 'If' to 'year,' on line 7**

*Minister of Enterprise, Trade and Investment*

**Amendment 5 [Made]**

**Clause 3, Page 6, Line 20**

**Leave out 'at year's end'**

*Minister of Enterprise, Trade and Investment*

**Amendment 6 [Made]**

**Clause 3, Page 6, Line 23**

**Leave out 'at'**

*Minister of Enterprise, Trade and Investment*

**Amendment 7 [Made]**

**Clause 3, Page 6**

**Leave out line 24**

*Minister of Enterprise, Trade and Investment*

**Amendment 8 [Made]**

**Clause 11, Page 9, Line 38**

**Leave out subsection (3) and insert -**

‘(3) No order may be made under subsection (2) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(4) Any other orders under subsection (2) are subject to negative resolution.’

*Minister of Enterprise, Trade and Investment*



**Amendment 9 [Made]****Clause 13**, Page 10, Line 9**At end insert -**

‘(za) in the words before sub-paragraph (a), after “service” insert “on the bankrupt”;

*Minister of Enterprise, Trade and Investment*

**Amendment 10 [Made]****Clause 13**, Page 10, Line 15**Leave out the first ‘the’**

*Minister of Enterprise, Trade and Investment*

**Amendment 11 [Made]****Clause 13**, Page 10, Line 16**After ‘Article’ insert ‘(and whether before or after service on the bankrupt of a notice under this Article)’**

*Minister of Enterprise, Trade and Investment*

**Amendment 12 [Made]****Clause 14**, Page 10, Line 28**Leave out ‘or section 390A of the Insolvency Act 1986 (authorisation)’**

*Minister of Enterprise, Trade and Investment*

**Amendment 13 [Made]****Clause 14**, Page 11, Line 15**After ‘authorised’ insert ‘to act as an insolvency practitioner in relation to companies’**

*Minister of Enterprise, Trade and Investment*

**Amendment 14 [Made]****Clause 14**, Page 11, Line 15**After ‘may’ insert ‘nonetheless’**

*Minister of Enterprise, Trade and Investment*

**Amendment 15 [Made]****Clause 14**, Page 11, Line 16**Leave out ‘as an insolvency practitioner’**

*Minister of Enterprise, Trade and Investment*

**Amendment 16 [Made]****Clause 14**, Page 11, Line 17**Leave out ‘or an individual’**

*Minister of Enterprise, Trade and Investment*

**Amendment 17 [Made]****Clause 14**, Page 11, Line 18**Leave out ‘or individual’**

*Minister of Enterprise, Trade and Investment*

**Amendment 18 [Made]****Clause 14**, Page 11, Line 20**At end insert -**

‘(1A) A person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not accept an appointment to act in relation to an individual if at the time of the appointment the person is aware that the individual—

(a) is or was a member of a partnership other than a Scottish partnership, and

(b) has outstanding liabilities in relation to the partnership.’

*Minister of Enterprise, Trade and Investment*

**Amendment 19 [Made]****Clause 14**, Page 11, Line 21**After ‘authorised’ insert ‘to act as an insolvency practitioner in relation to companies’***Minister of Enterprise, Trade and Investment***Amendment 20 [Made]****Clause 14**, Page 11, Line 21**After ‘may’ insert ‘nonetheless’***Minister of Enterprise, Trade and Investment***Amendment 21 [Made]****Clause 14**, Page 11, Line 22**Leave out ‘as an insolvency practitioner’***Minister of Enterprise, Trade and Investment***Amendment 22 [Made]****Clause 14**, Page 11, Line 23**Leave out ‘or an individual’***Minister of Enterprise, Trade and Investment***Amendment 23 [Made]****Clause 14**, Page 11, Line 23**Leave out from second ‘or’ to ‘individual’ on line 24***Minister of Enterprise, Trade and Investment***Amendment 24 [Made]****Clause 14**, Page 11, Line 28**At end insert -**

‘(2A) Subject to paragraph (7), a person who is partially authorised to act as an insolvency practitioner in relation to individuals may nonetheless not continue to act in relation to an individual if the person becomes aware that the individual—

(a) is or was a member of a partnership other than a Scottish partnership, and

(b) has outstanding liabilities in relation to the partnership,

unless the person is granted permission to continue to act by the High Court.’

*Minister of Enterprise, Trade and Investment***Amendment 25 [Made]****Clause 14**, Page 11, Line 29**Leave out ‘the’ and insert ‘a’***Minister of Enterprise, Trade and Investment***Amendment 26 [Made]****Clause 14**, Page 11, Line 29**After ‘act’ insert ‘for the purposes of paragraph (2) or (2A)’***Minister of Enterprise, Trade and Investment***Amendment 27 [Made]****Clause 14**, Page 11, Line 32**After ‘(2)’ insert ‘or (2A)’***Minister of Enterprise, Trade and Investment***Amendment 28 [Made]****Clause 14**, Page 11, Line 38**After ‘company,’ insert ‘this Article or, if it applies,’***Minister of Enterprise, Trade and Investment*

**Amendment 29 [Made]****Clause 14**, Page 11, Line 38**Leave out from ‘or’ to ‘Article’ on line 39***Minister of Enterprise, Trade and Investment***Amendment 30 [Made]****Clause 14**, Page 11, Line 40**After ‘individual,’** insert ‘this Article or, if it applies,’*Minister of Enterprise, Trade and Investment***Amendment 31 [Made]****Clause 14**, Page 11, Line 40**Leave out from ‘or’ to ‘Article’ on line 41***Minister of Enterprise, Trade and Investment***Amendment 32 [Made]****Clause 14**, Page 11, Line 43**Leave out ‘paragraph (1) or (2)’ and insert ‘any of paragraphs (1) to (2A)’***Minister of Enterprise, Trade and Investment***Amendment 33 [Made]****Clause 14**, Page 12, Line 1**After ‘(2)’** insert ‘or (2A)’*Minister of Enterprise, Trade and Investment***Amendment 34 [Made]****Clause 14**, Page 12, Line 4**Leave out ‘paragraph (2)’ and insert ‘the paragraph’***Minister of Enterprise, Trade and Investment***Amendment 35 [Made]****Clause 14**, Page 12, Line 13**After ‘(2)’** insert ‘or (2A)’*Minister of Enterprise, Trade and Investment***Amendment 36 [Made]****Clause 14**, Page 12**Leave out from line 23 to line 21 on page 13 and insert -**

‘350.—(1) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with full authorisation or partial authorisation.

(2) The Department may by order, if satisfied that a body meets the requirements of paragraph (4), declare the body to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (as to which, see Article 349A(1)).

(3) Article 350A makes provision about the making by a body of an application to the Department for an order under this Article.

(4) The requirements are that—

(a) the body regulates (or is going to regulate) the practice of a profession;

(b) the body has rules which it is going to maintain and enforce for securing that its insolvency specialist members—

(i) are fit and proper persons to act as insolvency practitioners; and

(ii) meet acceptable requirements as to education and practical training and experience; and

(c) the body’s rules and practices for or in connection with authorising persons to act as insolvency practitioners, and its rules and practices for or in connection with regulating persons acting as such, are designed to ensure that the regulatory objectives are met (as to which, see Article 350C).

(5) An order of the Department under this Article has effect from such date as is specified in the order.

(6) An order under this Article may be revoked by an order under Article 350L or 350N (and see Article 361A(1)(b)).

(7) In this Part—

- (a) references to members of a recognised professional body are to persons who, whether members of that body or not, are subject to its rules in the practice of the profession in question;
  - (b) references to insolvency specialist members of a professional body are to members who are permitted by or under the rules of the body to act as insolvency practitioners.
- (8) A reference in this Part to a recognised professional body is to a body recognised under this Article (and see Articles 350L(6) and 350N(5)).

#### **Application for recognition as recognised professional body**

- 350A.—(1) An application for an order under Article 350(1) or (2) must—
- (a) be made to the Department in such form and manner as the Department may require;
  - (b) be accompanied by such information as the Department may require;
  - (c) be supplemented by such additional information as the Department may require at any time between receiving the application and determining it.
- (2) The requirements which may be imposed under paragraph (1) may differ as between different applications.
- (3) The Department may require information provided under this Article to be in such form, and verified in such manner, as the Department may specify.
- (4) An application for an order under Article 350(1) or (2) must be accompanied by—
- (a) a copy of the applicant's rules;
  - (b) a copy of the applicant's policies and practices; and
  - (c) a copy of any guidance issued by the applicant in writing.
- (5) The reference in paragraph (4)(c) to guidance issued by the applicant is a reference to guidance or recommendations which are—
- (a) issued or made by it which will apply to its insolvency specialist members or to persons seeking to become such members;
  - (b) relevant for the purposes of this Part; and
  - (c) intended to have continuing effect,
- including guidance or recommendations relating to the admission or expulsion of members.
- (6) The Department may refuse an application for an order under Article 350(1) or (2) if the Department considers that recognition of the body concerned is unnecessary having regard to the existence of one or more other bodies which have been or are likely to be recognised under Article 350.
- (7) Paragraph (8) applies where the Department refuses an application for an order under Article 350(1) or (2); and it applies regardless of whether the application is refused on the ground mentioned in paragraph (6), because the Department is not satisfied as mentioned in Article 350(1) or (2) or because a fee has not been paid (see Article 361A(1)(b)).
- (8) The Department must give the applicant a written notice of the Department's decision; and the notice must set out the reasons for refusing the application.”.

*Minister of Enterprise, Trade and Investment*

#### **Amendment 37 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

##### **‘Regulatory objectives**

**14A.—**(1) After Article 350A of the Insolvency Order (inserted by section 14) insert—

*“Regulatory objectives*

##### **Application of regulatory objectives**

- 350B.—(1) In discharging regulatory functions, a recognised professional body must, so far as is reasonably practicable, act in a way—
- (a) which is compatible with the regulatory objectives; and
  - (b) which the body considers most appropriate for the purpose of meeting those objectives.
- (2) In discharging functions under this Part, the Department must have regard to the regulatory objectives.

##### **Meaning of “regulatory functions” and “regulatory objectives”**

- 350C.—(1) This Article has effect for the purposes of this Part.
- (2) “Regulatory functions”, in relation to a recognised professional body, means any functions the body has—
- (a) under or in relation to its arrangements for or in connection with—

- (i) authorising persons to act as insolvency practitioners; or
- (ii) regulating persons acting as insolvency practitioners; or
- (b) in connection with the making or alteration of those arrangements.
- (3) “Regulatory objectives” means the objectives of—
  - (a) having a system of regulating persons acting as insolvency practitioners that—
    - (i) secures fair treatment for persons affected by their acts and omissions;
    - (ii) reflects the regulatory principles; and
    - (iii) ensures consistent outcomes;
  - (b) encouraging an independent and competitive insolvency-practitioner profession whose members—
    - (i) provide high quality services at a cost to the recipient which is fair and reasonable;
    - (ii) act transparently and with integrity; and
    - (iii) consider the interests of all creditors in any particular case;
  - (c) promoting the maximisation of the value of returns to creditors and promptness in making those returns; and
  - (d) protecting and promoting the public interest.
- (4) In paragraph (3)(a), “regulatory principles” means—
  - (a) the principles that regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed; and
  - (b) any other principle appearing to the body concerned (in the case of the duty under Article 350B(1)), or to the Department (in the case of the duty under Article 350B(2)), to lead to best regulatory practice.”.

*Minister of Enterprise, Trade and Investment*

#### **Amendment 38 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

##### **‘Oversight of recognised professional bodies**

**14B.—**(1) After Article 350C of the Insolvency Order (inserted by section 14A) insert—

*“Oversight of recognised professional bodies*

##### **Directions**

350D.—(1) This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.

(2) The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, direct the body to take such steps as the Department considers will counter the adverse impact, mitigate its effect or prevent its occurrence or recurrence.

