



Northern Ireland  
Assembly

# OFFICIAL REPORT (Hansard) and JOURNAL OF PROCEEDINGS

Volume 113

(20 February 2016 to 10 March 2016)



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Minister of Health, Social Services and Public Safety .....	Mr Simon Hamilton
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# Official Report (Hansard)



# Assembly Sittings



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# Northern Ireland Assembly

**Monday 22 February 2016**

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

*Members observed two minutes' silence.*

## Executive Committee Business

### **Public Services Ombudsman Bill: Royal Assent**

**Mr Speaker:** I wish to inform the House that the Public Services Ombudsman Bill received Royal Assent on Friday 19 February 2016. It will be known as the Public Services Ombudsman Act (Northern Ireland) 2016, c. 4.

## Assembly Business

**Mr Speaker:** I want to take this opportunity to remind Members to speak into the microphones when they have the Floor, otherwise their comments may not all be picked up by Hansard as accurately as they wish.

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

**Mrs McKevitt:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 22 February 2016.*

**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 Standing Orders 10(2) to 10(4) be suspended for 22 February 2016.*

## Ministerial Statement

### Bombardier

**Mr Bell (The Minister of Enterprise, Trade and Investment):** With your permission, Mr Speaker, I wish to make a statement to update Members on the announcement last week by Bombardier about its global restructuring.

I wish to take this opportunity to express my deep regret at last week's announcement by Bombardier Inc that it is planning to reduce its workforce in Northern Ireland. The impact of that decision will be hard felt in Northern Ireland, particularly by those who are personally affected. First and foremost, my thoughts are with the workers and their families as they continue to absorb the news.

Bombardier took the decision to rationalise its workforce across all its sites to ensure its viability for the future.

While the news was deeply disappointing, Bombardier Inc made it clear that the decision was taken to safeguard the company's long-term future globally and here in Northern Ireland. I want to take this opportunity to assure the House that I am already working with my colleague the Minister for Employment and Learning to do all that is possible to limit the impact of the redundancies that will take place during the coming weeks and months. Bombardier has reaffirmed its commitment to the CSeries programme and to Northern Ireland's critical role in its delivery.

While we try to absorb the news of significant job losses, it is important to note that Air Canada has signed a letter of intent for up to 75 CS300 aircraft. I view that as a positive development for the CSeries project as a whole, particularly as the wings for the aircraft are designed, developed and manufactured here in Northern Ireland. The CSeries CS100 aircraft received Transport Canada certification in December 2015, which was a significant milestone in the programme's transition into service. I look forward to the CSeries entering service with Lufthansa Swiss as planned by the middle of this year.

The Government at Westminster, and the Northern Ireland Executive, primarily through Invest Northern Ireland, work closely with Bombardier here in Belfast and at its corporate headquarters in Montreal to ensure that the company's Northern Ireland operations are fully recognised in the strategic contribution that the company makes to UK aerospace. I have met senior and top management of Bombardier on five occasions since taking up the post of Minister of Enterprise, Trade and Investment, and I intend to continue that contact.

Since the privatisation of Short Bros plc by the UK Government in 1989, Bombardier has invested £2.6 billion in its six sites in and around greater Belfast: in facilities, equipment, research and development; and in the training and development of its workforce. That is a formidable achievement that we must not overlook. It is indicative of the high-value nature of this important industrial sector.

Over the years, my Department, through Invest Northern Ireland and its predecessor agencies, supported Bombardier as it transformed its Northern Ireland operations through a strategic programme of investment aimed at maximising the company's capabilities and competitiveness. That equipped it to win major work packages for Bombardier's own aircraft families and for

third-party customers, including Rolls-Royce and Airbus. Between 2002 and 2015, Invest Northern Ireland offered £75 million worth of assistance to Bombardier, including £21 million for the CSeries, in support of investment commitments totalling £844.5 million. While Bombardier said that there was nothing we could do to reverse last week's decision, we will continue to work closely with the company and explore other ways to support its drive for greater efficiencies.

It is important to recognise the cyclical nature of the aerospace sector worldwide and the peaks and troughs experienced by all major companies operating in that sector — Bombardier is not unique. It is true to say that Bombardier is experiencing challenges, but it is necessary for it to take action now to address those on a global basis to secure the company's long-term future. Northern Ireland is affected by the restructuring decisions announced last week, but other locations have been hit particularly hard as well, especially Canada and Germany.

I wish to take this opportunity to say something about the importance of Northern Ireland aerospace as a whole and the contribution that our vibrant aerospace cluster already makes to the local economy and the global aerospace sector. Northern Ireland is a global leader in aerospace technology. We have a dynamic, rapidly growing international aerospace industry founded on a strong engineering heritage and rich in knowledge, skills and experience. Major aerospace corporations depend on Northern Ireland's reliable supply chain to provide quality, high-value-added products and services cost-effectively and on time using excellent logistical services.

In addition to Bombardier, on which my focus is today, Northern Ireland firms are working to support major international companies including Airbus, Boeing, Embraer, BAE Systems, Spirit Aerosystems and GKN Aerospace. We have a strong presence in the aerospace cluster involving over 60 companies, and Invest Northern Ireland has been working closely with this supply base to enhance its competitiveness and support its continued growth.

In recent months, Invest Northern Ireland has brought delegations from Boeing and Airbus and their top-tier suppliers to Northern Ireland to see the advanced aerospace design and manufacturing capabilities that have been built up over many years. I must pay strong tribute to Bombardier for the major part that it has played in the development of this supply chain that is now able to offer expertise in key technologies including precision machining, composites design, manufacturing advanced metal forming, seating and interiors, and design and stress, along with tooling design and manufacturing.

There is an ongoing programme of investment by Northern Ireland aerospace companies in technology, people and R&D to support expanding production rates in many of the world's aerospace programmes. Invest Northern Ireland has been leading a programme of improvement through the 21st century supply chain initiative in conjunction with the industry association, ADS UK, and is strongly supported by Bombardier Aerospace and B/E Aerospace in Kilkeel to drive improvements in on-time delivery and quality. These are crucial to success in this high-value sector of the manufacturing economy. This programme has already delivered significant improvements in turnover and profitability in the aerospace sector, which, in turn, are helping to create additional jobs in Northern Ireland. This

initiative is also helping to reduce the dependence of the participating companies on Bombardier, as a number are successfully diversifying their sales base into other key customers worldwide. The strategy for Northern Ireland aerospace launched by my distinguished predecessor, Arlene Foster, in 2014 is already delivering benefits in internationalising the Northern Ireland aerospace brand, and I shall continue to support the implementation of this strategy in every possible way.

Shortly after taking up the post of Minister of Enterprise, Trade and Investment last year, I led a group of Northern Ireland companies to the Paris Air Show. I am pleased to say that an even larger group plans to exhibit at the Farnborough International Air Show in July this year. Such was the interest and enthusiasm that has been shown for Farnborough by our companies that Invest Northern Ireland is significantly increasing the size of its stand this year; I find that greatly encouraging. In April, Invest Northern Ireland will be taking a group of companies to the Aerospace and Defence Supplier Summit in Seattle, USA. I feel strongly encouraged by the enthusiasm with which Northern Ireland aerospace companies are embracing these opportunities. This is further evidence of the ambition and confidence with which our aerospace companies are seeking to take their expertise to the four corners of the world.

My focus so far has been on the immediate challenge of the Bombardier job losses. Working with Minister Farry to soften the blow as much as we can, we will continue to work with the company to secure its future and to help those affected to find new jobs. We must now also look beyond that immediate challenge to the future of the manufacturing industry and the overall economy. The job losses at Bombardier, along with those at Michelin and JTI, are serious blows, but we must be neither despondent nor complacent. In the midst of these recent devastating redundancies, it is important to remember that the total number of jobs in manufacturing continues to grow. Recently, total numbers employed in manufacturing passed 80,000 for the first time in a number of years. We can and we must build upon that base.

I want to see flourishing manufacturing companies at the heart of our growing economy, with Northern Ireland supplying the world with everything from complex aircraft structures to portable defibrillators and quarrying machinery, to name but three. As I visit companies across Northern Ireland, I meet inspiring, brilliant people in every sector. I have witnessed at first hand a wealth of entrepreneurial flair and talent working with first-class research and development capacity in our universities.

#### 12.15 pm

Our job in the Executive is to create the right environment for that talent to take root and to flourish. It starts with having the right strategy in place. Work is under way in my Department on a major refresh of the Executive's economic strategy. I have tasked my officials with putting manufacturing at the centre of that new strategy, as one of its major themes. Those will not be just warm words. I want to see a real focus on the role of manufacturing as the bedrock of our economy. In that strategy, there will be three key themes to support manufacturing: tax, talent and competitiveness.

First, on tax, the lowering of the rate of corporation tax to 12·5% from April 2018 will be a game changer. Members are familiar with the headline figures: in excess of 30,000 additional jobs; an economy that is nearly 10% larger; and an up to 5% improvement in productivity. Lower corporation tax will not merely grow our economy — it will transform it. Northern Ireland's corporation tax regime will enable our indigenous companies to grow and will bring new forms of foreign direct investment. We already have a well-earned reputation for attracting major back-office and support functions, and we can now look forward to attracting, and retaining, major profit centres. Those profits will in turn drive investment in research, development and innovation, leading to more and better jobs.

Secondly, on talent, we will place a real focus on skills. New jobs in manufacturing and other sectors will depend on having a supply of people with the right skills ready to take up the opportunities. Building that supply chain of skills will be at the core of the new Department for the Economy, working closely with colleagues in schools, further education colleges and universities.

Thirdly, on competitiveness, we must create the right policy environment to ensure that our manufacturing is competitive. For example, the challenge of energy costs is already well recognised. We know that energy costs have fallen in recent years and are at a six-year low, but that means that they are at a six-year low for all our competitors as well. Other countries focus their energy policies on growing the economy and supporting business: we must do the same. That is why I established the energy and manufacturing advisory group, on which we have brought together expertise from manufacturing, energy and academia to generate new ideas on the way forward. The group's work is progressing well, and I look forward to receiving its report in the coming weeks.

The broader policy environment also needs to change, with every part of the public sector sharing the responsibility for growing the economy. With the support of my Executive colleagues, my Department is leading on a programme of deregulation, cutting red tape and reducing the burden on business. The aim, quite simply, will be to make the entire public sector much more business-friendly.

In conclusion, I and my Executive colleagues will do everything that we can for the people who are directly affected by the job losses, and we will continue to support Bombardier — I will stand shoulder to shoulder with Michael Ryan and the men and women on the shop floor in Belfast — to secure its future. Beyond that, the economic strategy will reflect our unshakeable belief in the future of manufacturing in Northern Ireland, which will continue to be the centrepiece of our economy and the envy of the world.

I commend the statement to the Assembly.

**Mr Speaker:** Thank you very much, Minister. Before I call for the first question, I advise the House that the statement has attracted a very high level of interest and many Members have put their names down to ask a question. I am sure that Members will agree that as many as possible should be given the opportunity to ask their question. For that reason, I ask Members to ensure that their question — and I emphasise “question” in the singular — is as brief as possible and relates to the ministerial statement.

Having said all that, I call Mr Patsy McGlone, the Chairperson of the Committee for Enterprise, Trade and

Investment. I will give the Chairperson the usual latitude in making some comments.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire as an ráiteas sin. Thanks very much, Mr Speaker. I will not need latitude; all I want is some answers with a degree of precision.

I note that the Minister stated that he had met the management of Bombardier on five separate occasions. I also noted, with some interest, that he — that is the Department — will:

*“continue to work closely with the company and explore other ways to support its drive for greater efficiencies.”*

Perhaps he would care to explain what he means by “greater efficiencies”. For the rest of us who have listened to this bad news, efficiency usually equals further cutbacks. I would not like to think that that was indeed the case.

**Mr Bell:** I thank the Member for his question. As he outlined, I met representatives of the company on five separate occasions. I met them twice in Montreal, most recently with Mr Bellemare. In all those meetings, the critical nature of what we wanted to do was to ensure that the Belfast plant is a key part of Bombardier going forward.

We know that Belfast is critical to Bombardier. Indeed, many of the discussions centred on how Bombardier cannot see a future without the Belfast plant. We have the research and development, the patents, the skills and brilliant manufacturing workers. Indeed, 90% of Bombardier’s manufacturing staff are accredited, and it is probably a world leader in accreditation.

We know that, in the future, we have to be competitive and efficient. The honourable Member is wrong when he asserts that, when a company becomes efficient and cost-competitive, it always reduces its staff. History would tend to argue against that. We want to see Bombardier in a position where it can win not only orders for the C-Series but other orders.