(3) A direction under this Article may require a recognised professional body—

- (a) to take only such steps as it has power to take under its regulatory arrangements;
- (b) to take steps with a view to the modification of any part of its regulatory arrangements.

(4) A direction under this Article may require a recognised professional body—

- (a) to take steps with a view to the institution of, or otherwise in respect of, specific regulatory proceedings;
- (b) to take steps in respect of all, or a specified class of, such proceedings.

(5) For the purposes of this Article, a direction to take steps includes a direction which requires a recognised professional body to refrain from taking a particular course of action.

(6) In this Article “regulatory arrangements”, in relation to a recognised professional body, means the arrangements that the body has for or in connection with—

- (a) authorising persons to act as insolvency practitioners; or
- (b) regulating persons acting as insolvency practitioners.

##### **Directions: procedure**

350E.—(1) Before giving a recognised professional body a direction under Article 350D, the Department must give the body a notice accompanied by a draft of the proposed direction.

(2) The notice under paragraph (1) must—

- (a) state that the Department proposes to give the body a direction in the form of the accompanying draft;
- (b) specify why the Department has reached the conclusions mentioned in Article 350D(1) and (2); and



- (c) specify a period within which the body may make written representations with respect to the proposal.
- (3) The period specified under paragraph (2)(c)—
  - (a) must begin with the date on which the notice is given to the body; and
  - (b) must not be less than 28 days.
- (4) On the expiry of that period, the Department must decide whether to give the body the proposed direction.
- (5) The Department must give notice of that decision to the body.
- (6) Where the Department decides to give the proposed direction, the notice under paragraph (5) must—
  - (a) contain the direction;
  - (b) state the time at which the direction is to take effect; and
  - (c) specify the Department's reasons for the decision to give the direction.
- (7) Where the Department decides to give the proposed direction, the Department must publish the notice under paragraph (5); but this paragraph does not apply to a direction to take any step with a view to the institution of, or otherwise in respect of, regulatory proceedings against an individual.
- (8) The Department may revoke a direction under Article 350D; and, where doing so, the Department—
  - (a) must give the body to which the direction was given notice of the revocation; and
  - (b) must publish the notice and, if the notice under paragraph (5) was published under paragraph (7), must do so (if possible) in the same manner as that in which that notice was published.

#### **Financial penalty**

- 350F.—(1) This Article applies if the Department is satisfied—
- (a) that a recognised professional body has failed to comply with a requirement to which this Article applies; and
  - (b) that, in all the circumstances of the case, it is appropriate to impose a financial penalty on the body.
- (2) This Article applies to a requirement imposed on the recognised professional body—
- (a) by a direction given under Article 350D; or
  - (b) by a provision of this Order or of subordinate legislation under this Order.
- (3) The Department may impose a financial penalty, in respect of the failure, of such amount as the Department considers appropriate.
- (4) In deciding what amount is appropriate, the Department—
- (a) must have regard to the nature of the requirement which has not been complied with; and
  - (b) must not take into account the Department's costs in discharging functions under this Part.
- (5) A financial penalty under this Article is payable to the Department; and sums received by the Department in respect of a financial penalty under this Article (including by way of interest) are to be paid into the Consolidated Fund.
- (6) In Articles 350G to 350I, "penalty" means a financial penalty under this Article.

#### **Financial penalty: procedure**

- 350G.—(1) Before imposing a penalty on a recognised professional body, the Department must give notice to the body—
- (a) stating that the Department proposes to impose a penalty and the amount of the proposed penalty;
  - (b) specifying the requirement in question;
  - (c) stating why the Department is satisfied as mentioned in Article 350F(1); and
  - (d) specifying a period within which the body may make written representations with respect to the proposal.
- (2) The period specified under paragraph (1)(d)—
- (a) must begin with the date on which the notice is given to the body; and
  - (b) must not be less than 28 days.
- (3) On the expiry of that period, the Department must decide—
- (a) whether to impose a penalty; and
  - (b) whether the penalty should be the amount stated in the notice or a reduced amount.
- (4) The Department must give notice of the decision to the body.
- (5) Where the Department decides to impose a penalty, the notice under paragraph (4) must—
- (a) state that the Department has imposed a penalty on the body and its amount;
  - (b) specify the requirement in question and state—
    - (i) why it appears to the Department that the requirement has not been complied with; or
    - (ii) where, by that time, the requirement has been complied with, why it appeared to the Department when giving the

notice under paragraph (1) that the requirement had not been complied with; and

(c) specify a time by which the penalty is required to be paid.

(6) The time specified under paragraph (5)(c) must be at least three months after the date on which the notice under paragraph (4) is given to the body.

(7) Where the Department decides to impose a penalty, the Department must publish the notice under paragraph (4).

(8) The Department may rescind or reduce a penalty imposed on a recognised professional body; and, where doing so, the Department—

(a) must give the body notice that the penalty has been rescinded or reduced to the amount stated in the notice; and

(b) must publish the notice; and it must (if possible) be published in the same manner as that in which the notice under paragraph (4) was published.

### **Appeal against financial penalty**

350H.—(1) A recognised professional body on which a penalty is imposed may appeal to the High Court on one or more of the appeal grounds.

(2) The appeal grounds are—

(a) that the imposition of the penalty was not within the Department's power under Article 350F;

(b) that the requirement in respect of which the penalty was imposed had been complied with before the notice under Article 350G(1) was given;

(c) that the requirements of Article 350G have not been complied with in relation to the imposition of the penalty and the interests of the body have been substantially prejudiced as a result;

(d) that the amount of the penalty is unreasonable;

(e) that it was unreasonable of the Department to require the penalty imposed to be paid by the time specified in the notice under Article 350G(5)(c).

(3) An appeal under this Article must be made within the period of three months beginning with the day on which the notice under Article 350G(4) in respect of the penalty is given to the body.

(4) On an appeal under this Article the Court may—

(a) quash the penalty;

(b) substitute a penalty of such lesser amount as the Court considers appropriate; or

(c) in the case of the appeal ground in paragraph (2)(e), substitute for the time imposed by the Department a different time.

(5) Where the Court substitutes a penalty of a lesser amount, it may require the payment of interest on the substituted penalty from such time, and at such rate, as it considers just and equitable.

(6) Where the Court substitutes a later time for the time specified in the notice under Article 350G(5)(c), it may require the payment of interest on the penalty from the substituted time at such rate as it considers just and equitable.

(7) Where the Court dismisses the appeal, it may require the payment of interest on the penalty from the time specified in the notice under Article 350G(5)(c) at such rate as it considers just and equitable.

### **Recovery of financial penalties**

350I.—(1) If the whole or part of a penalty is not paid by the time by which it is required to be paid, the unpaid balance from time to time carries interest at the rate for the time being applicable to a money judgment of the High Court (but this is subject to any requirement imposed by the Court under Article 350H(5), (6) or (7)).

(2) If an appeal is made under Article 350H in relation to a penalty, the penalty is not required to be paid until the appeal has been determined or withdrawn.

(3) Paragraph (4) applies where the whole or part of a penalty has not been paid by the time it is required to be paid and—

(a) no appeal relating to the penalty has been made under Article 350H during the period within which an appeal may be made under that Article; or

(b) an appeal has been made under that Article and determined or withdrawn.

(4) The Department may recover from the recognised professional body in question, as a debt due to the Department, any of the penalty and any interest which has not been paid.

### **Reprimand**

350J.—(1) This Article applies if the Department is satisfied that an act or omission of a recognised professional body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives.

(2) The Department may, if in all the circumstances of the case satisfied that it is appropriate to do so, publish a statement reprimanding the body for the act or omission (or series of acts or omissions).

**Reprimand: procedure**

350K.—(1) If the Department proposes to publish a statement under Article 350J in respect of a recognised professional body, it must give the body a notice—

- (a) stating that the Department proposes to publish such a statement and setting out the terms of the proposed statement;
- (b) specifying the acts or omissions to which the proposed statement relates; and
- (c) specifying a period within which the body may make written representations with respect to the proposal.

(2) The period specified under paragraph (1)(c)—

- (a) must begin with the date on which the notice is given to the body; and
- (b) must not be less than 28 days.

(3) On the expiry of that period, the Department must decide whether to publish the statement.

(4) The Department may vary the proposed statement; but before doing so, the Department must give the body notice—

- (a) setting out the proposed variation and the reasons for it; and
- (b) specifying a period within which the body may make written representations with respect to the proposed variation.

(5) The period specified under paragraph (4)(b)—

- (a) must begin with the date on which the notice is given to the body; and
- (b) must not be less than 28 days.

(6) On the expiry of that period, the Department must decide whether to publish the statement as varied.”.

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (1A) (inserted by section 14(6)(b)) insert—

“(1B) In setting under paragraph (1) the amount of a fee in connection with maintenance of recognition, the matters to which the Department may have regard include, in particular, the costs of the Department in connection with any functions under Articles 350D, 350E, 350J, 350K and 350N.”.

*Minister of Enterprise, Trade and Investment*

**Amendment 39 [Made]****New Clause****After clause 14 insert -****‘Recognised professional bodies: revocation of recognition**

**14C.**—(1) After Article 350K of the Insolvency Order (inserted by section 14B) insert—

*“Revocation etc. of recognition*

**Revocation of recognition at instigation of Department**

350L.—(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if the Department is satisfied that—

- (a) an act or omission of the body (or a series of such acts or omissions) in discharging one or more of its regulatory functions has had, or is likely to have, an adverse impact on the achievement of one or more of the regulatory objectives; and
- (b) it is appropriate in all the circumstances of the case to revoke the body’s recognition under Article 350.

(2) If the condition set out in paragraph (3) is met, an order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (see Article 349A(1)).

(3) The condition is that the Department is satisfied—

- (a) as mentioned in paragraph (1)(a); and
- (b) that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(4) In this Part—

- (a) an order under paragraph (1) is referred to as a “revocation order”;
- (b) an order under paragraph (2) is referred to as a “partial revocation order”.

(5) A revocation order or partial revocation order—

- (a) has effect from such date as is specified in the order; and
- (b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(6) A partial revocation order has effect as if it were an order made under Article 350(2).

**Orders under Article 350L: procedure**

350M.—(1) Before making a revocation order or partial revocation order in relation to a recognised professional body, the Department must give notice to the body—

- (a) stating that the Department proposes to make the order and the terms of the proposed order;
- (b) specifying the Department's reasons for proposing to make the order; and
- (c) specifying a period within which the body, members of the body or other persons likely to be affected by the proposal may make written representations with respect to it.

(2) Where the Department gives a notice under paragraph (1), the Department must publish the notice on the same day.

(3) The period specified under paragraph (1)(c)—

- (a) must begin with the date on which the notice is given to the body; and
- (b) must not be less than 28 days.

(4) On the expiry of that period, the Department must decide whether to make the revocation order or (as the case may be) partial revocation order in relation to the body.

(5) The Department must give notice of the decision to the body.

(6) Where the Department decides to make the order, the notice under paragraph (5) must specify—

- (a) when the order is to take effect; and
- (b) the Department's reasons for making the order.

(7) A notice under paragraph (5) must be published; and it must (if possible) be published in the same manner as that in which the notice under paragraph (1) was published.

**Revocation of recognition at request of body**

350N.—(1) An order under Article 350(1) or (2) in relation to a recognised professional body may be revoked by the Department by order if—

- (a) the body has requested that an order be made under this paragraph; and
- (b) the Department is satisfied that it is appropriate in all the circumstances of the case to revoke the body's recognition under Article 350.

(2) An order under Article 350(1) in relation to a recognised professional body may be revoked by the Department by an order which also declares the body concerned to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order (see Article 349A(1)) if—

- (a) the body has requested that an order be made under this paragraph; and
- (b) the Department is satisfied that it is appropriate in all the circumstances of the case for the body to be declared to be a recognised professional body which is capable of providing its insolvency specialist members with partial authorisation only of the kind specified in the order.

(3) Where the Department decides to make an order under this Article the Department must publish a notice specifying—

- (a) when the order is to take effect; and
- (b) the Department's reasons for making the order.

(4) An order under this Article—

- (a) has effect from such date as is specified in the order; and
- (b) may make provision for members of the body in question to continue to be treated as fully or partially authorised (as the case may be) to act as insolvency practitioners for a specified period after the order takes effect.

(5) An order under paragraph (2) has effect as if it were an order made under Article 350(2)."

(2) In Article 361A of the Insolvency Order (fees orders (supplementary)), after paragraph (5) insert—

"(5A) Article 350M applies for the purposes of an order under paragraph (1)(b) as it applies for the purposes of a revocation order made under Article 350L."

*Minister of Enterprise, Trade and Investment*

**Amendment 40 [Made]****New Clause****After clause 14 insert -****'Court sanction of insolvency practitioners in public interest cases**

**14D.** After Article 350N of the Insolvency Order (inserted by section 14C) insert—

*“Court sanction of insolvency practitioners in public interest cases***Direct sanction orders**

350O.—(1) For the purposes of this Part a “direct sanctions order” is an order made by the High Court against a person who is acting as an insolvency practitioner which—

- (a) declares that the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;
- (b) declares that the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the order;
- (c) declares that the person’s authorisation to act as an insolvency practitioner is suspended for the period specified in the order or until such time as the requirements so specified are complied with;
- (d) requires the person to comply with such other requirements as may be specified in the order while acting as an insolvency practitioner;
- (e) requires the person to make such contribution as may be specified in the order to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(2) Where the Court makes a direct sanctions order, the relevant recognised professional body must take all necessary steps to give effect to the order.

(3) A direct sanctions order must not specify a contribution as mentioned in paragraph (1)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.

(4) In this Article and Article 350P, “relevant recognised professional body”, in relation to a person who is acting as an insolvency practitioner, means the recognised professional body by virtue of which the person is authorised so to act.

**Application for, and power to make, direct sanctions order**

350P.—(1) The Department may apply to the High Court for a direct sanctions order to be made against a person if it appears to the Department that it would be in the public interest for the order to be made.

(2) The Department must send a copy of the application to the relevant recognised professional body.

(3) The Court may make a direct sanctions order against a person where, on an application under this Article, the Court is satisfied that condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person.

(4) The conditions are set out in Article 350Q.

(5) In deciding whether to make a direct sanctions order against a person the Court must have regard to the extent to which—

- (a) the relevant recognised professional body has taken action against the person in respect of the failure mentioned in condition 1; and
- (b) that action is sufficient to address the failure.

**Direct sanctions order: conditions**

350Q.—(1) Condition 1 is that the person, in acting as an insolvency practitioner or in connection with any appointment as such, has failed to comply with—

- (a) a requirement imposed by the rules of the relevant recognised professional body;
- (b) any standards, or code of ethics, for the insolvency-practitioner profession adopted from time to time by the relevant recognised professional body.

(2) Condition 2 is that the person—

- (a) is not a fit and proper person to act as an insolvency practitioner;
- (b) is a fit and proper person to act as an insolvency practitioner only in relation to companies, but the person’s authorisation is not so limited; or
- (c) is a fit and proper person to act as an insolvency practitioner only in relation to individuals, but the person’s authorisation is not so limited.

(3) Condition 3 is that it is appropriate for the person’s authorisation to act as an insolvency practitioner to be suspended for a period or until one or more requirements are complied with.

(4) Condition 4 is that it is appropriate to impose other restrictions on the person acting as an insolvency practitioner.

(5) Condition 5 is that loss has been suffered as a result of the failure mentioned in condition 1 by one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.

(6) In this Article “relevant recognised professional body” has the same meaning as in Article 350O.

**Direct sanctions direction instead of order**

350R.—(1) The Department may give a direction (a “direct sanctions direction”) in relation to a person acting as an insolvency practitioner to the relevant recognised professional body (instead of applying, or continuing with an application, for a direct sanctions order against the person) if the Department is satisfied that—



- (a) condition 1 and at least one of conditions 2, 3, 4 and 5 are met in relation to the person (see Article 350Q); and
- (b) it is in the public interest for the direction to be given.
- (2) But the Department may not give a direct sanctions direction in relation to a person without that person's consent.
- (3) A direct sanctions direction may require the relevant recognised professional body to take all necessary steps to secure that—
  - (a) the person is no longer authorised (whether fully or partially) to act as an insolvency practitioner;
  - (b) the person is no longer fully authorised to act as an insolvency practitioner but remains partially authorised to act as such either in relation to companies or individuals, as specified in the direction;
  - (c) the person's authorisation to act as an insolvency practitioner is suspended for the period specified in the direction or until such time as the requirements so specified are complied with;
  - (d) the person must comply with such other requirements as may be specified in the direction while acting as an insolvency practitioner;
  - (e) the person makes such contribution as may be specified in the direction to one or more creditors of a company, individual or insolvent partnership in relation to which the person is acting or has acted as an insolvency practitioner.
- (4) A direct sanctions direction must not specify a contribution as mentioned in paragraph (3)(e) which is more than the remuneration that the person has received or will receive in respect of acting as an insolvency practitioner in the case.
- (5) In this Article "relevant recognised professional body" has the same meaning as in Article 350O."

*Minister of Enterprise, Trade and Investment*

#### **Amendment 41 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

##### **'Power for Department to obtain information**

**14E.** After Article 350R of the Insolvency Order (inserted by section 14D) insert—

*"General*

##### **Power for Department to obtain information**

350S.—(1) A person mentioned in paragraph (2) must give the Department such information as the Department may by notice in writing require for the exercise of the Department's functions under this Part.

- (2) Those persons are—
  - (a) a recognised professional body;
  - (b) any individual who is or has been authorised under Article 349A to act as an insolvency practitioner;
  - (c) any person who is connected to such an individual.
- (3) A person is connected to an individual who is or has been authorised to act as an insolvency practitioner if, at any time during the authorisation—
  - (a) the person was an employee of the individual;
  - (b) the person acted on behalf of the individual in any other way;
  - (c) the person employed the individual;
  - (d) the person was a fellow employee of the individual's employer;
  - (e) in a case where the individual was employed by a firm, partnership or company, the person was a member of the firm or partnership or (as the case may be) a director of the company.
- (4) In imposing a requirement under paragraph (1) the Department may specify—
  - (a) the time period within which the information in question is to be given; and
  - (b) the manner in which it is to be verified."

*Minister of Enterprise, Trade and Investment*

#### **Amendment 42 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

##### **'Compliance orders**

**14F.** After Article 350S of the Insolvency Order (inserted by section 14E) insert—

##### **"Compliance orders**

350T.—(1) If at any time it appears to the Department that—

- (a) a recognised professional body has failed to comply with a requirement imposed on it by or by virtue of this Part; or
  - (b) any other person has failed to comply with a requirement imposed on the person by virtue of Article 350S,
- the Department may make an application to the High Court.

(2) If, on an application under this Article, the Court decides that the body or other person has failed to comply with the requirement in question, it may order the body or person to take such steps as the Court considers will secure that the requirement is complied with.”.

*Minister of Enterprise, Trade and Investment*

#### **Amendment 43 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

*‘Power to establish single regulator of insolvency practitioners*

##### **Power to establish single regulator of insolvency practitioners**

**14G.**—(1) The Department may by regulations designate a body for the purposes of—

- (a) authorising persons to act as insolvency practitioners; and
- (b) regulating persons acting as such.

(2) The designated body may be either—

- (a) a body corporate established by the regulations; or
- (b) a body (whether a body corporate or an unincorporated association) already in existence when the regulations are made (an “existing body”).

(3) The regulations may, in particular, confer the following functions on the designated body—

- (a) establishing criteria for determining whether a person is a fit and proper person to act as an insolvency practitioner;
- (b) establishing the requirements as to education, practical training and experience which a person must meet in order to act as an insolvency practitioner;
- (c) establishing and maintaining a system for providing full authorisation or partial authorisation to persons who meet those criteria and requirements;
- (d) imposing technical standards for persons so authorised and enforcing compliance with those standards;
- (e) imposing professional and ethical standards for persons so authorised and enforcing compliance with those standards;
- (f) monitoring the performance and conduct of persons so authorised;
- (g) investigating complaints made against, and other matters concerning the performance or conduct of, persons so authorised.

(4) The regulations may require the designated body, in discharging regulatory functions, so far as is reasonably practicable, to act in a way—

- (a) which is compatible with the regulatory objectives; and
- (b) which the body considers most appropriate for the purpose of meeting those objectives.

(5) Provision made under subsection (3)(d) or (3)(e) for the enforcement of the standards concerned may include provision enabling the designated body to impose a financial penalty on a person who is or has been authorised to act as an insolvency practitioner.

(6) The regulations may, in particular, include provision for the purpose of treating a person authorised to act as an insolvency practitioner by virtue of being a member of a professional body recognised under Article 350 of the Insolvency Order immediately before the regulations come into force as authorised to act as an insolvency practitioner by the body designated by the regulations after that time.

(7) Expressions used in this section which are defined for the purposes of Part 12 of the Insolvency Order have the same meaning in this section as in that Part.

(8) Regulations under this section shall not be made unless a draft of the regulations has been laid before and approved by resolution of the Assembly.

(9) Section 14H makes further provision about regulations under this section which designate an existing body.

(10) Schedule A1 makes supplementary provision in relation to the designation of a body by regulations under this section.’

*Minister of Enterprise, Trade and Investment*

#### **Amendment 44 [Made]**

##### **New Clause**

##### **After clause 14 insert -**

##### **‘Regulations under section 14G: designation of existing body**

**14H.**—(1) The Department may make regulations under section 14G designating an existing body only if it appears to the Department that—

- (a) the body is able and willing to exercise the functions that would be conferred by the regulations; and
- (b) the body has arrangements in place relating to the exercise of those functions which are such as to be likely to ensure that the conditions in subsection (2) are met.

(2) The conditions are—

- (a) that the functions in question will be exercised effectively; and
- (b) where the regulations are to contain any requirements or other provisions prescribed under subsection (3), that those functions will be exercised in accordance with any such requirements or provisions.

(3) Regulations which designate an existing body may contain such requirements or other provisions relating to the exercise of the functions by the designated body as appear to the Department to be appropriate.’

*Minister of Enterprise, Trade and Investment*

#### **Amendment 45 [Made]**

**Clause 15, Page 14, Line 2**

**At end insert -**

‘(5) After that paragraph insert—

“(3) In making regulations under this Article, the Department must have regard to the regulatory objectives (as defined by Article 350C(3)).”.’

*Minister of Enterprise, Trade and Investment*

#### **Amendment 46 [Made]**

**New Schedule**

**Before schedule 1 insert -**

### **‘SCHEDULE A1**

**Section 14G(10).**

### **SINGLE REGULATOR OF INSOLVENCY PRACTITIONERS: SUPPLEMENTARY PROVISION**

#### *Operation of this Schedule*

1.—(1) This Schedule has effect in relation to regulations under section 14G designating a body (referred to in this Schedule as “the Regulations”) as follows—

- (a) paragraphs 2 to 13 have effect where the Regulations establish the body;
- (b) paragraphs 6, 7 and 9 to 13 have effect where the Regulations designate an existing body (see section 14G(2)(b));
- (c) paragraph 14 also has effect where the Regulations designate an existing body that is an unincorporated association.

(2) Provision made in the Regulations by virtue of paragraph 6 or 12, where that paragraph has effect as mentioned in sub-paragraph (1) (b), may only apply in relation to—

- (a) things done by or in relation to the body in or in connection with the exercise of functions conferred on it by the Regulations; and
- (b) functions of the body which are functions so conferred.