Michael Ryan and I had a very positive and constructive meeting with many of the trade unions this morning. We are agreed on the critical nature of manufacturing in Belfast and how we take that forward. In the future world economy, cost-competitiveness will be key for Northern Ireland to ensure that we have the jobs in Belfast. I am determined to see those jobs in Belfast.

**Mr Douglas:** I thank the Minister for his very comprehensive statement. What plans does his Department have to look at areas such as retraining for the unfortunate people who will lose their jobs?

**Mr Bell:** I spent most of the last 72 hours working with the Minister for Employment and Learning. I want to put on record my deep thanks to Minister Farry, who has been available pretty much 24/7 as we worked together to first absorb the news and then channel our energy into seeing what we can do for the workers affected.

We know that 580 jobs will go by Christmas 2016, and we also know of the announcement of up to 500 jobs going by 2017. I understand that about 380 of those jobs are with a recruitment agency and are part of the complementary

labour force. Together with Minister Farry’s Department — effectively the two Departments are amalgamated in driving forward support for the workers — we are looking to ensure that the other manufacturing work that we believe to be out there can be introduced to those in the complementary labour force, who are in the most immediate position of losing their jobs.

Secondly, to answer Mr Douglas, I know that many members of the workforce are in the East Belfast constituency, and, as he knows I grew up beside the factory.

We know that there are up to 3,500 jobs coming forward in manufacturing. We want to ensure that, of the 200 who will lose their job in this period, we can seek, where we can, to have those people re-skilled. In many cases that will mean getting accreditation for the skills they already have and programmes of retraining. I am informed by the industry experts that over 90% of the workforce in Bombardier are accredited skilled engineers, and part of our job is to see how we can put them in the best position to attract the new manufacturing jobs that are coming forward.

**Mr Ó Muilleoir:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his full statement.

First of all, we should emphasise and echo your statement of standing with the workers and management of Bombardier in this city today. All of us from all parties will, despite our differences, do our best in the days ahead to boost the fortunes of Bombardier. In that respect, I will travel to New York later this week to meet the New York City Comptroller, who owns millions of dollars of stock.

Minister, you have said that, as the manufacturing sector grows, you might try to pivot or move some of the workers who are being made redundant into some of those jobs. Can I ask you also to look at the apprentice schemes? I am particularly concerned about the plant at Newtownabbey and the plants at Dunmurry. It is important that some of the other engineering companies take up some of the slack from Bombardier, because those are highly prized and valued apprentice schemes.

**Mr Bell:** I am pleased to do that. Anybody who knows either Stephen or myself knows how deeply we value apprenticeships and how we see them into the future. I understand from the company that it will be suspending the scheme, not ending it. It is a suspension of new apprenticeships. All apprentices in the current scheme will have their full apprenticeship programme honoured. I look forward to a time when we can see that suspension lifted and apprenticeships going forward. Minister Farry and I agree completely that apprenticeships are the way forward.

I also thank the Member for the work that he is doing in the United States. He shared some of that with me on both a private and a commercial basis. I am encouraged by it, because right around the world they are looking for us to stand shoulder to shoulder to protect these jobs. This was a global initiative that Bombardier took. In the UK we took 17% of the pain, Canada took somewhere in the region of 50% of the pain and Germany took a higher degree of pain than we did. I will work with everyone in the House, whatever they have said in the past, if they can bring forward fresh ideas about how we can attract new markets and ensure that manufacturing industry in Northern Ireland is best placed to take advantage of the new opportunities that are emerging.

**Mr Cochrane-Watson:** Minister, there are some issues in your statement that I very much welcome. First, I highlight the priorities set by Manufacturing NI: the cost of energy, which you have addressed, and the manufacturing strategy being at the heart of the economic strategy moving forward in the new Programme for Government. That is very welcome.

I have two questions for you, Minister. Following on from the previous question on the apprenticeship programme, I used to accredit the apprenticeship programme for Bombardier at both Interpoint and Queens Island, and I strongly urge you, if there is any influence on Michael Ryan and senior management, to re-establish that programme. Do not let it drop because, in three or four years, when, hopefully, economic conditions will be a lot better, these young people will come out of these programmes highly qualified and highly skilled —

**Mr Speaker:** Thank you.

**Mr Cochrane-Watson:** I am passionate about that. Could you do that, Minister? Secondly, the question, Minister —

**Mr Speaker:** It is one question.

**Mr Cochrane-Watson:** — when setting industrial rates —

**Mr Speaker:** When I make an announcement, I mean it: one question. Minister, if you get multiple questions, I would much appreciate it if you could answer just one so that I can get as many in as possible.

**Mr Bell:** OK. Well, you have heard what I am going to do on energy with the manufacturing group and you have heard the answer that I gave to Máirtín Ó Muilleoir, who raised the question of apprenticeships. I have been speaking with the unions this morning, and we will do all that we can on that. As we take our manufacturing industry forward, be assured, Mr Cochrane-Watson, that putting apprenticeships and young people at its core will be a key priority for me and Minister Farry.

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

**12.30 pm**

**Mr Cochrane-Watson:** On a point of order, Mr Principal Deputy Speaker.

**Mr Principal Deputy Speaker:** There are no points of order until the end of a Minister's statement.

**Mr Lyttle:** I, too, express my sincere regret at the Bombardier announcement as someone with a close relative who has given 40 years' proud service to the company. As someone who has experience of the impact of this type of redundancy, I will make myself fully available to assist any workers affected by this devastating news. What, specifically, will the Minister and the Alliance Minister for Employment and Learning be able to do to ensure that workers have access to redundancy advice and retraining so that they can get alternative employment in the wider manufacturing sector?

**Mr Bell:** I grew up in east Belfast — my father had a church there — alongside people in families who, for generations, earned their livelihood in manufacturing. I believe that, into the future, Northern Ireland will have a bright aircraft manufacturing industry. It is worth about £1.1 billion and employs somewhere in the region of 8,500 people in Northern Ireland. I want to see that grow to 12,000 people,

and I want to see that £1.1 billion value to our economy grow to £2 billion by 2024. Specifically, all the resources of DEL are being put behind the workers through careers advice, reskilling and retraining and into how we can ensure that the complementary labour force, where there are other manufacturing areas that need skilled workers, can see people married to those positions. Into the future, as we build the SC21 supply chain, we will look to see how those workers can be reskilled and retrained to take advantage of those opportunities. Let us not forget that every major aircraft corporation in the world is accepting manufacturing from Belfast and Northern Ireland.

**Mr Dunne:** I thank the Minister for his comprehensive statement today. I think we are all concerned about the loss of the engineering jobs. Coming from the neighbouring constituency of North Down, we recognise the excellent employer that Bombardier is. Will the Minister indicate what financial support has been given to Bombardier and what involvement there has been by Invest NI in trying to secure the future of Bombardier?

**Mr Bell:** I share the Member's concern. I represent Strangford, another neighbouring constituency with a plant, and we are all desperate to ensure that we retain as many jobs as we can. Part of the success that Mr Dunne refers to is down to Michael Ryan and the chairman, Mr Brundle, and I pay tribute to both of them. I talked with the unions this morning and with people from the shop floor in Bombardier late into Friday night, and what they told me is that they share my confidence in Michael Ryan and the team there. We will stand shoulder to shoulder with them as we go forward.

Over a 13-year period, you will see that the investment has been some £75 million. That has triggered £844.5 million of investment in Bombardier. If you take the work specifically on the C-Series that Invest Northern Ireland and UK BIS have done — my last engagement with Alain Bellemare, which was with Lord Maude, the then Trade and Industry Minister, when we went together to present a united front for the jobs in Belfast — you will see that there has been about £135 million in investment in the C-Series. We should not dismiss the fact that Bombardier itself placed £520 million into the company. That is the largest single investment ever made in Northern Ireland, and it is something that we deeply respect.

**Mr Humphrey:** I thank the Minister for his statement and his answers so far. I share the regret and sadness of other Members at this devastating news for those who will be made redundant at Bombardier. Indeed, I took the opportunity to speak to a senior official from Unite the Union on Saturday.

Can I ask the Minister for his assessment of the effect that the reduction in corporation tax will have on helping manufacturing in Northern Ireland?

**Mr Bell:** As I said before — this will not be applicable in every sector, but it is applicable in many sectors across Northern Ireland — I do not see a reduction in corporation tax as something that will improve the economy; I see it as something that will transform it. I take the message of Manufacturing Northern Ireland around the world, and I make this commitment: I will go anywhere in the globe where I can attract jobs in manufacturing to Northern Ireland. We have a key message that is not only about corporation tax, as the Member says: we are running at

about 84% to 85% of the business costs of the rest of the United Kingdom and about 95% of the business costs of the Republic of Ireland. Add to that the talent of our people. I have major companies employing well over 2,000 people in Northern Ireland saying to me, "Jonathan, we came for your costs; we stayed for your people". Then we add the third unique offering: after 1 April 2018, we will have the most competitive rate of corporation tax in western Europe. That three-pronged strategy is a winning prize that I believe will deliver results, not least the independent advice that I get from the Economic Policy Centre at Ulster University that we can grow our economy by up to 10%.

**Mr McKinney:** I think, given the scale of the job losses, that it is incumbent on all of us to reflect on the individual and collective impact on the workers, and I do that today. It is our job as Assembly Members to critique the Minister and his Department. Anyone who has criticised the Executive's economic policy in the past has been rebuked —

**Mr Principal Deputy Speaker:** I ask the Member to come to his question.

**Mr McKinney:** I am coming to it now, Mr Principal Deputy Speaker — has been rebuked, I believe wrongly, in the past, but is the Minister's announcement today of a new manufacturing strategy in the dying days of the mandate not simply an acknowledgement of failure to date?

**Mr Bell:** I think that the Member does not understand the current position of manufacturing. I am in a difficult position, and I shared this with the trade unions this morning. I speak to the industry and to Manufacturing Northern Ireland, and the Member should be aware that the manufacturing strategy is part of our economic strategy for Northern Ireland. If he had listened appropriately when I said that I would give it a renewed focus and a central place, he would have known that I am doing so because the manufacturing industry tells me that it thrives on confidence. It has asked me, as Minister, to do everything that I can to promote confidence. However, if I do not talk about crisis and disasters and tsunamis and all the other hyperbole, I do not give the manufacturing industry confidence, and then I get accused of complacency.

I believe in Northern Ireland manufacturing, and the reason is that we have turned a point this year where we have more than 80,000 manufacturing jobs. We have not been there since 2008, and, if the Member would care to reflect on the HMRC figures, he will be aware that manufacturing in Northern Ireland is growing at a faster rate than that in any other part of the United Kingdom. I look at some of my critical friends, like Stephen Kelly at Manufacturing Northern Ireland, who has refreshingly told the media that manufacturing is growing in Northern Ireland; I look back at two Programmes for Government; and I see 18,000 manufacturing jobs and £3 billion invested in manufacturing in Northern Ireland. That is why I will stand shoulder to shoulder and give confidence to the manufacturing industry and, as part of a refreshed economic strategy, give manufacturing its place. I believe in Bombardier, and I believe in manufacturing in Northern Ireland. We can go into the future and grow jobs in this sector of our economy.

**Mr Allen:** I thank the Minister for his comprehensive statement. It is encouraging that both he and the DEL Minister are doing everything to support those affected by the devastating news. Will he tell the House whether he

shares the confidence of the Invest NI chief executive that there will be no further job losses?

**Mr Bell:** I can tell the Member that, between Alastair Hamilton and me, we will do everything — I mean "everything" — that is humanly possible to ensure that there are no further manufacturing job losses in Northern Ireland. No Member can ever say that, in this industry, we can guarantee no job losses. All Members understand that, as do the public.

The chief executive was referring to the specific situation in Bombardier, and I place this on record: we are very fortunate to have the skills of the men and women in Invest Northern Ireland for what they have done for our aerospace manufacturing sector. Why do I say that? It is their skills and the manufacturing base in Northern Ireland that have taken some 60-plus of our Northern Ireland companies to a position where they contribute £1.1 billion to our economy. Under the distinguished work that my predecessor Arlene Foster took forward with Invest Northern Ireland, they took all our companies and looked at the whole supply chain. The world needs tens of thousands of new aircraft. We looked at SC21 over the last number of years, with a long-term focus, for what we could do to ensure that our companies in Northern Ireland are best placed on that supply chain. The position today is that there are companies dependent on Bombardier to a huge degree, but there are also companies that have diversified so successfully under the work of Invest Northern Ireland that they are in a position in which more than three quarters of their work does not include Bombardier work. That is a huge success for aircraft manufacturing in Northern Ireland. We supply every major aerospace sector on the globe from our supply chain in Northern Ireland. I see that growing into the future and am determined to drive it from a £1.1 billion industry to a £2 billion industry by 2024.