#### *Name, members and chair*

2.—(1) The Regulations must prescribe the name by which the body is to be known.

(2) The Regulations must provide that the members of the body must be appointed by the Department after such consultation as the Department thinks appropriate.

(3) The Regulations must provide that the Department must appoint one of the members as the chair of the body.

(4) The Regulations may include provision about—

- (a) the terms on which the members of the body hold and vacate office;
- (b) the terms on which the person appointed as the chair holds and vacates that office.

#### *Remuneration etc.*

3.—(1) The Regulations must provide that the body must pay to its chair and members such remuneration and allowances in respect of expenses properly incurred by them in the exercise of their functions as the Department may determine.

(2) The Regulations must provide that, as regards any member (including the chair) in whose case the Department so determines, the body must pay or make provision for the payment of—

- (a) such pension, allowance or gratuity to or in respect of that person on retirement or death as the Department may determine; or
- (b) such contributions or other payment towards the provision of such a pension, allowance or gratuity as the Department may

determine.

(3) The Regulations must provide that where—

(a) a person ceases to be a member of the body otherwise than on the expiry of the term of office; and

(b) it appears to the Department that there are special circumstances which make it right for that person to be compensated, the body must make a payment to the person by way of compensation of such amount as the Department may determine.

#### *Staff*

4. The Regulations must provide that—

(a) the body may appoint such persons to be its employees as the body considers appropriate; and

(b) the employees are to be appointed on such terms and conditions as the body may determine.

#### *Proceedings*

5.—(1) The Regulations may make provision about the proceedings of the body.

(2) The Regulations may, in particular—

(a) authorise the body to exercise any function by means of committees consisting wholly or partly of members of the body;

(b) provide that the validity of proceedings of the body, or of any such committee, is not affected by any vacancy among the members or any defect in the appointment of a member.

#### *Fees*

6.—(1) The Regulations may make provision—

(a) about the setting and charging of fees by the body in connection with the exercise of its functions;

(b) for the retention by the body of any such fees payable to it;

(c) about the application by the body of such fees.

(2) The Regulations may, in particular, make provision—

(a) for the body to be able to set such fees as appear to it to be sufficient to defray the expenses of the body exercising its functions, taking one year with another;

(b) for the setting of fees by the body to be subject to the approval of the Department.

(3) The expenses referred to in sub-paragraph (2)(a) include any expenses incurred by the body on such staff, accommodation, services and other facilities as appear to it to be necessary or expedient for the proper exercise of its functions.

#### *Consultation*

7. The Regulations may make provision as to the circumstances and manner in which the body must consult others before exercising any function conferred on it by the Regulations.

#### *Training and other services*

8.—(1) The Regulations may make provision authorising the body to provide training or other services to any person.

(2) The Regulations may make provision authorising the body—

(a) to charge for the provision of any such training or other services; and

(b) to calculate any such charge on the basis that it considers to be the appropriate commercial basis.

#### *Report and accounts*

9.—(1) The Regulations must require the body, at least once in each 12 month period, to report to the Department on—

(a) the exercise of the functions conferred on it by the Regulations; and

(b) such other matters as may be prescribed in the Regulations.

(2) The Regulations must require the Department to lay before the Assembly a copy of each report received under this paragraph.

(3) Unless section 394 of the Companies Act 2006 applies to the body (duty on every company to prepare individual accounts), the Regulations must provide that the Department may give directions to the body with respect to the preparation of its accounts.

(4) Unless the body falls within sub-paragraph (5), the Regulations must provide that the Department may give directions to the body with respect to the audit of its accounts.

(5) The body falls within this sub-paragraph if it is a company whose accounts—

(a) are required to be audited in accordance with Part 16 of the Companies Act 2006 (see section 475 of that Act); or

(b) are exempt from the requirements of that Part under section 482 of that Act (non-profit making companies subject to public sector audit).

(6) The Regulations may provide that, whether or not section 394 of the Companies Act 2006 applies to the body, the Department may direct that any provisions of that Act specified in the directions are to apply to the body with or without modifications.

#### *Funding*

10. The Regulations may provide that the Department may make grants to the body.

#### *Financial penalties*

11.—(1) This paragraph applies where the Regulations include provision enabling the body to impose a financial penalty on a person who is, or has been, authorised to act as an insolvency practitioner (see section 14G(5)).

(2) The Regulations—

- (a) must include provision about how the body is to determine the amount of a penalty; and
- (b) may, in particular, prescribe a minimum or maximum amount.

(3) The Regulations must provide that, unless the Department (with the consent of the Department of Finance and Personnel) otherwise directs, income from penalties imposed by the body is to be paid into the Consolidated Fund.

(4) The Regulations may also, in particular—

- (a) include provision for a penalty imposed by the body to be enforced as a debt;
- (b) prescribe conditions that must be met before any action to enforce a penalty may be taken.

#### *Status etc.*

12. The Regulations must provide that—

- (a) the body is not to be regarded as acting on behalf of the Crown; and
- (b) its members, officers and employees are not to be regarded as Crown servants.

#### *Transfer schemes*

13.—(1) This paragraph applies if the Regulations make provision designating a body (whether one established by the Regulations or one already in existence) in place of a body designated by earlier regulations under section 14G; and those bodies are referred to as the “new body” and the “former body” respectively.

(2) The Regulations may make provision authorising the Department to make a scheme (a “transfer scheme”) for the transfer of property, rights and liabilities from the former body to the new body.

(3) The Regulations may provide that a transfer scheme may include provision—

- (a) about the transfer of property, rights and liabilities that could not otherwise be transferred;
- (b) about the transfer of property acquired, and rights and liabilities arising, after the making of the scheme.

(4) The Regulations may provide that a transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—

- (a) create rights, or impose liabilities, in relation to property or rights transferred;
- (b) make provision about the continuing effect of things done by the former body in respect of anything transferred;
- (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the former body in respect of anything transferred;
- (d) make provision for references to the former body in an instrument or other document in respect of anything transferred to be treated as references to the new body;
- (e) make provision for the shared ownership or use of property;
- (f) if the TUPE regulations do not apply to in relation to the transfer, make provision which is the same or similar.

(5) The Regulations must provide that, where the former body is an existing body, a transfer scheme may only make provision in relation to—

- (a) things done by or in relation to the former body in or in connection with the exercise of functions conferred on it by previous regulations under section 14G; and
- (b) functions of the body which are functions so conferred.

(6) In sub-paragraph (4)(f), “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

(7) In this paragraph—

- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
- (b) references to the transfer of property include the grant of a lease.



*Additional provision where body is unincorporated association*

14.—(1) This paragraph applies where the body is an unincorporated association.

(2) The Regulations must provide that any relevant proceedings may be brought by or against the body in the name of any body corporate whose constitution provides for the establishment of the body.

(3) In sub-paragraph (2) “relevant proceedings” means proceedings brought in or in connection with the exercise of any function conferred on the body by the Regulations.’

*Minister of Enterprise, Trade and Investment*

**Amendment 47 [Made]**

**Schedule 2**, Page 18, Line 15

**At end insert -**

‘3A. In Article 14(2), omit “or authorised to act as nominee,”.

3B. In Article 15(4), omit “, or authorised to act as nominee,”.

3C. In Article 17(2), omit “or authorised to act as nominee,”.

3D. In Article 20(5), omit “or authorised to act as supervisor,”.’

*Minister of Enterprise, Trade and Investment*

**Amendment 48 [Made]**

**Schedule 2**, Page 18, Line 28

**At end insert -**

‘12A. In Schedule A1—

(a) in paragraph 38(1), omit “, or authorised to act as nominee,”;

(b) in paragraph 41(2), omit “, or authorised to act as nominee,”;

(c) in paragraph 43(1), omit “, or authorised to act as nominee,”;

(d) in paragraph 49(6), omit “, or authorised to act as supervisor,”.’

*Minister of Enterprise, Trade and Investment*

**Amendment 49 [Made]**

**Schedule 3**, Page 19, Line 42

**In second column**, at end insert-

‘In Article 14(2), the words “or authorised to act as nominee,”.

In Article 15(4), the words “, or authorised to act as nominee,”.

In Article 17(2), the words “or authorised to act as nominee,”.

In Article 20(5), the words “or authorised to act as supervisor,”.

*Minister of Enterprise, Trade and Investment*

**Amendment 50 [Made]**

**Schedule 3**, Page 20, Line 29

**In second column**, at end insert -

‘In Schedule A1—

(a) in paragraph 38(1), the words “, or authorised to act as nominee,”;

(b) in paragraph 41(2), the words “, or authorised to act as nominee,”;

(c) in paragraph 43(1), the words “, or authorised to act as nominee,”;

(d) in paragraph 49(6), the words “, or authorised to act as supervisor,”.’

*Minister of Enterprise, Trade and Investment*

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 23 June 2015**

### 1. Acts of the Northern Ireland Assembly

### 2. Bills of the Northern Ireland Assembly

Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16).

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

Assembly Ombudsman for Northern Ireland Resource Account 2014/15 (DFP).

### 5. Assembly Reports

### 6. Statutory Rules

S.R. 2015/271 The Local Government Reorganisation (Compensation for Loss of Employment) (Amendment) Regulations (Northern Ireland) 2015 (DOE).

#### **For Information Only**

S.R. 2015/275 The Parking and Waiting Restrictions (Belfast) (Amendment No. 2) Order (Northern Ireland) 2015 (DRD).

### 7. Written Ministerial Statements

### 8. Consultation Documents

Medicines Optimisation Quality Framework (DHSSPS).

### 9. Departmental Publications

Northern Ireland Central Investment Fund for Charities (DSD).

### 10. Agency Publications

### 11. Westminster Publications

### 12. Miscellaneous Publications

Local Government Auditor's Report 2015 (NIAO).

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# Northern Ireland Assembly

**Wednesday 24 June 2015**

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Assembly Business

### 2.1 Member Resignation

The Speaker informed Members that the Speaker's Office had received a letter from Dr Alasdair McDonnell giving notice of his intention to resign as a Member of the Assembly with effect from midnight on Sunday 28 June 2015. The Speaker advised that the Speaker's Office had notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

## 3. Executive Committee Business

### 3.1 Second Stage – Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)

*Debate, suspended on 22 June, resumed.*

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

*The Speaker took the Chair.*

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

The Budget (No. 2) Bill 2015 (NIA 53/11-15) passed Second Stage with cross-community support (Division).

*The Deputy Speaker (Mr Beggs) took the Chair.*

### 3.2 Consideration Stage – Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)

The Minister of Finance and Personnel, Mrs Arlene Foster, moved the Consideration Stage of the Budget (No. 2) Bill 2015 (NIA Bill 53/11-16).

No amendments were tabled to the Bill.

#### **Clauses**

The question being put, it was **agreed** without division that Clauses 1 to 8 stand part of the Bill.

#### **Schedules**

The question being put, it was **agreed** without division that Schedules 1 to 4 stand part of the Bill.

#### **Long Title**

The question being put, the Long Title was **agreed** without division.

The Budget (No. 2) Bill 2015 (NIA Bill 53/11-16) stood referred to the Speaker.

**3.3 Final Stage – Reservoirs Bill (NIA Bill 31/11-15)**

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved that the Final Stage of the Reservoirs Bill (NIA 31/11-15) do now pass.

*Debate ensued.*

The Reservoirs Bill (NIA Bill 31/11-15) passed Final Stage without division.

**4. Adjournment****Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 2.28 pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

24 June 2015

# Northern Ireland Assembly

24 June 2015

Division

## Second Stage – Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)

The Question was put and the Assembly divided.

Ayes: 63

Noes: 3

### AYES

#### Nationalist:

*Ms Boyle, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

#### Unionist:

*Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Ms Sugden, Mr Weir, Mr Wells.*

#### Other:

*Mrs Cochrane, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr McQuillan, Mr G Robinson.*

### NOES

#### Unionist:

*Mr Allister, Mr McCallister.*

#### Other:

*Mr Agnew.*

*Tellers for the Noes: Mr Agnew, Mr Allister.*

Total votes	66	Total Ayes	63	[95.5%]
Nationalist Vote	25	Nationalist Ayes	25	[100%]
Unionist Votes	33	Unionist Ayes	31	[93.9%]
Other Votes	8	Other Ayes	7	[87.5%]

The Motion was **carried** on a cross-community vote.



# Northern Ireland Assembly

## Papers Presented to the Assembly on 24 June 2015

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly  
Northern Ireland Audit Office Resource Account 2014/15 (DFP).
5. Assembly Reports  
Report on a complaint against Mr Sammy Wilson MLA (NIA 238/11-16) (Committee on Standards and Privileges).  
  
Report on Inquiry into Growing the Economy and Creating Jobs in a Reduced Tax Environment (NIA 259/11-16) (Committee for Enterprise, Trade and Investment).
6. Statutory Rules  
S.R. 2015/281 The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015.
7. Written Ministerial Statements  
Crannóg in Drumclay Townland (DOE).
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications  
Department of Education: Sustainability of Schools (NIAO).

# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Stages in Consideration of Public Bills 25 June 2015

### 2011-2016 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15		
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

<b>Title &amp; NIA Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15	24.06.15	
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15				
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15	16.06.15 & 22.06.15		
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15	23.06.15			
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15				
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15				
Budget Bill 45/11-16	09.02.15	16.02.15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

<b>Title &amp; NIA Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	23.09.15					
Legal Complaints and regulation Bill 50/11-16	08.06.15	16.06.15	23.09.15					
Water and Sewerage Services Bill 51/11-16	16.06.15							
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15							
Budget (No. 2) Bill 53/11-16	16.06.15	22.06.15 & 24.06.15	/	/	24.06.15			
Pensions Bill 54/11-16	22.06.15							
Environmental Better Regulation Bill 55/11-16	22.06.15							
Credit Unions and Co-operative and Community Benefit Societies Bill 56/11-16	23.06.15							

**2011-2016 Mandate****Non-Executive Bills**

<b>Title &amp; Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							

<b>Title &amp; Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co- operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15					
Ombudsman and Commissioner for Complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	

/ Bill progressing by accelerated passage

\*\* Please note that any bills that received Royal Assent in the previous session have been removed from the table.



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# Northern Ireland Assembly

**Monday 29 June 2015**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Speaker's Business

### 2.1 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 23 June 2015 to the Pensions Act (Northern Ireland) 2015.

### 2.2 Member Resignations

The Speaker informed Members that the Speaker's Office had received letters from Mr Danny Kinahan and Mr Tom Elliott giving notice of their intention to resign as Members of the Assembly with effect from Saturday 27 June 2015. The Speaker advised that the Speaker's Office had notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

### 2.3 New Members

The Speaker informed Members that he had been notified by the Chief Electoral Officer that Mr Adrian Cochrane-Watson had been returned as a Member of the Assembly for the South Antrim constituency to fill the vacancy that resulted from the resignation of Mr Danny Kinahan; that Mr Neil Somerville had been returned as a Member of the Assembly for the Fermanagh and South Tyrone constituency to fill the vacancy that resulted from the resignation of Mr Tom Elliott; and that Ms Claire Hanna had been returned as a Member of the Assembly for the South Belfast constituency to fill the vacancy that resulted from the resignation of Dr Alasdair McDonnell.

*Mr Cochrane-Watson, Mr Somerville and Ms Hanna signed the Roll of Membership on 29 June 2015 in the presence of the Speaker, Mr McLaughlin. The Speaker confirmed that the Members had signed the Roll and had entered their designations of identity.*

## 3. Matter of the Day

### 3.1 Terror Attacks in Tunisia, France and Kuwait

Mr David McNarry, made a statement, under Standing Order 24, in relation to the terror attacks in Tunisia, France and Kuwait. Other Members were also called to speak on the matter.

## 4. Public Petition

### 4.1 Public Petition – No Entertainment Licences for Circuses with Animals

Mr Steven Agnew was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding licences for circuses with animals.

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

## 5. Assembly Business

### 5.1 Motion – Suspension of Standing Orders 10(2) to 10(4)

**Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 29 June 2015.

*Mr P Weir*  
*Ms C Ruane*  
*Mr P Ramsey*  
*Mr R Swann*  
*Mr S Dickson*

The Question being put, the Motion, was **carried** with cross-community support *nemine contradicente*.

### 5.2 Motion – Trustee of the Assembly Members' Pension Scheme

**Proposed:**

That Ms Caitríona Ruane be appointed to the Board of Trustees of the Assembly Members' Pension Scheme.

*Mr G Kelly*  
*Mr R McCartney*

The Question being put, the Motion, was **carried** with cross-community support *nemine contradicente*.

## 6. Executive Committee Business

### 6.1 Statement – British Irish Council Summit

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, made a statement regarding the British Irish Council Summit meeting held in Dublin on 19 June 2015, following which he replied to questions.

### 6.2 Statement – Líofo Website

The Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín, made a statement regarding the Líofo website, following which she replied to questions.

### 6.3 Further Consideration Stage – Budget (No.2) Bill (NIA Bill 53/11-16)

The Minister of Finance and Personnel, Mrs Arlene Foster, moved the Further Consideration Stage of the Budget (No. 2) Bill (NIA Bill 53/11-16).

No amendments were tabled to the Bill.

The Budget (No.2) Bill (NIA Bill 53/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### 6.4 Motion – The Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015

**Proposed:**

That the Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015 be affirmed.

*Minister for Regional Development*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**6.5 Motion – The draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015****Proposed:**

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015 be approved.

*Minister of Enterprise, Trade and Investment*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**6.6 Motion – The draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015****Proposed:**

That the draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 be approved.

*Minister of the Environment*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**6.7 Second Stage – Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16)**

The Minister of Health, Social Services and Public Safety moved the Second Stage of the Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16).

*Debate ensued.*

*The debate was suspended for Question Time.*

*The Speaker took the Chair.*

## 7. Question Time

**7.1 Enterprise, Trade and Investment**

Questions were put to, and answered by, the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell.

**7.2 Environment**

Questions were put to, and answered by, the Minister of the Environment, Mr Mark H. Durkan.

*The Deputy Speaker (Mr Dallat) took the Chair.*

## 8. Executive Committee Business (cont'd)

**8.1 Second Stage – Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16) (cont'd)**

*Debate resumed.*

*The Deputy Speaker (Mr Beggs) took the Chair.*

The Health and Social Care (Control of Data Processing) Bill (NIA Bill 52/11-16) passed Second Stage.

**8.2 Second Stage – Water and Sewerage Services Bill (NIA Bill 51/11-16)**

The Minister for Regional Development moved the Second Stage of the Water and Sewerage Services Bill (NIA Bill 51/11-16).

*Debate ensued.*

Water and Sewerage Services Bill (NIA Bill 51/11-16) passed Second Stage.

### 8.3 Consideration Stage – Food Hygiene Rating Bill (NIA Bill 41/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Consideration Stage of the Food Hygiene Rating Bill (NIA Bill 41/11-16).

Thirty-six amendments were tabled to the Bill and selected for debate.

#### Clauses

The question that Clause 1 stand part of the Bill was **agreed** without division.

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

After debate, Amendment 1 to Clause 2 was **made** without division.

After debate, Amendment 2 to Clause 2 was **made** without division.

After debate, Amendment 3 to Clause 2 was **made** without division.

After debate, Amendment 4 to Clause 2 was **made** without division.

After debate, Amendment 5 to Clause 2 was **made** without division.

After debate, Amendment 6 to Clause 2 was **made** without division.

The question being put, it was **agreed** without division that Clause 2, as amended, stand part of the Bill.

After debate, Amendment 7 to Clause 3 was **made** without division.

After debate, Amendment 8 to Clause 3 was **made** without division.

The question being put, it was **agreed** without division that Clause 3, as amended, stand part of the Bill.

After debate, Amendment 9 to Clause 4 was **made** without division.

After debate, Amendment 10 to Clause 4 was **made** without division.

After debate, Amendment 11 to Clause 4 was **made** without division.

After debate, Amendment 12 to Clause 4 was **made** without division.

The question being put, it was **agreed** without division that Clause 4, as amended, stand part of the Bill.

After debate, Amendment 13 to Clause 5 was **made** without division.

After debate, Amendment 14 to Clause 5 was **made** without division.

After debate, Amendment 15 to Clause 5 was **made** without division.

After debate, Amendment 16 to Clause 5 was **made** without division.

After debate, Amendment 17 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

After debate, Amendment 18 to Clause 6 was **made** without division.

The question being put, it was **agreed** without division that Clause 6, as amended, stand part of the Bill.

After debate, Amendment 19 to Clause 7 was **made** without division.

The question being put, it was **agreed** without division that Clause 7, as amended, stand part of the Bill.

The question that Clauses 8 and 9 stand part of the Bill was **agreed** without division.

After debate, Amendment 20 to Clause 10 was **made** without division.

The question being put, it was **agreed** without division that Clause 10, as amended, stand part of the Bill.

The question that Clause 11 stand part of the Bill was **agreed** without division.

After debate, Amendment 21 to Clause 12 was **made** without division.

The question being put, it was **agreed** without division that Clause 12, as amended, stand part of the Bill.

The question that Clause 13 stand part of the Bill was **agreed** without division.

After debate, Amendment 22 to Clause 14 was **made** without division.

After debate, Amendment 23 to Clause 14 was **made** without division.

After debate, Amendment 24 to Clause 14 was **made** without division.

The question being put, it was **agreed** without division that Clause 14, as amended, stand part of the Bill.

The question that Clause 15 stand part of the Bill was **agreed** without division.

After debate, Amendment 25 inserting new Clause 15A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 26 to Clause 16 was **made** without division.

The question being put, it was **agreed** without division that Clause 16, as amended, stand part of the Bill.

The question that Clause 17 stand part of the Bill was **agreed** without division.

After debate, Amendment 27 to Clause 18 was **made** without division.

After debate, Amendment 28 to Clause 18 was **made** without division.

After debate, Amendment 29 to Clause 18 was **made** without division.

After debate, Amendment 30 to Clause 18 was **made** without division.

After debate, Amendment 31 to Clause 18 was **made** without division.

After debate, Amendment 32 to Clause 18 was **made** without division.

After debate, Amendment 33 to Clause 18 was **made** without division.

After debate, Amendment 34 to Clause 18 was **made** without division.

After debate, Amendment 35 to Clause 18 was **made** without division.

After debate, Amendment 36 to Clause 18 was **made** without division.

The question being put, it was **agreed** without division that Clause 18, as amended, stand part of the Bill.

The question that Clauses 19 and 20 stand part of the Bill was **agreed** without division.

#### **Schedule**

The question being put, it was **agreed** without division that the Schedule stand part of the Bill.

#### **Long Title**

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

Bill NIA 41/11-16 stood referred to the Speaker.

### **8.4 Consideration Stage – Road Traffic (Amendment) Bill (NIA Bill 35/11-15)**

The Minister of the Environment, Mr Mark Durkan, moved the Consideration Stage of the Justice Bill (NIA Bill 35/11-15).

Forty amendments were tabled to the Bill and selected for debate, as well as notice of intention to oppose the questions that Clauses 3 and 16 stand part of the Bill.

#### **Clauses**

The question that Clauses 1 and 2 stand part of the Bill was **agreed** without division.

The question being put, it was **negatived** without division that Clause 3 stand part of the Bill.