**Mr Givan:** Northern Ireland has undoubtedly been buffeted by global decisions taken by international companies, and, in the global market in which we operate, we will always be susceptible to that. I encourage the Minister to keep sustaining and building those relationships and developing new ones across the globe. Will he outline how, particularly through a reduction in energy costs, we can help not only to sustain our indigenous manufacturing companies but to attract foreign direct investment?

**Mr Bell:** We have to go to every corner of the globe, and I go inspired by a man whom I never had the privilege to meet. I have read the missive that he set out for us, which was that we should not let anyone tell us that Northern Ireland cannot compete against the best in the world and win. He did it not once with his company but twice, when he bought that company back. Sir Allen McClay's message is to the front of my mind when we go to global markets with Invest Northern Ireland. We will continue to go to them because, in every part of those global markets in the aerospace sector, we are attracting jobs and investment to Northern Ireland through the long-term strategic approach that we took with SC21.

We know that energy is a factor. Some people have wrongly made it out to be the number one factor in why we have lost jobs. Companies have said that that is not the case. We know, however, that it is an issue, and we want the manufacturing and energy advisory group to look at the short, medium and long term for what we can do to

reduce those energy costs and make us as competitive as possible to the emerging new world markets.

**Mr D McIlveen:** I thank the Minister for his statement. He is aware that the news that the good people of east Belfast had to come to terms with last week is something that my constituents in North Antrim have had to face up to on at least three occasions recently, with the closure of Patton's and the announcements by JTI and Michelin. In that context, will he advise the House what support Invest NI has given to the wider manufacturing sector in recent days?

12.45 pm

**Mr Bell:** In relation to some of the areas that the Member has mentioned, we know that over 18,000 manufacturing jobs have been created over the last two Programmes for Government and that, as we stand — I will not go into individual companies — there are some 3,500 manufacturing jobs coming on stream in Northern Ireland.

What particularly concerned me about the Member's area was that many who had joined those companies and built up their skills base had never been formally accredited.

What we have done in those areas through Northern Regional College is, where necessary, put short courses in place to allow people to have their skills accredited immediately or after a short period of training.

We will, through Invest Northern Ireland and DEL's Careers Service, provide them with hours of individual work with careers and skills advisers, who will also inform them where new jobs in manufacturing are coming. I have been working with companies, particularly Michelin, on an individual amount for each person to see what we can do for them because, at the end of the day, every job is individual. The question is what we can do for the individual. In many cases, companies like Michelin have been saying, "Jonathan, if there is a programme of training that will help the individual worker and it goes a little bit over that time, we will, as long as it is not excessive, look positively at that." It is about skills support and careers advice so that those men and women are best placed, with a competent CV and the necessary accreditation, to take advantage of the 3,500-plus new jobs in manufacturing.

**Mr McCarthy:** I thank the Minister for his statement. Of course, we are all devastated by the loss of so many skilled jobs. I welcome the Minister's commitment to work with others, including Dr Stephen Farry, the Minister for Employment and Learning. It just shows that we can work together in this place for the good of all our community. The second of the three key themes was talent. What extra measures can be taken to place a real — "real" being the important word — focus on skills to move us forward?

**Mr Bell:** I thank the Member. I paid tribute to Stephen earlier. He and I have been synonymous with what the two Departments can do to help the workers. To all intents and purposes, we are nearly amalgamated already, in that we have both put our shoulder to the wheel.

The thing that I found most valuable was talking to workers in Bombardier just after the announcement was made. I was in the boardroom for the announcement, but I talked to many workers on the shop floor and after their shifts, including in their homes in Newtownards, until about 8.30 pm on Friday. They deeply appreciate that we did not get involved in party politicking or any nonsense. Instead, we reacted immediately to put all the resources of our

Departments and the Northern Ireland Assembly behind the workforce.

I believe that, particularly with the complementary labour force, there will be key new areas with alternative manufacturing options. I further believe that, with the skills support that DEL has given, coupled with the investment advice and the intelligence of Invest Northern Ireland on where new manufacturing markets will open, many of those who have unfortunately lost their jobs on this occasion will be able to find new work in manufacturing.

I am not sure that Minister Farry and I have an open door; it is more of a revolving door between our Departments to ensure, first, that those who lose their jobs are in a position to take advantage of what comes on stream and, secondly — Mr Farry, has an ambitious skills agenda, which I want to encourage, and I know that he gained some additional money through his work with the then Finance Minister — to look constantly at our skills barometer to ensure that we have what we need now and, through the comprehensive work that Invest NI is doing, particularly in light of corporation tax, the skills sets ready for new jobs as they emerge.

**Mr Lyons:** I thank the Minister for his statement. Last year, the Minister visited my constituency and saw the work that some people were doing in supplying Bombardier. Can the Minister inform the House what effect this announcement will have on the aerospace supply chain in Northern Ireland?

**Mr Bell:** I took the opportunity to visit specific projects with Mr Lyons. I was pleased to see young people, particularly those who are hard to reach, being able to get into the market. In his constituency, through to North Antrim and others, I have looked at projects that have particularly tried to help young people who are out of work and have problems with alcohol and other forms of chemical dependency to re-enter the market. We have sought to get all our companies in the supply chain to diversify. What we are reaping today are the benefits of years of work that Arlene Foster put in when she was in this job to ensure that eggs were not placed in one basket. Invest Northern Ireland worked with every major company around the globe to see where, with the UK SC21 supply chain, they could take best advantage of the expertise and excellence of manufacturing in Northern Ireland.

These are early days to assess the specific effects of the Bombardier announcement for the supply chain. Remember that, on the back of this announcement, we also had the hugely significant announcement from Air Canada that it intends to purchase 75 CS300 aircraft. There will be difficulties with Bombardier but, as we supply right across the entire supply chain, we have ensured that many of our companies will take advantage of the need for tens of thousands of new aircraft across the globe. When you go across the globe, whether it is to the Paris Air Show or one of the many others, one thing that becomes clear is that, when people come and look at our manufacturing industry in Northern Ireland, they look at its excellence and efficiency. The two things that we have to ensure into the future are that quality is maintained and that we have delivery on time. That way, we will grow from a £1.1 billion industry to a £2 billion industry by 2024.

**Mr Rogers:** I thank the Minister for his statement. I acknowledge the great work of the aerospace industry and how it contributes to our economy, particularly B/E Aerospace in my constituency of South Down. The Minister

talked about the competitive rate of corporation tax. In the refresh of the economic strategy, has he considered that we could be on the edge of western Europe or an integral part of Europe after the referendum in June?

**Mr Bell:** The excellence of our manufacturing industry will tell, well into the future. Our aircraft industry in Northern Ireland is very well established, not just within the European Union but with Embraer in Brazil and in other areas. I am confident that, as Sir Allen McClay taught us, the manufacturing industry in Northern Ireland can compete against the best in the world and win. They are coming to Northern Ireland on the basis of the quality of our product. They are coming to Northern Ireland on the basis of the huge investment that has been put into research and development. They are coming to Northern Ireland because of the talent of our engineering workforce.

Bombardier possibly leads the globe — it is certainly highly significant in the global industry — in having up to 90% of its workforce qualified and accredited in the work that it does. In research and development, talent and the years of work that have gone into ensuring that we are a critical part of the UK SC21 supply chain, I believe that aircraft manufacturing has a positive future in Northern Ireland.

While I experience all the difficulties and pain at Bombardier, one thing that I know is that there is no future for Bombardier that does not include Belfast. Another thing that I know is that our research and development, our manufacturing, our patents, our complex composites and our metallic structures for the wings of the CSeries lead the world.

**Mr Allister:** Despite the Minister's anxiety to assure us about how much he is doing, I am not minded to blame him for the global losses at Bombardier. However, does he not accept that his party conference speech just three months ago, at which he said:

*"Don't let anyone tell you that manufacturing in Northern Ireland is in a difficult position."*

spoke to complacency and a lack of alertness to what was coming down the tracks? Is there a contingency plan for Bombardier if the CSeries does not achieve its hoped-for level of sales? Will he remind Mr Rogers that the bulk of our aerospace trade is outside the EU?

**Mr Bell:** I thank the Member for his question. Some people were foolish enough, within minutes of the announcement being made, to try to engage in silly party political nonsense. When you are on the shop floor meeting people in Bombardier, you can say that it did not go down well. People were looking for the Assembly to do what Minister Farry and I did, which was immediately to put our shoulders to the wheel to focus not on ourselves but on the 580 people who, up until 2018, will lose their job and on retraining, on accreditation and on where we can find extra work for them.

I appreciate the Member's honesty. I think that most people with a reasonable IQ understand that, when a company globally restructures and Germany takes more pain than the UK, we take 17% of the pain and Canada takes over 50%, trying to blame a devolved Minister in Northern Ireland talks more of the silliness of the person who does that than the message that they are trying to give.

I answered the Member's question earlier. I ask him to work with me. The manufacturing industry in Northern Ireland has asked me, in my privileged position as their Enterprise Minister, to project confidence in the sector. I talked with the unions this morning about the damage that will be done if we talk down our manufacturing industry, talk about disasters or tsunamis, if we are stupid enough to talk about them, or talk about manufacturing having no future, if we are silly enough to do so. The industry says that confidence drives its order book. Confidence in the industry drives jobs and apprenticeships. Confidence is key.

I look at the independent advice that I am given. HMRC is telling me independently — you can study the figures for yourselves — that manufacturing in Northern Ireland is growing at a faster rate than in any other part of the United Kingdom. In two Programmes for Government, £3 billion has been invested in manufacturing. Over two Programme for Government periods, 18,000 jobs have been created, sustained and promoted in the manufacturing industry. The fact is that we now have more manufacturing jobs in Northern Ireland than at any time since 2008. We have crossed the barrier of 80,000 manufacturing jobs. That is why I make no apology for saying that I believe in Northern Ireland manufacturing. That is why I will stand shoulder to shoulder with Alain Bellemare, Michael Ryan and all the critical people in our manufacturing industry. We will stand shoulder to shoulder with them to have confidence in the product in Northern Ireland.

Yes, there have been huge challenges. Nobody knows that more than the people who have endured the pain of job loss. However, as I said earlier, even Manufacturing Northern Ireland, which is a critical friend, is saying that manufacturing is growing in Northern Ireland. I make no apology for giving confidence to the people who have the expertise in manufacturing on the shop floor or for telling the facts about a growing manufacturing industry as they are given to me independently.

1.00 pm

## Executive Committee Business

### Land Acquisition and Compensation (Amendment) Bill: First Stage

**Miss M McIlveen (The Minister for Regional Development):** I beg to introduce the Land Acquisition and Compensation (Amendment) Bill [NIA 78/11-16], which is a Bill to amend the Land Acquisition and Compensation (Northern Ireland) Order 1973 to provide for additional payments for loss following the compulsory acquisition of land.

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

### Employment Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call on the Minister for Employment and Learning, Dr Stephen Farry, to move the Bill.

*Moved. — [Dr Farry (The Minister for Employment and Learning).]*

**Mr Principal Deputy Speaker:** A valid petition of concern was presented today in relation to amendment Nos 26 and 27. Under Standing Order 28, the votes on those two amendments cannot take place until at least one day has passed. If the amendments are moved, the votes will be taken at the beginning of business tomorrow, Tuesday 23 February. I also remind Members that the votes on amendment Nos 26 and 27 will be on a cross-community basis.

Members 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 three 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, 18 to 22, 25 and 28, which deal with review and reporting functions, including the creation of a living wage. The second debate will be on amendment Nos 3, 5 to 17, 24 and 29, which deal with zero-hours contracts. The third debate will be on amendment Nos 23, 26 and 27, which deal with offences for blacklisting and the repeal of article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

I remind Members who intend to speak that during the debates on the three groups of amendments they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been completed, any further amendments in the group will be moved formally as we go through the Bill and the Question on each one will be put without further debate. If that is clear, we shall proceed.

#### *Clause 9 (Review of early conciliation)*

**Mr Principal Deputy Speaker:** We come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 4, 18 to 22, 25 and 28. The amendments address the review and reporting functions including the creation of a living wage. Members should note that amendment No 3 is mutually exclusive with amendment No 5. Amendment Nos 19 to 22 are consequential to amendment No 18. Amendment Nos 25 and 28 are consequential to amendment No 4. I call the Chairperson of the Committee for Employment and Learning, Mr Robin Swann, to move amendment No 1 and address the other amendments in the group.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I beg to move amendment No 1: In page 9, line 9, leave out from “dealt” to end of line 10 and insert

*“of cases dealt with by early conciliation, the average length of time taken to deal with cases and the outcome of cases;”.*

The following amendments stood on the Marshalled List:

No 2: After clause 9 insert

**“Review of section 8: Assessment of matters relating to tribunal proceedings**

**9A.**—(1) The Department must review the operation of section 8 at the end of the period of one year beginning with the commencement of that section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of section 8;

(c) the number of cases overall, the number dealt with in accordance with regulations under section 8, the average length of time taken to deal with cases and the outcomes of the cases;

(d) any savings directly attributable to the introduction of regulations under section 8.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of section 8.”.— [Mr Swann (The Chairperson of the Committee for Employment and Learning).]

No 4: After clause 16 insert

*“Gender pay and disclosure of information*

**Gender pay gap information**

**16A.**—(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

(a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and

(b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) The Department may prescribe by regulations a limit to the total number of employees and workers in an organisation below which this section does not apply.

(5) Regulations under subsection (4) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The regulations must prescribe—

(a) descriptions of employer;

(b) descriptions of employee;

(c) how to calculate the number of employees that an employer has;

(d) a standardised method for calculating any differences in the pay of male and female employees;

(e) descriptions of information;

(f) a requirement that information include statistics on workers within each pay band in relation to—

(i) ethnicity, and

(ii) disability;

(g) the time at which information is to be published; and

(h) the form and manner in which it is to be published.

(7) The first regulations under this section must be made by 30 June 2017.

(8) Regulations under subsection (6)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(9) The regulations shall make provision for a failure to comply with the regulations—

(a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;

(b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(10) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(11) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.

(12) For the purposes of this section, the ‘Department’ means the Office of the First Minister and deputy First Minister.”.— [Ms McGahan.]

No 18: After clause 16 insert

**“Living Wage Agency**

**16A.** The Department must, by 1 November 2017, establish an unincorporated body of persons known as “the Living Wage Agency” for the purpose of measuring, researching and advancing a living wage.”.— [Mr Flanagan.]

No 19: After clause 16 insert

**“Reporting**

**16B.**—(1) The Living Wage Agency shall, on an annual basis, publish a report, in which it shall—

(a) determine what single hourly rate shall be deemed to be a living wage, which is to be calculated based on the minimum income standard;

(b) identify barriers that impede employers within sectors from paying the living wage;

(c) bring forward recommendations to address the barriers identified in subsection (b);

(d) bring forward recommendations to reduce the proportion of employees and workers paid less than the living wage;

(e) set targets to reduce the proportion of employees and workers paid less than the living wage;

(f) monitor progress in reducing the proportion of employees and workers paid less than the living wage; and

(g) undertake any other related matters as the Department shall determine.

(2) The minimum income standard is the income that people need in order to reach a minimum socially acceptable standard of living.

(3) The Living Wage Agency shall determine how the minimum income standard is to be calculated.

(4) Before arriving at the recommendations to be included in their report, the Living Wage Agency shall consult—

(a) such organisations representative of employers as they think fit;

(b) such organisations representative of workers as they think fit; and

(c) if they think fit, any other body or person.”— [Mr Flanagan.]

No 20: After clause 16 insert

**“Membership**

**16C—**(1) The Living Wage Agency shall consist of a chairperson and members appointed by the Minister.

(2) In appointing members, the Minister shall have regard to the desirability of securing that there is such a balance as the Minister considers appropriate between—

(a) members with knowledge or experience of, or interest in, trade unions or matters relating to workers generally;

(b) members with knowledge or experience of, or interest in, employers’ associations or matters relating to employers generally;

(c) members with expertise in labour market analysis; and

(d) members with other relevant knowledge or experience.

(3) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.

(4) A member may resign his or her membership by giving notice to the Minister.

(5) A person who ceases to be a member shall be eligible for re-appointment.

(6) The Minister may by notice to the member concerned remove from office a member who is in the opinion of the Minister unable or unfit to perform his duties as member.”— [Mr Flanagan.]

No 21: After clause 16 insert

**“Operational considerations**

**16D.**The Minister shall provide the Living Wage Agency with—

(a) such staff from within the Department,

(b) such accommodation, equipment and other facilities, and

(c) such sums,

as the Minister may reasonably determine are required by the Living Wage Agency for carrying out their duties in preparing any report on matters referred to them under this Act.”— [Mr Flanagan.]

No 22: After clause 16 insert

**“Remuneration**

**16E.**The Minister may pay the members of the Living Wage Agency such allowances in respect of travel or other expenses properly incurred by them, or in respect of loss of remuneration sustained by them, in the performance of their duties, as the Minister may determine.”— [Mr Flanagan.]

No 25: In clause 25, page 16, line 10, after “Act” insert

“, except in section (Gender pay and disclosure of information).”— [Ms McGahan.]

No 28: In the long title, after “disclosure,” insert

“to make provision for disclosure of gender pay information.”— [Mr Flanagan.]

**Mr Swann:** Today, I will be speaking on the two amendments tabled by the Committee, namely amendment Nos 1 and 2. Amendment No 1 relates to clause 9, which concerns a review of the early conciliation service. The Committee tabled this amendment at Consideration Stage, but was made aware by the Department that there was a minor problem in the wording of the clause. The Minister gave an assurance to the Committee that he would be content to support the amendment, provided that it was redrafted accordingly. The Committee has thus re-tabled the amendment at Further Consideration Stage to specify the remit of the review of the early conciliation service, namely the number of cases dealt with by early conciliation, the average length of time taken to deal with cases and the outcome of cases.

Amendment No 2 relates to new clause 9A. Clause 9A concerns a review of section 8, which involves an assessment of matters relating to tribunal proceedings. The amendment was not called at Consideration Stage, because the Minister’s opposition to clause 4 and clause 8 regarding neutral assessment meant that the references within the Committee’s amendment were no longer correct. The Committee has accommodated the changes brought by the Minister at Consideration Stage and has re-tabled an updated version of the amendment to ensure that the policy intention of the review procedure is placed in the Bill. The review of section 8 will begin operation one year after the service commences and, from then on, every three years. The Department has a duty to undertake a review of the assessment service relating to tribunal proceedings. The findings of that review will be laid in a report to the Assembly, and the report shall include a synopsis of consultation responses; an assessment and evaluation of the effectiveness of section 8; the number of cases overall; the number dealt with in accordance with regulations under section 8; the average length of time taken to deal with cases; the outcomes of the cases; and any savings directly attributable to the introduction of regulations under section 8.

The Committee supports the Bill and will watch closely how it is implemented.

I speak now as the Ulster Unionist spokesman on employment and learning. We will be supporting

amendment Nos 1, 2 and 4, although we will seek clarity from the Minister with regard to disability. We will be opposing amendment Nos 18 to 22 on the proposal to create a living wage agency. It has not been discussed widely, either within the Committee or any of the consultation responses we received, nor has it been dealt with in any great detail. My personal concern is that we would be creating another quango, which, at this stage, does not have due process regarding what is out there and the concerns that are meant to be taken into consideration. There are also the recommendations. What teeth will it have within legislation, if we are creating an agency only to evaluate and review? So we will be opposing that. We think that the living wage agency should be a UK-wide agency. The issue would be better dealt with on a UK-wide sphere, rather than solely in a Northern Ireland context.

**Mr Buchanan:** I rise to speak to group 1. Amendment Nos 1 and 2 are technical in nature, as the Chair of the Committee has outlined. I do not intend to say any more on that matter. I have some reservations about the bureaucratic burden that amendment No 4 has the potential to place on small businesses. Rather than increasing that burden, we should be striving towards the reduction of red tape for our business sector. The CBI has also expressed its concern around that issue, especially regarding the disability sector, and we have to acknowledge that as well. We need to be careful that we do not allow gender to overcome ability and that someone with ability is not excluded simply because of their gender. With those reservations, we acknowledge the amendment that is before the House, and we are of a mind to give our support to it.

Amendment Nos 18 to 22, which deal with the living wage, talk about the Department establishing a new body, how that body will report, the membership of that organisation, its operational considerations and its remunerations. I do not believe that that requires legislation at all. I believe that it is a policy matter and should be dealt with in that sphere. It should be dealt with as a policy issue rather than being legislated for. I think it is the wrong place for it. It is my understanding that it is a reserved matter, so we need to be careful about how we deal with the issue. We will be opposing amendment Nos 18 to 22.

**Mr F McCann:** Will the Member give way?

**Mr Buchanan:** Yes.

**Mr F McCann:** Just on the living wage, do you not think that we should aspire to ensure that all low earners are paid a reasonable wage that allows them to feed and clothe their families and that, unless we have that in legislation, we will never move the argument on?

**Mr Buchanan:** Absolutely. I have no difficulty with that, but I believe that, in doing something like that, we need to do it in the proper and correct context. This is not the context in which to deal with it. It is a policy issue, and taking it out of policy and putting it into legislation is not the correct context at all. Therefore, that is why we will oppose amendment Nos 18 to 22.

**Ms McGahan:** Go raibh maith agat. I support all the amendments in group 1. I want to specifically speak to amendment No 4. I welcome the opportunity to address the House on this important issue of gender pay and disclosure of information. I am going to be very short in my comments, as the argument for addressing the issue

has been well rehearsed over many years. There is no doubt that gender pay reflects ongoing discrimination and inequalities in the workplace and that those largely impact on women. We must have information relating to the pay of employees for the purposes of showing whether there are differences in the pay of males and females. We must also have the details of the methodology used to calculate any statistics in the information. Campaign groups advocating action on the gender pay gap support the need for accurate information on the scale of the problem to allow it to be addressed. That information needs to be of sufficient depth to shine a light on the main causes of the pay gap, and it will need to be shared with employees and trade union representatives. It must very clearly show how the pay gap is calculated and include an action plan on how we can correct it.

It will be the responsibility of OFMDFM, as the lead on equality matters, to bring forward regulations within the time frame. There will also be a requirement on the Department to publish a strategy, including an action plan, on eliminating differences in the pay of male and female employees. The strategy and action plan will be important in addressing the gender pay gap, and only by getting accurate and detailed information from employers on the extent of the gender pay gap and the rationale behind it can the relevant action be taken to correct the situation.

Amendment Nos 25 and 28 are consequential to that amendment and make minor changes to the Bill, including changing the long title to reflect the additionality of gender pay to the Bill. As we approach the celebration of International Women's Day in a few weeks' time, dealing with these matters would be a welcome step in addressing the gender pay gap, which has yet to be abolished 46 years after the introduction of the Equal Pay Act.

**Mr Diver:** I welcome the opportunity to speak at Further Consideration Stage and to support the amendments. In addressing them, I very much welcome amendment Nos 1 and 2. I know they are the product of discussion in Committee and at Consideration Stage.

Amendment No 4 relates to gender pay information. As Bronwyn said, the arguments for that were well rehearsed at Consideration Stage. I know that, at that stage, the proposer decided not to move the amendment, but the SDLP is on record as being in support of the principles behind the amendment at that stage. Last year, the ONS said that there had actually been relatively little change in the gender pay gap over recent years. In the UK, the gap between women and men's pay for full-time workers was 9.4% in April 2015 compared with 9.6% in 2014. As we know, the difference here in Northern Ireland has thankfully not been so stark of late, but the case remains that we do not require companies to publish pay statistics to the level that we would like to see possible. A notable difference to the amendment, rather than the version in England within the Equality Act, is a duty to publish gender pay statistics to trade unions and within the workplace.

The Minister made the point at Consideration Stage:

*"At no point does the proposed clause 16A define "Department" which, in accordance with clause 25, must, therefore, be read as a reference to the Department for Employment and Learning and in future, therefore, the Department for the Economy." — [Official Report (Hansard), Bound Volume 112, p181, col 2].*

That is being ratified in today's amendment.

### 1.15 pm

An Equality Commission code of practice, published in 2013, provides practical guidance to employers on how to promote equality of opportunity and to avoid sex discrimination in pay structures. This is, in the opinion of the SDLP, simply not enough. That is why we are happy to see, in amendment No 4, provision for a strategy on securing equal pay in the workforce to be brought within 18 months. That is, at its very core, a request for information on the gender pay gap. Many important factors, including a legacy of discrimination, have played an important role in gender discrimination in the workplace over the decades. Roles predominately carried out by women are undervalued by many, and men have dominated the best-paid positions.

A point made at Consideration Stage, which is true, is that there is a general inequality in the level of caring responsibilities between the two genders. The gap appears to be wider for older women, women from ethnic minorities and women in certain occupations. The information that the amendment seeks could help us to put in place action to eradicate gender inequality in the workplace, and the SDLP certainly supports that.

Amendment Nos 18 to 22 are concerned with the proposal to create a living wage agency. First, I would like to put on record that the SDLP fully supports the idea of a living wage. That said, we have heard outlined, over the past months, some concerns about the potential effect of the living wage on microbusinesses and employers who have expressed an inability to pay without incurring job losses. Obviously, that needs to be watched on an ongoing basis.