The question that Clauses 4 and 5 stand part of the Bill was **agreed** without division.

After debate, Amendment 1 to Clause 6 was **made** without division.

The question being put, it was **agreed** without division that Clause 6, as amended, stand part of the Bill.



After debate, Amendment 2 inserting new Clause 6A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question that Clauses 7 to 15 stand part of the Bill was **agreed** without division.

*The Speaker took the Chair.*

The question being put, it was **negatived** without division that Clause 16 stand part of the Bill.

After debate, Amendment 3 to Clause 17 was **made** without division.

After debate, Amendment 4 to Clause 17 was **made** without division.

After debate, Amendment 5 to Clause 17 was **made** without division.

The question being put, it was **agreed** without division that Clause 17, as amended, stand part of the Bill.

After debate, Amendment 6 to Clause 18 was **made** without division.

After debate, Amendments 7 to 11 to Clause 18 were **made** without division.

The question being put, it was **agreed** without division that Clause 18, as amended, stand part of the Bill.

The question that Clause 19 stand part of the Bill was **agreed** without division.

After debate, Amendment 12 to Clause 20 was **made** on division (Division).

After debate, Amendment 13 to Clause 20 was **made** without division.

After debate, Amendment 14 to Clause 20 was **made** without division.

After debate, Amendment 15 to Clause 20 was **made** without division.

The question being put, it was **agreed** without division that Clause 20, as amended, stand part of the Bill.

After debate, Amendment 16 to Clause 21 was **made** without division.

After debate, Amendment 17 to Clause 21 was **made** without division.

After debate, Amendments 18 to 22 to Clause 21 were **made** without division.

After debate, Amendment 23 to Clause 21 was **made** without division.

After debate, Amendment 24 to Clause 21 was **made** without division.

After debate, Amendment 25 to Clause 21 was **made** without division.

The question being put, it was **agreed** without division that Clause 21, as amended, stand part of the Bill.

The question that Clause 22 stand part of the Bill was **agreed** without division.

After debate, Amendment 26 inserting new Clause 22A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 27 to Clause 23 was **made** without division.

The question being put, it was **agreed** without division that Clause 23, as amended, stand part of the Bill.

The question that Clauses 24 to 27 stand part of the Bill was **agreed** without division.

### **Schedules**

After debate, Amendment 28 to Schedule 1 was **made** without division.

After debate, Amendment 29 to Schedule 1 was **made** without division.

After debate, Amendment 30 to Schedule 1 was **made** without division.

After debate, Amendment 31 to Schedule 1 was **made** without division.

After debate, Amendments 32 to 36 to Schedule 1 were **made** without division.

After debate, Amendment 37 to Schedule 1 was **made** without division.

After debate, Amendment 38 to Schedule 1 was **made** without division.

The question being put, it was **agreed** without division that Schedule 1, as amended, stand part of the Bill.

After debate, Amendment 39 to Schedule 2 was **made** without division.

After debate, Amendment 40 to Schedule 2 was **made** without division.

The question being put, it was **agreed** without division that Schedule 2, as amended, stand part of the Bill.

#### **Long Title**

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

NIA Bill 35/11-15 stood referred to the Speaker.

## **9. Adjournment**

#### **Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 10.26pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

29 June 2015

# Food Hygiene Rating Bill

## Annotated Marshalled List of Amendments

### Consideration Stage

### Monday 29 June 2015

Amendments tabled up to 9.30am Thursday, 25 June 2015 and selected for debate  
The Bill will be considered in the following order-  
Clauses, Schedule and Long Title

**Amendment 1 [Made]****Clause 2**, Page 2, Line 8

After second 'must' insert '(in so far as the district council has not already provided the operator with the following)'

*Minister of Health, Social Services and Public Safety*

**Amendment 2 [Made]****Clause 2**, Page 2, Line 19

Leave out 'Having given a notification under this section' and insert 'Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating'

*Minister of Health, Social Services and Public Safety*

**Amendment 3 [Made]****Clause 2**, Page 2, Line 24

Leave out 'on its website' and insert 'online'

*Minister of Health, Social Services and Public Safety*

**Amendment 4 [Made]****Clause 2**, Page 2, Line 25

After 'appropriate' insert '; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating'

*Minister of Health, Social Services and Public Safety*

**Amendment 5 [Made]****Clause 2**, Page 2, Line 25

At end insert -

'(5A) The "end of the appeal period", in relation to a food hygiene rating, means—

- (a) the end of the period within which an appeal against the rating may be made under section 3, or
- (b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).'

*Minister of Health, Social Services and Public Safety*

**Amendment 6 [Made]****Clause 2**, Page 2, Line 26

Leave out 'of sticker to be provided under subsection (3)(a)' and insert -

'or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—

- (a) by the Food Standards Agency,
- (b) by the district council which provides the stickers, or
- (c) by the Food Standards Agency and the district council jointly in the specified manner.'

*Minister of Health, Social Services and Public Safety*

**Amendment 7 [Made]****Clause 3**, Page 3, Line 11

At end insert -

‘(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—

(a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and

(b) if the district council has changed the establishment’s food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.’

*Minister of Health, Social Services and Public Safety***Amendment 8 [Made]****Clause 3**, Page 3, Line 19

Leave out ‘the’ and insert ‘a’

*Minister of Health, Social Services and Public Safety***Amendment 9 [Made]****Clause 4**, Page 4, Line 6

At end insert -

‘(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—

(a) must inform the Food Standards Agency of its determination on the review, and

(b) if the district council has changed the establishment’s food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.

(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.’

*Minister of Health, Social Services and Public Safety***Amendment 10 [Made]****Clause 4**, Page 4, Line 25

After ‘applies’ insert ‘, with such modifications as are necessary,’

*Minister of Health, Social Services and Public Safety***Amendment 11 [Made]****Clause 4**, Page 4, Line 27

Leave out ‘the’ and insert ‘a’

*Minister of Health, Social Services and Public Safety***Amendment 12 [Made]****Clause 4**, Page 4, Line 28

At end insert -

‘(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.’

*Minister of Health, Social Services and Public Safety***Amendment 13 [Made]****Clause 5**, Page 5, Line 1

Leave out ‘having received’ and insert ‘within 7 days of receiving’

*Minister of Health, Social Services and Public Safety***Amendment 14 [Made]****Clause 5**, Page 5, Line 2

Leave out ‘on its website’ and insert ‘online’

*Minister of Health, Social Services and Public Safety*

**Amendment 15 [Made]****Clause 5**, Page 5, Line 3

At end insert -

‘(3A) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).’

*Minister of Health, Social Services and Public Safety***Amendment 16 [Made]****Clause 5**, Page 5, Line 4

Leave out ‘(2)’ and insert ‘(3)’

*Minister of Health, Social Services and Public Safety***Amendment 17 [Made]****Clause 5**, Page 5, Line 5

After ‘2(4)(b)’ insert ‘, 3(6A)(b) or 4(4A)(b)’

*Minister of Health, Social Services and Public Safety***Amendment 18 [Made]****Clause 6**, Page 5, Line 29

Leave out subsection (4)

*Minister of Health, Social Services and Public Safety***Amendment 19 [Made]****Clause 7**, Page 6, Line 2

At end insert -

‘(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment’s food hygiene rating is provided online in the specified manner.

(4) The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5).’

*Minister of Health, Social Services and Public Safety***Amendment 20 [Made]****Clause 10**, Page 6, Line 32

Leave out ‘7’ and insert ‘7(1) or a duty in regulations under section 7(3)’

*Minister of Health, Social Services and Public Safety***Amendment 21 [Made]****Clause 12**, Page 8, Line 8

After ‘regulations’ insert ‘(in so far as the district council has not already done so)’

*Minister of Health, Social Services and Public Safety***Amendment 22 [Made]****Clause 14**, Page 9, Line 6

At end insert -

‘(7A) The Department must publish its response to the report; and its response must indicate—

- (a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),
- (b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and
- (c) in so far as it does not so propose, its reasons for not doing so.’

*Minister of Health, Social Services and Public Safety***Amendment 23 [Made]****Clause 14**, Page 9, Line 7

Leave out subsection (8)

*Minister of Health, Social Services and Public Safety*



**Amendment 24** [Made]**Clause 14**, Page 9, Line 8

At end insert -

‘(9) The Food Standards Agency must promote the scheme provided for by this Act.’

*Minister of Health, Social Services and Public Safety***Amendment 25** [Made]**New Clause**

After clause 15 insert -

**‘Adjustment of time periods**

**15A.**—(1) The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.

(2) Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, “working day” means a day which is not a Saturday or Sunday.

(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.’

*Minister of Health, Social Services and Public Safety***Amendment 26** [Made]**Clause 16**, Page 9, Line 19

At end insert -

“‘end of the appeal period”, in relation to a food hygiene rating, has the meaning given in section 2(5A);”

*Minister of Health, Social Services and Public Safety***Amendment 27** [Made]**Clause 18**, Page 10, Line 19

At end insert -

‘(1A) No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Minister of Health, Social Services and Public Safety***Amendment 28** [Made]**Clause 18**, Page 10, Line 20

After ‘under’ insert ‘any other provision of’

*Minister of Health, Social Services and Public Safety***Amendment 29** [Made]**Clause 18**, Page 10, Line 21

Leave out subsection (3)

*Minister of Health, Social Services and Public Safety***Amendment 30** [Made]**Clause 18**, Page 10, Line 27

At end insert -

‘( ) section 4(10) (power to limit number of requests for review of rating);’

*Minister of Health, Social Services and Public Safety***Amendment 31** [Made]**Clause 18**, Page 10, Line 28

Leave out paragraph (c)

*Minister of Health, Social Services and Public Safety*

**Amendment 32** [Made]**Clause 18**, Page 10, Line 29

At end insert -

‘( ) section 15A(1) (power to amend time periods);’

*Minister of Health, Social Services and Public Safety***Amendment 33** [Made]**Clause 18**, Page 10, Line 30

At end insert -

‘(4A) An order under any other provision of this Act, other than section 20 (commencement), is subject to negative resolution.’

*Minister of Health, Social Services and Public Safety***Amendment 34** [Made]**Clause 18**, Page 10, Line 31

Leave out subsection (5)

*Minister of Health, Social Services and Public Safety***Amendment 35** [Made]**Clause 18**, Page 10, Line 32

Leave out subsection (6)

*Minister of Health, Social Services and Public Safety***Amendment 36** [Made]**Clause 18**, Page 10, Line 33

At end insert -

‘( ) An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).’

*Minister of Health, Social Services and Public Safety*

# Road Traffic (Amendment) Bill

## Annotated Marshalled List of Amendments

### Consideration Stage

### Monday 29 June 2015

Amendments tabled up to 9.30am Thursday, 25 June 2015 and selected for debate  
The Bill will be considered in the following order-  
Clauses, Schedules and Long Title

**Clause 3** [*Question that Clause 3 stand part was negatived*]

*The Minister of the Environment gives notice of his intention to oppose the question that clause 3 stand part of the Bill.*

*Minister of the Environment*

**Amendment 1** [*Made*]

**Clause 6**, Page 7, Line 13

Leave out 'repealed' and insert 'omitted'

*Minister of the Environment*

**Amendment 2** [*Made*]

**New Clause**

After clause 6 insert -

**'Choice of specimens**

**6A.** Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—

- (a) for the title, substitute "Lower of 2 specimens of breath to be used",
- (b) in paragraph (1), the words "Subject to paragraph (2)," are omitted,
- (c) paragraphs (2), (2A) and (3) are omitted.'

*Minister of the Environment*

**Clause 16** [*Question that Clause 16 stand part was negatived*]

*The Minister of the Environment gives notice of his intention to oppose the question that clause 16 stand part of the Bill.*

*Minister of the Environment*

**Amendment 3** [*Made*]

**Clause 17**, Page 15, Line 17

Leave out '12' and insert '6'

*Minister of the Environment*

**Amendment 4** [*Made*]

**Clause 17**, Page 15, Line 26

After 'Order' insert '(or section 36 of the Road Traffic Offenders Act 1988)'

*Minister of the Environment*

**Amendment 5** [*Made*]

**Clause 17**, Page 15, Line 28

After '1998' insert '(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)'

*Minister of the Environment*

**Amendment 6** [*Made*]

**Clause 18**, Page 17, Line 17

Leave out '13 (grant of licences)' and insert '13A (residence requirement for grant of licences)'

*Minister of the Environment*

**Amendment 7 [Made]****Clause 18**, Page 17, Line 20

Leave out '13A' and insert '13B'

*Minister of the Environment***Amendment 8 [Made]****Clause 18**, Page 17, Line 37

Leave out '13B' and insert '13C'

*Minister of the Environment***Amendment 9 [Made]****Clause 18**, Page 19, Line 17

Leave out '13A' and insert '13B'

*Minister of the Environment***Amendment 10 [Made]****Clause 18**, Page 19, Line 19

Leave out '13B' and insert '13C'

*Minister of the Environment***Amendment 11 [Made]****Clause 18**, Page 19, Line 27

Leave out '13B' and insert '13C'

*Minister of the Environment***Amendment 12 [Made on Division]****Clause 20**, Page 21, Line 28

At end insert -

'(ia) the driver is driving at any time between 10 pm and 6 am,'

*Mrs Sandra Overend***Amendment 13 [Made]****Clause 20**, Page 22, Line 25

After 'Order' insert '(or section 36 of the Road Traffic Offenders Act 1988)'

*Minister of the Environment***Amendment 14 [Made]****Clause 20**, Page 22, Line 27

After '1998' insert '(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)'

*Minister of the Environment***Amendment 15 [Made]****Clause 20**, Page 23

Leave out lines 3 to 8

*Minister of the Environment***Amendment 16 [Made]****Clause 21**, Page 26, Line 1

Leave out '(1ZD)' and insert '(1ZC)'

*Minister of the Environment***Amendment 17 [Made]****Clause 21**, Page 26

Leave out lines 3 and 4

*Minister of the Environment*

**Amendment 18 [Made]****Clause 21**, Page 26, Line 5

Leave out '(1ZD)' and insert '(1ZC)'

*Minister of the Environment***Amendment 19 [Made]****Clause 21**, Page 26, Line 14

Leave out 'a' and insert 'the'

*Minister of the Environment***Amendment 20 [Made]****Clause 21**, Page 26, Line 17

Leave out '5A' and insert '5B'

*Minister of the Environment***Amendment 21 [Made]****Clause 21**, Page 26, Line 23

Leave out 'that'

*Minister of the Environment***Amendment 22 [Made]****Clause 21**, Page 26, Line 23

After 'Article' insert '5'

*Minister of the Environment***Amendment 23 [Made]****Clause 21**, Page 26, Line 23

At end insert -

**“Only one offer of an approved course during a person’s probationary period**

5A. The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person’s probationary period.’

*Minister of the Environment***Amendment 24 [Made]****Clause 21**, Page 26, Line 25

Leave out '5A.' and insert '5B.'

*Minister of the Environment***Amendment 25 [Made]****Clause 21**, Page 27, Line 25

At end insert -

(4) In Schedule 1 (newly qualified drivers holding test certificate)—

(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—

- (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,
- (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise),”,
- (iii) after sub-paragraph (1ZA) insert—

“(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

- (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
- (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
  - (i) notice of a court order referred to in Article 4(1)(d); or



- (ii) he person's test certificate as mentioned in paragraph 4(4),  
the Department shall by notice served on that person revoke the test certificate.”,
- (iv) after sub-paragraph (5) add—

“(6) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

- (b) after paragraph 5, insert—

**“Approved courses under paragraph 5: further provision**

**5A.** Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”;
- (c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—
  - (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”;
  - (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise)”;
  - (iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

- (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
  - (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
    - (i) notice of a court order referred to in Article 4(1)(d) and the person's licence and test certificate; or
    - (ii) the person's licence and test certificate as mentioned in paragraph 7(4),
- the Department shall by notice served on that person revoke the licence and test certificate.”,

(iv) after sub-paragraph (3) add—

“(4) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(d) after paragraph 8, insert—

**“Approved courses under paragraph 8: further provision**

**8A.** Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”.

*Minister of the Environment*

**Amendment 26 [Made]****New Clause**

Before clause 23 insert -

**‘Orders and regulations under the Order of 1995**

**22A.** Article 110 of the Order of 1995 is amended as follows—

- (a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for “this Order”, where it first occurs, substitute “paragraph (3A)”,
- (b) after paragraph (3) insert—
  - “(3A) An order made under—
  - (a) Article 13A(4) or (7), or
  - (b) Article 63(9),shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”,
- (c) in paragraph (4) (procedure for certain regulations), for “shall be subject to affirmative resolution” substitute “shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly”.’

*Minister of the Environment*

**Amendment 27 [Made]****Clause 23, Page 28, Line 11**

Leave out ‘a statutory provision’ and insert ‘Northern Ireland legislation or an Act of Parliament’

*Minister of the Environment*

**Amendment 28 [Made]****Schedule 1, Page 29, Line 7**

Leave out ‘sections 2 and 3’ and insert ‘section 2’

*Minister of the Environment*

**Amendment 29 [Made]****Schedule 1, Page 29, Line 10**

Leave out paragraph 2

*Minister of the Environment*

**Amendment 30 [Made]****Schedule 1, Page 29, Line 17**

At end insert -

*‘Choice of specimens*

2A. The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.’

*Minister of the Environment*

**Amendment 31 [Made]****Schedule 1, Page 31, Line 30**

Leave out paragraph 12

*Minister of the Environment*

**Amendment 32 [Made]****Schedule 1, Page 31, Line 35**

Leave out ‘12’ and insert ‘6’

*Minister of the Environment*

**Amendment 33 [Made]****Schedule 1, Page 31, Line 40**

Leave out ‘12’ and insert ‘6’

*Minister of the Environment*

**Amendment 34 [Made]****Schedule 1**, Page 32, Line 28

Leave out '12' and insert '6'

*Minister of the Environment***Amendment 35 [Made]****Schedule 1**, Page 33, Line 3

Leave out '12' and insert '6'

*Minister of the Environment***Amendment 36 [Made]****Schedule 1**, Page 33, Line 12

Leave out '(1ZD)' and insert '(1ZC)'

*Minister of the Environment***Amendment 37 [Made]****Schedule 1**, Page 33, Line 12

After 'of' insert ', and paragraph 8(1ZC)(b) of Schedule 1 to'

*Minister of the Environment***Amendment 38 [Made]****Schedule 1**, Page 33, Line 13

Leave out ' has' and insert 'and (4)(c)(iii) have'

*Minister of the Environment***Amendment 39 [Made]****Schedule 2**, Page 33, Line 31

In column 2, leave out 'In Article 19, paragraph (2).' and insert 'In Article 19(1), the words "Subject to paragraph (2),"'

*Minister of the Environment***Amendment 40 [Made]****Schedule 2**, Page 33, Line 31

At end insert, in column 2 -

‘

| Article 19(2), (2A) and (3).

,’

*Minister of the Environment*

# Northern Ireland Assembly

29 June 2015

Division

**Consideration Stage – Road Traffic (Amendment) Bill (NIA Bill 35/11-15) – Amendment 12**

The Question was put and the Assembly divided.

Ayes: 47

Noes: 36

**AYES**

*Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Adrian Cochrane-Watson, Mr Craig, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr Neil Somerville, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wilson.*

*Tellers for the Ayes: Mr Beggs, Mrs Overend.*

**NOES**

*Mr Agnew, Mr Attwood, Ms Boyle, Mr D Bradley, Mr Dallat, Mr Durkan, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr A Maginness, Mr Milne.*

The Amendment was made.

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 25 June – 29 June 2015**

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly

Northern Ireland Assembly Retention and Disposal Schedule (DCAL).

Parole Commissioners for Northern Ireland Annual Report 2014-2015 (DOJ)

Ulster Unionist Party Committee Membership as referred to in the Committee Membership motion on the Order Paper of 30 June 2015 (UUP).

Probation Board for Northern Ireland Annual Report and Accounts 2014-15 (DOJ).

Northern Ireland Judicial Appointments Ombudsman Annual Report 2014-15 (DOJ).

Professional Standards Authority Annual Report and Accounts and Performance Review Report 2014-15 (DHSSPS).

The General Consumer Council for Northern Ireland Annual Report and Accounts for the year ended 31 March 2015 (DETI).

Northern Ireland Authority for Utility Regulation Annual Report for 2014/15 (DETI).

Business Services Organisation Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Southern Health and Social Care Trust Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Southern Health and Social Care Trust Annual Report and Accounts of the Trust Funds held by the Southern Health and Social Care Trust year ended 31 March 2015 (DHSSPS).

5. Assembly Reports

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees (NIA 260/11-16).

6. Statutory Rules

S.R. 2015/276 The Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2015 (DEL).

**For Information Only:**

S.R 2015/283 The Road Races (Armoy Motorcycle Race) Order (Northern Ireland) 2015 (DRD).

7. Written Ministerial Statements

Utility Regulator's Review of the Impact of the Industrial Action in NI Water (DRD).

8. Consultation Documents

Proposal for Mandatory Wearing of Helmets on Tricycles (DOE).

Proposed Fee Structure for Court Funds Office (NICTS).

Geological Storage of Carbon Dioxide in Northern Ireland – Access to Infrastructure Regulations and Licensing etc Regulations (DETI).



## 9. Departmental Publications

Agriculture and Horticulture Development Board Annual Report and Accounts 2014/15 (DARD).

Organised Crime Task Force - Annual Report and Threat Assessment 2015 (DOJ).

Strategic Investment Board Limited Annual Review and Financial Statements 2014-15 (OFMdfM).

## 10. Agency Publications

Food Standards Agency in Northern Ireland Resource Accounts 2014-15 (for the year ended 31 March 2015) (FSA).

## 11. Westminster Publications

## 12. Miscellaneous Publications



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# Northern Ireland Assembly

**Tuesday 30 June 2015**

*The Assembly met at 10.30am, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Public Petition

### 2.1 Public Petition – Early Years Fund

Ms Claire Sugden was granted leave, in accordance with Standing Order 22, to present a Public Petition regarding the Early Years Fund.

## 3. Assembly Business

### 3.1 Motion – Committee Membership

#### **Proposed:**

That the Ulster Unionist Party membership of Assembly Committees for Regional Development; Justice; and Enterprise, Trade and Investment, be changed in accordance with the proposals laid in the Assembly Business Office by the party on 29 June 2015.

*Mr R Swann*

*Mrs S Overend*

The Question being put, the Motion was **carried** without division.

## 4. Executive Committee Business

### 4.1 Statement – Inter-Governmental Agreement on Cooperation on Criminal Justice Matters

The Minister of Justice, Mr David Ford, made a statement regarding the Inter-Governmental Agreement on Cooperation on Criminal Justice Matters, following which he replied to questions.

### 4.2 Statement – Outcome of the Review of Youth Training

The Minister for Employment and Learning made a statement regarding the Outcome of the Review of Youth Training, following which he replied to questions.

### 4.3 First Stage – Justice (No.2) Bill (NIA Bill 57/11-16)

The Minister of Justice, Mr David Ford, introduced a Bill to make provision about enforcement of the payment of fines and other penalties; to provide for the appointment and functions of a Prison Ombudsman for Northern Ireland; to amend the law relating to lay visitors for police stations, the possession of extreme pornographic images and the early removal from prison of prisoners liable to removal from the United Kingdom.