Evidence on the living wage shows that the better you treat an employee, the more valuable that employee becomes in an organisation. The living wage may not be the barrier to growth that smaller businesses feel it to be. We are dealing with human beings, and, around the world, it is the same notion: in general, the better you treat people, the more you will get out of them in any employment situation.

The Oxford Economics report shows that, if we were to pay a true living wage — not the Chancellor's proposed increased minimum wage — net employment in Northern Ireland would actually go up. When those at the lower end of the labour market are paid more, they will contribute more readily to the local economy, and that in turn will stimulate growth and have a multiplier effect on the economy in general, not to mention that employees who are better paid show greater commitment to the organisation and high productivity levels. Following the adoption of the living wage, PricewaterhouseCoopers (PWC) found that turnover of contractors actually fell from 4% to 1%.

As to the particulars of the agency, I look forward to hearing the debate, but the SDLP certainly supports the creation of an agency to oversee this very important matter.

**Ms Lo:** I will speak briefly on the amendments in this group. Alliance supports amendment Nos 1 and 2, which come from the Committee. They reflect discussions at Consideration Stage on the need for some minor redrafting to avoid the potential identification of individuals and breaches of confidentiality.

We will also support the Sinn Féin amendments on the gender pay audit. That reflects legislation passed in Great Britain through the Equality Act 2010 that, coincidentally, came into effect through regulations in the past few weeks. Alliance believes that there should be similar measures in Northern Ireland and that they should reflect our particular circumstances. In that regard, we do not need to replicate the same terms or thresholds that apply elsewhere.

Despite considerable progress in recent years, there is still a significant gap in the rates of pay between men and women. That reflects, in the main, structural differences in the labour market and does not necessarily represent wide-ranging cases of direct discrimination. However, while women, on the whole, have higher participation rates in further and higher education and, in turn, better qualifications, there are issues of retention and progression in the workforce; variances in levels of part-time work or irregular contracts; and differences in the employment rate. That may arise from choice but may also represent shortcomings in workforce policy and practice or government legislation. I congratulate the Minister on the passage of the Work and Families Act (Northern Ireland) 2015 with its new shared parental leave and improved access to flexible working.

On the amendments relating to the living wage, Alliance urges great caution. These amendments have been tabled very late in the day. There may be merit in much of what is proposed, but there has been no formal consideration of the issues, no public consultation, no costings and no assessment of regulatory impact. Given that this is a non-devolved matter and the provisions here are skirting around that, there are legitimate questions as to how effective or otherwise these mechanisms would be and whether they would represent value for money. Alliance is open to action in this area, but there needs to be wider consideration first. If we were to pass these amendments today, coming as they do at Further Consideration Stage, there would be no opportunity to rectify any issues until or unless fresh primary legislation were passed. It is in those respects that we urge great caution.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh an deis labhairt i bhfabhar na leasuithe go dtí seo. I welcome the opportunity to speak on this group of amendments, and I will focus my remarks on amendment No 4, which deals with gender pay, and amendment Nos 18 to 22, which would establish the living wage agency.

Amendment No 4 places a requirement on OFMDFM to bring forward regulations setting out the manner in which employers must publish information on the extent of the pay differential between male and female employees. This is largely the same as our proposal at Consideration Stage. That received support, in words at least, from Members across the Chamber, except for a few small points that were raised during the debate, which have been reflected in today's revised version.

The original proposal placed a duty on employers with more than 50 employees to report on the extent of the gender pay gap in an organisation. Following consultation with the CBI and others, however, we have decided that it would be more appropriate to allow the Department to set the minimum number, following public consultation, and to set a number that meets the needs of our circumstances, rather than merely to follow the position in Britain, where a

figure of 250 has been adopted. We do not think that that is sufficient here, because the vast majority of employers here do not have anywhere near that number of personnel. We propose to allow the Department to bring forward its own proposal on the minimum number of employees that an employer must have to be required to engage in this reporting.

The proposal that we brought forward at Consideration Stage also required that the first regulations on this matter needed to be made by 10 November. Following discussion with the Minister and his departmental officials, however, we accept that that time frame may be too tight, and we have amended it to be the end of June next year. That gives the relevant Department a full year for the regulations to be made.

The other substantive change is that the requirement will no longer be placed on DEL or, indeed, its successor Department; rather, it will be the responsibility of OFMDFM, as the Department that takes the lead on equality matters, to bring forward these regulations within that time frame. One reason for our intention to keep it within DEL is to do with the admissibility of the amendment. Following further advice, we were guided that we could, in fact, transfer this responsibility to OFMDFM and have it remain within the broad parameters of the Bill, so we were more than content to make that change. That also applies to the requirement for the Executive to bring forward a strategy on tackling the gender pay gap.

Some Members highlighted a red herring through the issue of disability reporting. A mechanism already exists, however, for employees to self-report a disability, whether physical or mental. We envisage that it will be a matter for the Department to set out in regulations how best that should work. The CBI has tried to raise this as an issue, but I sincerely do not think that it is a matter of great import.

I think that the Department can find a way through the regulations that it will bring forward to deal with any concerns that employers' groups might have about the requirements of people who have a disability, but I do not think that it is enough to warrant anybody opposing the amendment.

As I have said, there will also be a requirement on OFMDFM to publish a strategy that includes an action plan to eliminate the differential in pay between male and female employees. I will reiterate a point that I made at Consideration Stage: the statistics at a macroeconomic level reveal that females here, on the whole, are paid more than males, but that can be explained by the prevalence of females who are employed in the public sector, where salaries tend to be higher, and by the decline in the construction sector, which was dominated by well-paid male workers in the round.

The strategy and action plan has to be a key weapon in tackling the gender pay gap. Only by getting accurate and detailed information from employers on the extent of the gender pay gap and the rationale behind it can the Executive put appropriate steps in place to rectify the situation. It is up to employers to comply with the law on equal pay, but there are many other barriers such as accessing childcare that prevent females receiving true equal pay in the workplace. The Executive need to ensure that appropriate steps are taken to remove those inequalities and barriers at the earliest possible stage.

Amendment Nos 18 to 22 make provision for the establishment of an organisation to be known as the living wage agency for the purpose of measuring, researching and advancing a living wage. We need to build an economy that is based on well-paid jobs to help to take our people out of poverty. Too many workers here do not earn enough to have a decent standard of living. The proposal from the British Government to increase the minimum wage does not go far enough to address the problems of low pay that exist in many sectors of our economy. We do not yet have the power to set a minimum rate of pay, but that is not what we are arguing about today, even though some Members have once again used the red herring that this is not a devolved matter as a reason for not supporting the amendment. The power to set a minimum rate of pay still rests with the British Government. In my opinion, that power should be transferred, and we, as locally elected representatives, should be able to tailor public policy to the needs of our citizens. The living wage agency would not replace the body that sets the minimum wage; it would be charged with determining what a living wage here is and promote that as the basic hourly rate that people should be paid and that it should be based on the minimum income standard.

The living wage agency would be empowered to identify barriers that impede employers in certain sectors, whether in retail, hospitality, services or others, from paying the living wage. The agency should then bring recommendations to the Executive to address those barriers using existing or potential policy levers. The living wage agency would also have the power to set targets to reduce the proportion of workers and employers who earn less than the living wage and to monitor progress in reducing that number.

There is also a section that states that, before determining what constitutes a living wage, the agency would have to consult the employer and employee representative groups to ensure that all sides have an input into the determination of a figure. At the minute, a voluntary organisation based in England determines what a living wage is, but there is insufficient research here to determine what constitutes a living wage here. It is better to establish a non-statutory agency on a legislative footing not only to guide and assist the Executive in determining a living wage but to play a role in promoting to employers that employees should be paid the living wage.

The amendment states that it would be up to the Minister to appoint a chairperson and members of the living wage agency and to ensure an effective balance between trade unionists, employers' groups and economists so that it can take decisions and make recommendations in the round. Of course, any decisions that it takes will not be binding on employers. It is merely a mechanism to help to promote a highly paid economy, to help to encourage employers to move away from low pay, to pay workers a decent hourly rate so that they can get a good standard of living and to identify for the Executive what barriers exist in some sectors to paying the living wage.

It is not envisaged that the body would be overly expensive to operate because we propose that the staff who service it should be existing staff in the Department and that the nominees should be representatives of groups with a vested interest in this policy area. None of the staff complement would need to be paid any more than they get at the minute, and no members of the agency would

need to be paid because they would be representatives of trade unions or employers' groups or from a professional economist background. The only cost that should be applicable in that regard would be to cover basic expenses and potential lost earnings.

### 1.30 pm

I heard one Member say that we were establishing another quango: well, we are not establishing a significant quango. It will be a very small organisation with as few members as the Minister shall determine. That small group of people will be charged with establishing what the living wage here is. At the end of the day, there is broad acceptance that we need more evidence-based policy here. If we are taking decisions, we need to have all the information that exists on the economic climate that we operate in, and one key factor is what the cost of living for our people is.

As I have said, we do not yet have the power to set a minimum wage. That power should be transferred and, if we did that, I would argue strongly that the minimum wage should be increased. Some Members have tried to use the fact that the powers to set a minimum wage have not been devolved as a reason for opposing the amendment: I do not buy it. The agency would not impact on the minimum wage at all. It would make recommendations on what the living wage should be and bring recommendations to the Executive on what barriers exist for employers who might want to pay the living wage and how we can make it more affordable for them to do so through changing existing policy levers or introducing new policy mechanisms. The living wage agency would be empowered to look at all those issues in the round and bring forward a figure that everyone could live with, as well as solutions to help the sectors that might struggle.

The recent proposed increase in the minimum wage has caused some concern amongst employers. The Minister of Health made announcements about putting additional money into domiciliary care and into nursing and care home facilities because of the proposed increase in the minimum wage. That is a welcome step through which workers will be paid more, but it will have a knock-on impact for organisations that have fixed incomes and may not be fully able to cope with the increase. It will be up to the living wage agency to identify what barriers exist in some sectors to stop people being paid more. That is a fairly rational proposal.

There is also a strong argument to be made that, once we establish what a living wage for people here is, more and more employers will want to become accredited living wage employers. That could be one of the strong points of the living wage agency: it could have an accreditation scheme whereby employers are publicly known to be living wage employers. The chances of getting better staff and getting more applicants for vacancies would improve a business's reputation, and I think that it would be a badge that employers would want, along the lines of Investors in People and other forms of accreditation that are currently offered. The public sector should take the lead in that regard. If we get a living wage agency up and running here, the first step that we should take is to ensure that all employees working directly or indirectly through the public sector are paid the living wage, whether that is direct employees, people working in the supply chain or subcontractors. The establishment of a living wage agency

would allow us to be much better informed about the potential financial implications of that.

### Dr Farry (The Minister for Employment and Learning):

At the outset, I want to put on record my concerns at the considerable number of amendments that have been tabled at this late stage in the legislative process, many of which do not relate to the main provisions of the Bill as originally drafted, and some of which do not even fall under the responsibility of my Department. There has been some public consultation and Committee scrutiny of some of the issues covered by the amendments; however, with respect to several, there has been no public consultation or Committee scrutiny whatsoever. With the period of notice for amendments to primary legislation being, in practice, less than for a no-day-named motion in the Assembly, there is a real danger of bad law being passed. That is not to deny that there may be merit in many of the amendments, but there should be proper consideration of the issues involved. There may be a case for some of the amendments to proceed today, but I urge great caution with respect to the majority of them.

I turn first to amendment Nos 1 and 2, which, respectively, amend clause 9 and introduce new clause 9A. The amendments have been tabled by the Chair of the Committee for Employment and Learning. At Consideration Stage, I expressed concern that the amendments, as they were then drafted, could have negative consequences for confidentiality in respect of the important new services of early conciliation and neutral assessment. I am grateful to the Committee for taking that concern on board and coming back to the House with these two considered amendments, which address the issue by removing the requirement to report on individual cases and, instead, placing the focus on cases in aggregate. The Bill, amended in that way, will require separate reviews of early conciliation and neutral assessment at the end of one year and again at the end of three years following the commencement of provisions relating to each respective service.

I am content with that approach. I stress again my appreciation for the positive approach that the Committee has taken, which has enabled the Bill to move to where it is today despite the challenging time constraints.

I move now to new clause 16A — amendment No 4 — and the related amendment to clause 25 — amendment No 25 — tabled by Ms McGahan, Mr Flanagan, Mr McCann and Ms Fearon, as well as amendment No 28. The amendments take a revised approach to the gender pay amendment that was tabled but not moved at Consideration Stage. The intention behind them is the same: to set in place regulations requiring employers to publish information on gender pay differences. Where differences are established, employers would be required to publish an action plan to eliminate them. The responsible Department, having consulted the trade unions, would also be required to publish a strategy, including an action plan, on eliminating gender pay differences. I am pleased to note that the amendments take on board observations that I made at Consideration Stage.