The Justice (No.2) Bill (NIA Bill 57/11-16) passed First Stage and ordered to be printed.

**4.4 First Stage – Housing (Amendment) Bill (NIA Bill 58/11-16)**

The Minister for Social Development, Mr Mervyn Storey, introduced a Bill to make provision for the better sharing of information relating to empty homes or to anti-social behaviour; and to provide for the registration of certain loans as statutory charges.

The Housing (Amendment) Bill (NIA Bill 58/11-16) passed First Stage and ordered to be printed.

**4.5 Motion – Accelerated Passage – Pension Schemes Bill (NIA Bill 54/11-16)****Proposed:**

That the Pension Schemes Bill (NIA Bill 54/11-16) proceed under the accelerated passage procedure.

*Minister for Social Development*

The Question being put, the Motion, was **carried** with cross-community support *nemine contradicente*.

**4.6 Second Stage – Pension Schemes Bill (NIA Bill 54/11-16)**

The Minister for Social Development moved the Second Stage of the Pension Schemes Bill (NIA Bill 54/11-16).

*Debate ensued.*

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

Pension Schemes Bill (NIA Bill 54/11-16) passed Second Stage.

**4.7 Second Stage – Environmental Better Regulation Bill (NIA Bill 55/11-16)**

The Minister of the Environment moved the Second Stage of the Environmental Better Regulation Bill (NIA Bill 55/11-16).

*Debate ensued.*

Environmental Better Regulation Bill (NIA Bill 55/11-16) passed Second Stage.

**4.8 Final Stage – Budget (No. 2) Bill (NIA Bill 53/11-16)**

The Minister of Finance and Personnel, Mrs Arlene Foster, moved that the Final Stage of the Budget (No. 2) Bill (NIA Bill 53/11-16) do now pass.

*Debate ensued.*

*The debate was suspended for Question Time.*

*The Speaker took the Chair.*

**5. Question Time****5.1 Finance and Personnel**

Questions were put to, and answered by, the Minister of Finance and Personnel, Mrs Arlene Foster.

**5.2 Health, Social Services and Public Safety**

Questions were put to, and answered by, the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton.

*The Principal Deputy Speaker (Mr Newton) took the Chair.*

**6. Executive Committee Business (cont'd)****6.1 Final Stage – Budget (No. 2) Bill (NIA Bill 53/11-16) (cont'd)**

*Debate resumed.*

*The Deputy Speaker (Mr Dallat) took the Chair.*

*The Deputy Speaker (Mr Beggs) took the Chair.*

The Budget (No. 2) Bill (NIA Bill 53/11-16) passed Final Stage (Division 1).

**6.2 Final Stage – Justice Bill (NIA Bill 37/11-15)**

The Minister of Justice, Mr David Ford, moved that the Final Stage of the Justice Bill (NIA Bill 37/11-15) do now pass.

*Debate ensued.*

The Justice Bill (NIA Bill 37/11-15) passed Final Stage.

*The Speaker took the Chair.*

## 7. Committee Business

**7.1 Motion – Motion under Standing Order 69B**

*A valid Petition of Concern was presented under Standing Order 28, on Monday 29 June 2015 in relation to the Motion (Appendix 1).*

**Proposed:**

That this Assembly, in consideration of the report of the Committee on Standards and Privileges (NIA 238/11-16), censures Mr Sammy Wilson MLA.

*Deputy Chairperson, Committee on Standards and Privileges*

The Question being put, the Motion was **negatived** on a cross-community vote (Division 2).

## 8. Private Members' Business

**8.1 First Stage – Rates (Relief for Community Amateur Sports Clubs) Bill (NIA Bill 59/11-16)**

Mr B McElduff, on behalf of Mr D McKay, introduced a Bill to amend the Rates (Northern Ireland) Order 1977 to make provision for relief from non-domestic rates for registered community amateur sports clubs.

The Rates (Relief for Community Amateur Sports Clubs) Bill (NIA Bill 59/11-16) passed First Stage and ordered to be printed.

## 9. Adjournment

Mr Robin Newton spoke to his topic regarding the Comber Greenway.

**Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 9.42pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

30 June 2015



## Appendix 1

# Northern Ireland Assembly

**The undersigned Members of the Northern Ireland Assembly presented a Petition of Concern, in accordance with Standing Order 28, on Monday 29 June 2015 in relation to the following motion:**

**Motion under Standing Order 69B**

That this Assembly, in consideration of the report of the Committee on Standards and Privileges (NIA 238/11-16), censures Mr Sammy Wilson MLA.

- |                       |                          |
|-----------------------|--------------------------|
| ■ Mr Sydney Anderson  | ■ Mr William Irwin       |
| ■ Mr Jonathan Bell    | ■ Mr Nelson McCausland   |
| ■ Ms Paula Bradley    | ■ Mr Ian McCrea          |
| ■ Mr Thomas Buchanan  | ■ Mr David McIlveen      |
| ■ Mrs Pam Cameron     | ■ Miss Michelle McIlveen |
| ■ Mr Gregory Campbell | ■ Mr Adrian McQuillan    |
| ■ Mr Trevor Clarke    | ■ The Lord Morrow        |
| ■ Mr Jonathan Craig   | ■ Mr Stephen Moutray     |
| ■ Mr Sammy Douglas    | ■ Mr Robin Newton        |
| ■ Mr Gordon Dunne     | ■ Mr Edwin Poots         |
| ■ Mr Alex Easton      | ■ Mr George Robinson     |
| ■ Mrs Arlene Foster   | ■ Mr Peter Robinson      |
| ■ Mr Paul Frew        | ■ Mr Alastair Ross       |
| ■ Mr Paul Girvan      | ■ Mr Jimmy Spratt        |
| ■ Mr Paul Givan       | ■ Mr Mervyn Storey       |
| ■ Mrs Brenda Hale     | ■ Mr Peter Weir          |
| ■ Mr Simon Hamilton   | ■ Mr Jim Wells           |
| ■ Mr David Hilditch   | ■ Mr Gary Middleton      |
| ■ Mr William Humphrey |                          |

# Northern Ireland Assembly

30 June 2015

Division 1

## Final Stage – Budget (No. 2) Bill 2015 (NIA Bill 53/11-16)

The Question was put and the Assembly divided.

Ayes: 60

Noes: 19

### AYES

#### Nationalist:

*Ms Boyle, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.*

#### Unionist:

*Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Moutray, Mr Poots, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

#### Other:

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr Girvan, Mr McQuillan.*

### NOES

#### Nationalist:

*Mr Attwood, Mr D Bradley, Ms Hanna, Mrs D Kelly, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Ramsey, Mr Rogers.*

#### Unionist:

*Mr Allister, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr McCallister, Mrs Overend, Mr Somerville, Mr Swann.*

#### Other:

*Mr Agnew.*

*Tellers for the Noes: Mr D Bradley, Mr Rogers.*

Total votes	79	Total Ayes	60	[75.9%]
Nationalist Vote	34	Nationalist Ayes	24	[70.6%]
Unionist Votes	37	Unionist Ayes	29	[78.4%]
Other Votes	8	Other Ayes	7	[87.5%]

The Motion was **carried** on a cross-community vote.

# Northern Ireland Assembly

30 June 2015  
Division 2

## Motion – Motion under Standing Order 69B

The Question was put and the Assembly divided.

Ayes: 37

Noes: 33

## AYES

### Nationalist:

*Mr Attwood, Mr D Bradley, Mr Dallat, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr F McCann, Ms McCorley, Mr McElduff, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Maskey, Mr Ó Muilleoir, Mr Ramsey, Mr Rogers.*

### Unionist:

*Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Kennedy, Mr McCallister, Mrs Overend, Mr Somerville, Mr Swann.*

### Other:

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Mr Agnew, Ms Lo.*

## NOES

### Unionist:

*Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan, Mr G Robinson.*

Total votes	70	Total Ayes	37	[52.9%]
Nationalist Vote	18	Nationalist Ayes	18	[100%]
Unionist Votes	44	Unionist Ayes	11	[25.0%]
Other Votes	8	Other Ayes	8	[100%]

The Motion was **negatived** on a cross-community vote.

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 30 June 2015**

### 1. Acts of the Northern Ireland Assembly

### 2. Bills of the Northern Ireland Assembly

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

Police Ombudsman for Northern Ireland Annual Report and Accounts for the year ended 31 March 2015 (DOJ).

Northern Ireland Authority for Utility Regulation Resource Accounts for the year ended 31 March 2015 (DFP).

Department of Finance and Personnel Annual Report and Accounts for the year ended 31 March 2015 (DFP).

Belfast Health and Social Care Trust Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Western Health and Social Care Trust Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Western Health and Social Care Trust Annual Report and Accounts of the Trust Funds held by the Western Health and Social Care Trust for the year ended 31 March 2015 (DHSSPS).

South Eastern Health and Social Care Trust Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Northern Ireland Ambulance Service Health and Social Care Trust Annual Report and Accounts for the year ended 31 March 2015 (DHSSPS).

Northern Ireland Ambulance Service Health and Social Care Trust Charitable Trust Fund Accounts for the year ended 31 March 2015 (DHSSPS).

### 5. Assembly Reports

### 6. Statutory Rules

S.R. 2015/285 The Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015 (DRD).

#### **For Information Only**

S.R. 2015/277 (C. 21) The Transport (2011 Act) (Commencement No.2) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/284 (C. 22) The Transport (2011 Act) (Commencement No.3) Order (Northern Ireland) 2015.

### 7. Written Ministerial Statements

2015 Annual Report on the Concordat between the Voluntary and Community Sector and the Northern Ireland Government (DSD).

### 8. Consultation Documents

### 9. Departmental Publications

The Industrial Injuries Advisory Council Annual Report 2014-15 (DSD).

The Industrial Injuries Advisory Council Position Paper 35 Epicondylitis and occupational activity (DSD).

- 10. Agency Publications
- 11. Westminster Publications
- 12. Miscellaneous Publications



# Northern Ireland Assembly Legislation:

## Stages in Consideration of Public Bills

**First Stage:** Introduction of Bill.

**Second Stage:** General debate of the Bill with an opportunity for Members to vote on its general principles.

**Committee Stage (Comm. Stage):** Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

**Consideration Stage (CS):** Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

**Further Consideration Stage (FCS):** Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

**Final Stage:** Passing or rejecting of Bill by the Assembly, without further amendment.

**Royal Assent.**

## Stages in Consideration of Public Bills 01 July 2015

### 2011-2016 Mandate

#### Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15		
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

<b>Title &amp; NIA Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15	24.06.15	
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15	29.06.15			
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15	16.06.15 & 22.06.15		
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15	23.06.15			
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15	29.06.15			
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15				
Budget Bill 45/11-16	09.02.15	16.02.15	/	/	17.02.15	23.02.15	24.02.15	12.03.15

<b>Title &amp; NIA Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15					
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	23.09.15					
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	23.09.15					
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	06.10.15					
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	06.10.15					
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	
Pensions Bill 54/11-16	22.06.15	30.06.15	/	/				
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	07.10.15					
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15							
Justice (No. 2) Bill 57/11-16	30.06.15							
Housing (Amendment) Bill 58/11-16	30.06.15							

**2011-2016 Mandate  
Non-Executive Bills**

<b>Title &amp; Bill Number</b>	<b>First Stage</b>	<b>Second Stage</b>	<b>Comm. Stage to Conclude</b>	<b>Report Ordered to be Printed</b>	<b>CS</b>	<b>FCS</b>	<b>Final Stage</b>	<b>Royal Assent</b>
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re- introduced as Bill 30/11- 15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15					
Children's Services Co- operation Bill 44/11-16	08.12.14	26.01.15	03.07.15					
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15					
Ombudsman and Commissioner for complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15							

/ Bill progressing by accelerated passage

\*\* Please note that any bills that received Royal Assent in the previous session have been removed from the table.