As the proposed new clause 16A stands, the responsible Department is OFMDFM. That is much more in keeping with the broad remit of that Department around gender pay and sex discrimination and, indeed, all equality issues. It is important that we do not preside over a fragmentation

of policy responsibility relating to those critical matters. Crucially, the amendment is much less prescriptive in matters such as the threshold for the size of companies or organisations. It is right that that be left to public consultation and, in due course, regulations. That takes on board the comments and fears expressed by Mr Buchanan that we are not locked into this being a company with 50 employees and that consideration will be given to what is the appropriate level for Northern Ireland. That regulation will have to come back to the Assembly for consideration. I also recognise what Mr Flanagan said, in that we do not necessarily have to reflect the case in Great Britain, where there is a threshold of 250. That may well be too large for our circumstances in Northern Ireland. Again, that issue can be bottomed out through the public consultation and, in due course, the consideration of the relevant regulation.

There is a small complication with how realistic it may be to collect meaningful data from employees around disability, as there can often be an under-reporting of that issue. That was reflected in comments by Members. However, that in itself does not negate the Assembly proceeding with the amendment today, although it may limit its effectiveness. Again, those issues could be explored further through regulations.

I said at Consideration Stage and reiterate today that, as Minister for Employment and Learning, I cannot take a formal view on the amendments. However, I am personally sympathetic to their intent, and I expect that Members will be in agreement that we want to see the elimination of gender pay differentials. However, it is for Members to decide on whether they believe that the amendments would achieve the objective in the right way. Anna Lo spoke for our party, and, speaking personally, I can say that we recognise that it is appropriate to put in place those measures to address the differentials. It is also important to recognise the wider context and the policy levers that exist in government, where we look to a range of policies and practices that support participation, retention and progression in the workforce. There is also a powerful economic argument for ensuring that that is the case. If we want to make sure that we fully compete in the global marketplace, we have to make full use of local talents and ensure that everyone's abilities are developed to the full.

Amendment Nos 18 to 22 — five new clauses — tabled by Mr Flanagan, Ms McGahan and Mr McCann would establish a living wage agency:

*“for the purpose of measuring, researching and advancing a living wage.”*

I want to make it clear that this is a debate not on the concept or the rights and wrongs of the creation of a living wage but on the creation of a living wage agency in Northern Ireland and its potential roles and functions. It is envisaged that the body would report annually on an hourly rate that is to be deemed a living wage; identify barriers to paying it; make recommendations to address those; set targets to reduce the proportion of people who are paid less than the living wage; and monitor progress in achieving those. Provision is also made for the composition, staffing and funding of the proposed agency. It is notable that the agency's financing is to be determined without reference to the Finance Minister or that Department.

The spirit of the clauses appears to be to deliver improved living standards by advocating a wage that, in the words of clause 16B(2), relates to,

*“a minimum socially acceptable standard of living.”*

I am not sure that there would be widespread agreement on what that standard might look like. To be clear, the clauses may well have a laudable goal, but there was no notice of the amendments until three working days before this stage of the Bill. That being the case, there has been no opportunity for any scrutiny, let alone any public consultation or engagement with stakeholders, in relation to the amendments. Similarly, there has been no regulatory impact assessment. The formal responsibilities in this area lie with the UK Parliament under the National Minimum Wage Act 1998. The Assembly should take into consideration the value or otherwise of putting measures in place in Northern Ireland that would only be advisory. The limitation on what it could do needs to be set against the costs involved. At this point in time, we have no assessment of the potential benefits, anticipated costs or the relative views from stakeholders on these matters. There is also the issue of how we will reconcile what any agency in Northern Ireland does with what is happening in the UK as a whole and the tensions that may arise between the perspectives that come from the bodies in different jurisdictions.

I do not think that it is reasonable to commit my Department or its successor to establishing and paying for a body that, materially, may make absolutely no difference, however persuasive its recommendations may be, to the living standards of people in Northern Ireland. However, it is important that we do not let go of this issue entirely.

**Mr F McCann:** Will the Minister give way?

**Dr Farry:** Yes.

**Mr F McCann:** I understand the list of issues you have raised, but I think that the point my colleague made was that, whilst we may not have any power over this at the moment, that does not stop us sending out a clear message to people on low pay that the Assembly stands shoulder to shoulder with them, recognising that the wage they earn is not enough for them to meet their weekly needs. He said that we had some power and influence over Departments, statutory authorities and councils to ask them to initiate the step of having a living wage, in preparation, hopefully, for us getting some power to deal with that.

**Dr Farry:** I was going to say that I note and compliment the enthusiasm of the Members in tabling the amendments, but, in doing that, we need to be clear what the amendments would do. If the intent behind them is to make a statement of the value that the Assembly places on the living wage being paid in Northern Ireland, there is a range of ways in which we can do that. We do not need to pass specific amendments into law to achieve that outcome. It is entirely conceivable that a body could be established by a future Minister. Whether that needs legislation remains to be seen, but it is an initiative that may well be taken in the future.

It is important that we have proper engagement with stakeholders when we move ahead with these issues. I have no doubt that tonight, when we discuss the fair employment exemption for teacher training, we will hear an argument from the Member's Benches about the fact that we need more time for proper consideration of

those issues, that there has been no public consultation around the matters and that the Assembly should not jump ahead on the basis of an amendment tabled at Further Consideration Stage. I have not seen the speeches, but I imagine that that is what they will say. I have to say that you cannot have it both ways. On the one hand, you cannot rule things out because you want more time to think about it and then come to the Assembly with three days' notice, saying, "Here is a raft of amendments around a living wage agency, and let us pass them because we want to take a stand on the living wage".

We can take a stand on the living wage if people want to do that, but we have to think carefully through the implications of putting an agency into law at this stage without any engagement with stakeholders and without ensuring that what will be put forward will make a difference and will not be counterproductive. No one has assured me on any of those points whatsoever. There will be other opportunities to legislate, if legislation is required, to take that forward, but I do not believe that it would be right for the Assembly to move ahead today on the basis of what is before us. We will need to separate the proposals from the issue. The two are not the same. Anyone who votes against the amendments today is not voting against a living wage. I am certainly not voting against a living wage, and I am sure that I speak for everyone else who expresses caution on the issue. We are discussing five amendments around an agency, and it is important that we take proper time to reflect on that and take the views of stakeholders and think through how this will work and whether it will make a difference.

For that reason, I am opposing the amendments. I look forward to discussing and responding to the debates on the other groupings.

**1.45 pm**

**Mr Swann:** I rise to wind up on group 1. I thank the House for its, I think, unanimous support for amendment Nos 1 and 2, tabled in the name of the Committee.

On amendment No 4, which deals with the gender pay gap, it has been noted here through Members' contributions that not moving the amendment at Consideration Stage has allowed the proposals to be tweaked and amended so that they meet the needs of the House and of Northern Ireland society in general. From what I have gauged, that is why amendment No 4 is receiving the full support of the House. Concerns were raised about the reference to disability, but I think that the Minister has allayed our fears, in that disability remains a self-declaring aspect in the amendment, so we are keen to support it, and I think that it has received the full support of the House.

With regard to the living wage agency, this is a response to what some Members have contributed. Tom Buchanan said that it was still a reserved matter and that the House needed to be careful in how it proceeded. Gerard Diver raised concerns about how it would affect microbusiness and made a very valid point that the better we treat the employee, the better the employee becomes. That is an opinion that nobody in the House could argue with. Anna Lo made the point that the matter had come late in the day without public consultation, and the Minister raised that to some extent.

In response to my comments as an Ulster Unionist Committee member, Phil referred to my concerns that we were creating another quango. In his contribution, he referred to the fact that the decisions of the body would be non-binding, and the Minister reinforced that by saying that it would only be advisory. That is why we want to proceed with caution in regard to the amendment —

**Mr F McCann:** Will the Member give way?

**Mr Swann:** Certainly.

**Mr F McCann:** Again, I understand what you say, but we are not only trying to create the thing. I know what the Minister said, but the likes of Belfast City Council took a decision on the living wage. Having had the discussion here today, we should be able to move that forward and encourage and advise other councils and statutory authorities to move to a position of paying a fair wage for a fair day's work.

**Mr Swann:** I think that the Member knows my position on the issues well enough to know that I agree with him on that point, but I do not think that the amendments do what you want to do, Mr McCann, and that is the concern. We have a responsibility through our councils and public agencies across Northern Ireland, and this is something we should move to, but my concern and that of my party is that we will not achieve that through the creation of this body.

When I raised my concerns about creating another quango, Mr Flanagan's response was that it would have only a small number of members supported by departmental officials, but he went on to refer to it actually delivering an accreditation scheme for organisations and said that employers could be recognised as living wage employers. His comparator for that was Investors in People. I am sure the Member remembers as well as I do that one of the cost-saving measures that the Minister for Employment and Learning made was to give Investors in People and that accreditation back to BIS in Westminster, so he is arguing against himself on that.

I appreciate what the Member and his party are trying to do, as I did on the gender pay issue, and I appreciate the fact that he did not move the amendments at Consideration Stage but instead tabled them at Further Consideration Stage with the further tweaking that was necessary. However, we in the Ulster Unionist Party echo the concerns raised by Anna Lo in this case: there has not been the proper work and dedication put into this as a legislative motion in these five amendments. That is why I support amendment Nos 1 and 2.

*Amendment No 1 agreed to.*

#### **New Clause**

*Amendment No 2 made:*

After clause 9 insert

#### ***"Review of section 8: Assessment of matters relating to tribunal proceedings***

**9A.—(1)** *The Department must review the operation of section 8 at the end of the period of one year beginning with the commencement of that section.*

**(2)** *The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.*

- (3) *The report shall in particular include—*
- (a) *a synopsis of consultation responses;*
  - (b) *an assessment and evaluation of the effectiveness of section 8;*
  - (c) *the number of cases overall, the number dealt with in accordance with regulations under section 8, the average length of time taken to deal with cases and the outcomes of the cases;*
  - (d) *any savings directly attributable to the introduction of regulations under section 8.*
- (4) *The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of section 8.”— [Mr Swann (The Chairperson of the Committee for Employment and Learning).]*

*New clause ordered to stand part of the Bill.*

#### **New Clause**

**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 5 to 17 and 24 and 29, which deal with zero-hours contracts. Amendment No 24 is consequential to amendment No 3, and amendment No 29 is consequential to a number of earlier amendments. I call Ms Anna Lo to move amendment No 3 and to address the other amendments in the group, but, before she speaks, I remind her that Question Time is at 2.00 pm and I may need to interrupt her.

**Ms Lo:** I beg to move amendment No 3: After clause 16 insert

#### **“Zero hours workers**

**16A.** *After Article 59 of the Employment Rights (Northern Ireland) Order 1996 (meaning of “wages” etc.) insert—*

#### **“PART IVA**

#### **ZERO HOURS WORKERS**

#### **Zero hours workers**

**59A.**—(1) *The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—*

- (a) *zero hours contracts;*
- (b) *non-contractual zero hours arrangements; or*
- (c) *worker’s contracts of a kind specified by the regulations.*

(2) *In this Article—*

*‘non-contractual zero hours arrangement’ means an arrangement other than a worker’s contract under which—*

- (a) *an employer and an individual agree terms on which the individual will do any work where the employer makes it available to the individual and the individual agrees to do it, but*
- (b) *the employer is not required to make any work available to the individual, nor the individual required to accept it;*

*and in this Article “employer”, in relation to a non-contractual zero hours arrangement, is to be read accordingly;*

*“zero hours contract” means a contract of employment or other worker’s contract under which—*

(a) *the undertaking to do or perform work is an undertaking to do so conditionally on the employer making work available to the worker; and*

(b) *there is no certainty that any such work will be made available to the worker.*

(3) *For the purposes of this Article—*

(a) *an employer makes work available to a worker if the employer requests or requires the worker to do the work; and*

(b) *references to work and doing work include references to services and performing them.*

(4) *The worker’s contracts which may be specified under paragraph (1)(c) are those in relation to which the Department considers it appropriate for provision made by the regulations to apply, having regard, in particular, to provision made by the worker’s contracts as to income, rate of pay or working hours.*

(5) *Regulations under this Article may amend or repeal any statutory provision (including paragraphs (2) to (4)).’.*

*The following amendments stood on the Marshalled List:*

No 5: After clause 16 insert

#### **“Zero hours contract**

**16A.**—(1) *Zero hours contracts means a contract of employment or other worker’s contract under which—*

(a) *the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and*

(b) *there is no certainty that any such work or services will be made available to the worker.*

(2) *For the purposes of subsection (1) the Department may by regulations vary the definition.*

(3) *Regulations under subsection (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”—*

*[Mr Flanagan.]*

No 6: After clause 16 insert

#### **“Contract information**

**16B.**—(1) *Employers shall be required to give notice in writing of the minimum hours of their workers’ employment.*

(2) *The notice shall be given before the commencement of the contract. If it is given orally, it must be given in writing within seven days from the commencement of the contract.*

(3) *The requirement under this section is without prejudice to the obligations of employers in respect of employees under section 33 of the Employment Rights (Northern Ireland) Order 1996.*

(4) *A worker who does not receive a notice under subsection (1) shall be regarded for the purposes of*

this Act as if he or she were a zero hours contract worker.

(5) In complying with the duty under section 33 of the Employment Rights (Northern Ireland) Order 1996, an employer may refer to any document issued under subsection (1).”— [Mr Flanagan.]

No 7: After clause 16 insert

**“Equal treatment**

**16C.**—(1) Employers shall be required to treat zero hours contract workers on the same basis as comparable workers engaged by their employer on fixed and regular working hours contracts.

(2) The requirement of equal treatment shall be an implied term of any contract between a zero hours contract worker and his or her employer, and the implied term shall apply to all matters relating to terms and conditions of employment.

(3) A comparable worker is a worker selected by the zero hours contract worker on the grounds that the worker in question is engaged on the same or broadly similar work having regard, where relevant, to whether the worker selected has a similar level of qualification and skills.

(4) For the avoidance of doubt, subsection (2) applies to the overtime rates payable when the worker exceeds the minimum hours of work under the terms of his or her contract.

(5) Subsection (2) shall not apply to the allocation of working time.”— [Mr Flanagan.]

No 8: After clause 16 insert

**“Reasonable notice**

**16D.**—(1) The Department must by regulations require employers to give zero hours contract workers reasonable notice of—

(a) any request or requirement to undertake a period of employment; and

(b) any cancellation of a period of employment already agreed.

(2) A period of notice shall not be reasonable if given less than 72 hours before the period of employment referred to in subsection (1).”— [Mr Flanagan.]

No 9: As an amendment to amendment No 8, at end insert

“(3) If a zero hours contract worker accepts employment offered contrary to the requirements of subsections (1) and (2), the employer shall be required to pay the zero hours contract worker at a rate of 150% of the rate they would normally be paid for the period in question.

(4) An employer who has cancelled a period of employment of a zero hours contract worker contrary to the requirements of subsections (1) and (2) shall be required to pay the zero hours contract worker for the period of employment in question, even though no work has been done.

(5) For the purposes of subsection (4), the amount of payment shall be made up of—

(a) the payment the zero hours contract worker would normally be paid by his or her employer for the period in question; and

(b) a sum equivalent to any other monetary loss incurred as a result of the cancellation.”.— [Mr Flanagan.]

No 10: After clause 16 insert

**“Requests for fixed and regular employment**

**16E.**—(1) There shall be a duty on employers to consider at any time a request by a zero hours contract worker for fixed and regular working hours unless a request has been made in the previous 12 weeks.

(2) An employer to whom a request under subsection (1) is made shall deal with the application within ten working days.

(3) In considering a request, the employer shall give overriding consideration to the interest of the worker in having fixed and regular working hours.

(4) An application by a worker under this section shall be refused only where there are compelling business reasons to do so.

(5) The employer’s desire to use zero hours contracts is not a compelling business reason for using such contracts.

(6) An application shall be treated as having been refused if the provisions of subsection (2) have not been complied with.

(7) A zero hours contract worker whose request under subsection (1) has been refused may make an application to an employment tribunal.

(8) An employment tribunal shall not consider a complaint under this section unless it is presented—

(a) before the end of the period of three months commencing ten working days after the application for fixed and regular employment was made, or

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(9) Where an employment tribunal finds a complaint under subsection (7) well founded it shall make a declaration to that effect and may—

(a) make an order for reconsideration of the application, or

(b) make an order that the application has been successful and make an award of compensation to be paid by the employer to the worker.

(10) The amount of compensation under subsection (9) shall be such amount, not exceeding the permitted maximum, as the tribunal considers just and equitable in all the circumstances.

(11) For the purposes of subsection (10), the permitted maximum is such number of weeks’ pay as the Department may specify by regulations.”.— [Mr Flanagan.]

No 11: After clause 16 insert

**“Fixed and regular employment**

**16F.**—(1) There shall be a duty on employers who have continuously employed a zero hours contract

worker for a period of 12 weeks to offer the zero hours contract worker fixed and regular working hours contract from the date commencing 12 weeks from his or her first engagement with his or her employer.

(2) Where a zero hours contract worker has not been continuously employed for a period of 12 weeks, there shall be a duty on employers to offer a fixed and regular working hours contract to any such zero hours contract worker who has been employed in at least 12 of the preceding 26 weeks (the reference period).

(3) For the purposes of subsection (1) and (2) the Department must by regulations make provision to establish—

(a) a rate of pay;

(b) a minimum period of hours; and

(c) any other relevant terms and conditions of employment.

(4) The Department must by regulations provide for a zero hours contract worker to make an application to an employment tribunal where a fixed and regular contract under this section is not offered.”— [Mr Flanagan.]

No 12: After clause 16 insert

**“Prohibition of exclusivity clauses**

**16G.**—(1) Any term or understanding, written or oral, of a contract or engagement (whether express or implied, and whether formal or informal) that requires a zero hours contract worker to work exclusively for one employer shall be void.

(2) The provisions of subsection (1) shall not apply where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify a contractual requirement that the zero hours contract worker shall work exclusively for the employer in question.”— [Mr Flanagan.]

No 13: After clause 16 insert

**“Detriment**

**16H.**—(1) It shall be unlawful for an employer to subject a zero hours contract worker to a detriment by any act or any deliberate failure to act on the ground that the zero hours contract worker—

(a) is or has been a zero hours contract worker; or

(b) any other condition prescribed by the Department.

(2) A zero hours contract worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of subsection (1).”— [Mr Flanagan.]

No 14: After clause 16 insert

**“Unfair dismissal**

**16I.** The dismissal of an employee shall be unfair for the purposes of The Employment Rights (Northern Ireland) Order 1996 if the reason or principal reason for the dismissal is that the employee—

(a) is or has been a zero hours contract worker; or

(b) any other condition prescribed by the Department.”— [Mr Flanagan.]

No 15: After clause 16 insert

**“Continuously employed**

**16J.**—(1) References in this Act to a period of continuous employment are to a period computed in accordance with Chapter III of The Employment Rights (Northern Ireland) Order 1996.

(2) This is subject to the proviso that the words “employee” and “employer” as they appear in Chapter II of The Employment Rights (Northern Ireland) Order 1996 are substituted by the words “worker” and “employer”, as these terms are defined in this Order.

(3) In section 8 of The Employment Rights (Northern Ireland) Order 1996 (weeks counted in computing period), after subsection (4) insert—

‘(5) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is performed shall count in computing the worker’s period of employment.

(6) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is not provided by the employer shall be treated as a week falling within subsection (3)(c).

(7) For the purposes of subsections (5) and (6), the terms worker and zero hours contract have the same meaning as in the Employment Act 2016.’.— [Mr Flanagan.]

No 16: After clause 16 insert

**“Proportion of zero hour contracts**

**16K.**—(1) The Department must by regulations set a limit on the number of zero hours contract workers as a proportion of the total number of those employed by an employer.

(2) Regulations under subsection (1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”— [Mr Flanagan.]

No 17: After clause 16 insert

**“Interpretation for zero hours provisions**

**16L.**—(1) A person is employed for the purposes of this Act if he or she is engaged by another to provide labour and is not genuinely operating a business on his or her own account.

(2) For the avoidance of doubt, a zero hours contract worker shall be regarded as being employed by an employer on days on which—

(a) he or she works for that employer, and

(b) he or she does not work for that employer

(3) It shall be for the respondent to show in any legal proceedings that the applicant is not employed.

(4) A person is an employer for the purposes of this Act if he or she engages another to provide labour, and the person engaged is not genuinely operating a business on his or her own account.

(5) A fixed and regular working hours contract is a contract that specifies working hours, and does not require the worker to be available for work for a period that exceeds by 20% the minimum hours specified in the contract.

(6) *A worker is a person who is employed.*—  
[Mr Flanagan.]

No 24: In clause 21, page 14, line 37, after “Article” insert “59A or”.— [Ms Lo.]

No 29: In the long title, after “disclosure,” insert

*“to make provision for zero hours contracts;”*—  
[Mr Flanagan.]

**Ms Lo:** Thank you, Mr Principal Deputy Speaker. I hope to finish within 10 minutes.

My colleague Stewart Dickson and I are moving amendment No 3 in the hope that it can be an amendment that the whole Assembly can unite on, as it creates the opportunity on a realistic platform from this point onwards for the proportionate regulation of zero-hours contracts. There are many legitimate concerns about those contracts, and it is important that the Assembly takes the opportunity to put in place proportionate regulation that permits them to remain in areas where flexibility for employers is important and where they may work from the perspective of employees while addressing abuse and exploitation.

Opportunities to take forward more detailed proposals over the past year have not been taken. There is an irony that some of the amendments tabled for today reflect the proposals tabled by my colleague the Minister for Employment and Learning. However, they have come far too late in the process for any proper consideration by the Committee and the full Assembly or for further engagement with stakeholders on the proposed way forward. It is important that the Assembly is satisfied that what is proposed will be effective, that the arrangements are not capable of being circumvented by some employers and that there are no unintended consequences.

With respect to those who tabled the amendments, there is no basis on which they can provide that assurance. Also, given that the regulation of zero-hours contracts is a relatively new area of law, there is a strong argument that the bulk of legislation should be provided through regulations, rather than by primary legislation, as, in the event that we need to modify what we are doing, it would be far easier to amend regulations than it would be with the longer time frame and the process involved in primary legislation.

The amendment in my name and that of my colleague Stewart Dickson offers the Assembly the only plausible option to provide a platform on which the proportionate regulation of zero-hours contracts can be taken forward. It will provide the basis on which the next Minister with responsibility for employment law, who, I understand, will be the new Minister for the Economy, can make regulations. Our amendment is not prescriptive about content and gives scope for an open and transparent process in which detailed proposals can come forward and be tested with stakeholders and provide space for engagement with the Committee. Nothing would be taken forward without the agreement of the Executive and then the approval of the Assembly.

The main amendment in our names defines zero-hours and non-contractual zero-hours arrangements and provides a broad enabling power to make regulations for those provisions.

Apart from providing definitions, the clauses are not prescriptive on how zero-hours contracts are to be dealt

with in legislation. Instead, they provide for regulations to amend or repeal any statutory provision, including the revision of the definitions if events or circumstances warrant that.

Our second amendment provides that this would be done by affirmative procedure. The contents of the Sinn Féin amendments would be progressed through regulations. Given that an affirmative route would be required both today and in relation to any regulations, nothing would be lost through waiting and taking the opportunity to ensure that we are confident that we are providing the most appropriate and proportionate regulation.

Passing our amendments today would recognise that this is a significant area of public concern and is a focal point for the public discourse. It would also avoid any further delay that would result from the Assembly having to wait for the next opportunity of a relevant employment Bill coming before it.

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

**Ms Lo:** Yes.

**Mr Flanagan:** The Member's argument is quite contradictory. On the one hand, she says that this power will allow any future Minister, at any time of his or her choosing, to bring regulations forward. Yet the Member has not stipulated when any future Minister will have to bring regulations forward or when they will be made. So we could be sitting here for another one to three years waiting for this issue to be dealt with. Meanwhile there are proposals on the table that could be enacted much more quickly. So whilst the Member says that nothing is being lost by this amendment alone being voted through, on every day that goes by without this issue being addressed, the rights of working people are being eroded, and a small number of employers are allowed to abuse people who are on zero-hours contracts at the minute.

**Ms Lo:** I thank the Member for his intervention. I understand what you are saying, but what we are doing now is setting the path for the Committee and the future Minister to look at this again through regulation. There is no doubt that it is an important issue and that there are concerns about abuse and exploitation. However, this is not the right time to put amendments forward, as we need Committee scrutiny and further consideration. I think that the future Minister will take this on board and bring it forward as soon as possible.

**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 the Chair of the Employment and Learning Committee, Mr Robin Swann.

*The debate stood suspended.*

2.00 pm

(Mr Speaker in the Chair)

## Oral Answers to Questions

### Justice

**Mr Speaker:** Questions 5 and 10 have been withdrawn.

#### Ballymena Courthouse: Closure

1. **Mr Swann** asked the Minister of Justice what steps he proposes to take to ensure that the closure of Ballymena courthouse does not impact negatively on access to justice for people in the area. (AQO 9668/11-16)

**Mr Ford (The Minister of Justice):** As I set out in my ministerial statement on 8 February 2016, access to justice is not simply a matter of physical proximity or about having courthouses in every town. In this context, it is about ensuring that court users are treated fairly and have access to appropriate services when they are needed. The closure of six courthouses will not see a reduction in scheduled court sittings, as business will transfer on a like-for-like basis to the new venues, so there is no reason that there would be any negative impact on access to court time.

The remaining courthouses in the estate will ensure that access to justice, within a reasonable travelling distance, is preserved for court users. I welcome the indication from the Lord Chief Justice that the judiciary is prepared to consider the timings for court proceedings and to explore the benefits of a more flexible court sitting day to alleviate any difficulties that individual users may have.

The Northern Ireland Courts and Tribunals Service (NICTS) has invested significantly in improvements to operating models and to the services that it provides to court users, particularly its IT infrastructure and the ability to support video links in all major courthouses. The retained venues are some of our more modern or larger courthouses, which offer advantages for vulnerable victims and witnesses, including better facilities for segregation.

**Mr Swann:** I thank the Minister for his answer, in which he used the phrase “physical proximity”. During questions on his earlier statement, he told me that there would be no job losses. Will he comment on the effect that the closure of Ballymena courthouse will have on the town — on the solicitors’ practices and law offices that are based in the town because of the proximity to the courthouse and on the business that they create for shops, coffee houses and restaurants in the town?

**Mr Ford:** I thank Mr Swann for his supplementary question. A small number of direct Courts Service jobs will move from Ballymena to Antrim. Living between Antrim and Ballymena, I have some knowledge of both towns. I would have thought that a significant number of solicitors’ practices, given that they have a variety of interests and do not solely concentrate on business in courts, will continue in Ballymena because it is a significant shopping and market centre. The likelihood of any significant number of jobs moving, other than the small number of direct jobs in the Courts and Tribunals Service, is, I suspect, quite small.

**Mr Ross:** The Minister will know that a considerable amount of money has been put into Ballymena courthouse in recent years to upgrade its facilities. Rather than leaving the building not fulfilling a function, would he look favourably on creating a community justice centre at Ballymena courthouse or, indeed, given the other facilities around the town, on piloting a drugs court there in future?

**Mr Ford:** I appreciate the Committee Chair’s question; indeed, he wrote to me recently about the issue. There are questions about whether it is possible to do alternative work beyond that which is being provided for and whether there is a displacement issue. I have asked officials to look at the Chair’s suggestion, but that is a promise to look at the suggestion and not a promise to deliver anything specific at this point.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers. There seems to be a lack of clarity about the savings that will be made when the courthouses close. Some people say that, although there will be a saving, the Department will have to pay some money towards what is called “warm storage”. Will he outline the exact amount of money that will be saved each year in each courthouse?

**Mr Ford:** I do not have those figures with me. I have given them previously, and I can confirm that all the figures given to me were net of the cost of continuing to maintain businesses until such time as they are disposed of.

**Mr Allister:** Of course, if access to justice for the people in the area really mattered to the Minister, he would not be closing the wonderful, expensively upgraded Ballymena courthouse. For all the platitudes that his actions speak towards, he could not care less about access to a courthouse for the people of Ballymena. Today, when asked how many jobs will be lost, he could not even put a figure on it. Will he at least put a figure on it so that we know?

**Mr Ford:** Along with the usual insults that we expect from Mr Allister, he asks me to answer a question that simply cannot be answered. I do not control the location of solicitors’ offices, which are private businesses that locate where they wish. That was the point that I made very specifically to Mr Swann. I do not know whether Mr Allister, with his extensive legal experience, can tell solicitors where they will locate in the future, but I am afraid that I cannot.

#### Assets Recovery Community Scheme 2015-16

2. **Mr McQuillan** asked the Minister of Justice how many applications were made to the 2015-16 assets recovery community scheme. (AQO 9669/11-16)

7. **Mr McKinney** asked the Minister of Justice how much has been spent on provision of the assets recovery community scheme in South Belfast in each of the last four years. (AQO 9674/11-16)

11. **Mr Hilditch** asked the Minister of Justice for his assessment of how funding from the assets recovery community scheme is distributed. (AQO 9678/11-16)

**Mr Ford:** With your permission, Mr Speaker, I will answer questions 2, 7 and 11 together.

First and foremost, I believe that this is a good news story. In 2011, we changed the law to keep recovered criminal

asset money in Northern Ireland. Since it was launched in 2011, the assets recovery community scheme (ARCS) has awarded nearly £3.5 million to a variety of projects. This funding is money that has been taken out of the hands of criminals and returned to the community. It is clear to me from witnessing a number of projects at first hand that they make a real difference. ARCS is a popular scheme and, perhaps influenced in part by the current economic environment, is greatly oversubscribed. In the 2015-16 competition, 75 applications were received, and the available funding allowed awards to 23 groups. The recently launched 2016-17 competition has received around 150 applications, and their assessment is under way.

Applications are assessed individually against the criteria for the scheme. Although submitted via policing and community safety partnerships (PCSPs), they are not considered geographically. Those meeting the criteria are then scored on areas including evidence of need, actions proposed and value for money. These scorings are reviewed by a panel of senior officials before I reach a final decision.

Details cannot be given about allocations in South Belfast, as most projects extend across the city. In the last four years, projects in the Belfast area have received in the region of £170,000. In the current round, there are 30 applications from the Belfast area.

**Mr McQuillan:** I thank the Minister for his answer. Minister, I do not know whether you have the figures with you, but can you give a specific breakdown of how many groups applied from East Londonderry? Will you give us a flavour of the support that the groups got?

**Mr Ford:** I am afraid that I did not come with the full detail, but I will happily write to Mr McQuillan with the details for his constituency. Certainly, at the point when awards are made, the full details will be published. Part of the issue, of course, is that we are not sure, from month to month, how much will be received through the scheme, so there will be, in effect, a first list, and a reserve list should additional money become available.

**Mr McKinney:** The Minister will be aware of the increase in burglaries in South Belfast in the recent past. Is any consideration being given to directing moneys at deterrence or awareness or to protecting the victims of such burglaries?

**Mr Ford:** I can assure Mr McKinney that the principal aim behind the scheme is to fight crime, the fear of crime and antisocial behaviour. The issues that he has highlighted on a number of occasions about burglaries in his constituency clearly come well within the scheme. At this stage, I do not have details of the 30 Belfast applications and what they might be, but they are being assessed. If there are schemes that score highly enough, they will certainly get a grant.

**Mr Hilditch:** I should probably declare a non-pecuniary interest as an official of a midnight soccer scheme that avails itself of some of the money. I acknowledge the work of the scheme and congratulate those responsible on its implementation. I have seen that work at first hand, which is done for the benefit of the young people who participate. Can the Minister give a commitment to its future in terms of length of time or how it could be enhanced going forward?

**Mr Ford:** I can certainly give a commitment that, as long as I am Minister, the scheme will continue. Arrangements are going ahead for the scheme to run in 2016-17. We

should be very clear that this was money that we only got after devolution. Prior to devolution, the half of the money that goes to the agencies responsible came back to the agencies within Northern Ireland, but the half that we distribute in community grants was simply not available in Northern Ireland. That, in itself, is good news. It is £3.5 million in community grants that would not have been made otherwise. I cannot imagine that there are any prospects under which the scheme would not continue. The difficulty is that we have to spend the money in the year we receive it and it is not as flexible as one would hope it might be.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answers thus far and welcome the scheme. One of the objectives of the scheme from the outset was the prevention of crime and the reduction of fear of crime. Can the Minister outline how that has been achieved to date?

**Mr Ford:** I could probably stand here all afternoon doing that, Mr Speaker, but you would cut me off after two minutes if I gave some of the examples. For example, Mr Hilditch has just highlighted the midnight soccer scheme that is run in a number of areas and which deters young people from getting engaged in antisocial behaviour. I have seen schemes that are directly aimed at providing crime-fighting materials such as door chains, spyglasses and so on, to older and vulnerable people. So, there are a variety of ways in which confidence can be provided and in which crime can be fought, both in the sense of deterrence and direct provision of whatever resources are needed to make it more difficult for crimes to be committed. It really is a matter of a variety of imaginative ideas coming in from community groups, through PCSPs right across Northern Ireland and I think that it has been very positive in that respect.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline the number of groups that work with people who have disabilities and special needs and which have been successful in applying to the assets recovery community scheme?

**Mr Ford:** I am afraid that, no, I cannot give that level of detail at Question Time. Groups that work with people with special needs is a fairly wide category. I have no doubt that some of them are included within a general categorisation. If Mr McMullan has a specific question and wants to write to me, I will certainly answer it.

## Court Judgements: Public Reporting

3. **Mr Beggs** asked the Minister of Justice, following the recent decision to reduce the number of local courthouses, what action he is taking to improve the access to the public reporting of court judgements. (AQO 9670/11-16)

**Mr Ford:** The role played by the media in reporting cases and their outcomes is an essential component of the principle of open justice. Access to courts by the media and the public is not affected by a reduction in the number of courthouses. In this digital age, it is possible for reporters to submit articles directly from courthouses or to avail themselves of other technologies, such as Skype. Wi-Fi access in courts outside Belfast has also been factored into the Courts and Tribunals Service future ICT modernisation programme.

NICTS provides a specific online service for the media, allowing them to access full case details seven days in advance of the hearing. This, in addition to the services of press teams in NICTS and the office of the Lord Chief Justice, has reduced the need for reporters to attend court for every single hearing, which clearly frees up staff time.

**Mr Beggs:** As well as reporting the decisions of courts, I think it is important that the public is aware of the cases themselves. With the centralisation of courts, there will of course be no courtroom within the Mid and East Antrim Borough Council area. That will make it more difficult for local journalists to report on cases. Does the Minister accept that, whilst the reports may be online, it will be more difficult for local journalists and people to access that information if it is not near to them? Has consideration been given to putting courts online, so that the public can follow what is said in a courtroom, just like the Assembly Committees or local councils?

**Mr Ford:** Mr Beggs's latter point, though interesting, takes us into a very different area, which is around the whole issue of putting courts online. You will know that that has been done in only a very limited way in Scotland or in the Supreme Court when giving decisions. I think that we are long way from seeing the benefits of that. I must say that, living not that far away in the council area adjacent to that of Mr Beggs, I see no difficulty in my local newspapers reporting the activities of either Mid and East Antrim Borough Council or Antrim and Newtownabbey Borough Council, where reporters have to travel a bit. I cannot therefore see that they would have much problem reporting on the courts.

## 2.15 pm

**Mr Givan:** Given the success of the televising of some court proceedings on the mainland, is it not something that the Lord Chief Justice should be encouraged to facilitate in Northern Ireland, at least for the Court of Appeal, so that the public are able to see exactly what happens in the courts rather than having to rely on a filter from journalists outside the building or, indeed, the print media? That would be a good way of opening up greater access to the courts.

**Mr Ford:** I certainly think that Mr Givan raises an interesting point when he talks about the Court of Appeal giving judgements. However, I am not sure, given the time that it can take for a judgement in the Court of Appeal, that the public would necessarily see everything. They might well have something filtered through television editors rather than television reporters selectively reporting from the street outside. The issue merits consideration, but I must confess that it is not my first priority in managing the courts at this stage.

**Mr McCarthy:** I thank the Minister for his answers and for his acknowledgement that reporting in court cases is very important and may even be a deterrent to further crime. Can he advise the House whether any media or press organisations responded to the consultation on court rationalisation?

**Mr Ford:** The answer to Mr McCarthy's question is fairly simple, Mr Speaker: no media organisation responded to the consultation on court closures. I think that one raised the potential closure of Enniskillen, when a local newspaper representative talked about travelling times for journalists. However, as Members will recall, Enniskillen

will remain as a hearing centre, so that problem has been addressed. There were certainly no formal responses from any media organisation.

## Prisoners

4. **Mr A Maginness** asked the Minister of Justice what assistance is being provided to prisoners to better prepare them for their return to society. (AQO 9671/11-16)

9. **Ms Lo** asked the Minister of Justice for his assessment of the Prime Minister's statement on 8 February 2016 that prisons should be places of care, not just punishment, where the environment is conducive to rehabilitation and mending lives. (AQO 9676/11-16)

**Mr Ford:** With your permission, Mr Speaker, I will take questions 4 and 9 together. Both questions go to the heart of what prison is for. I have often said that people are sent to prison as punishment, not for punishment. Recognising that the vast majority of prisoners will return to our community, we have done much in recent years to ensure that we use the time that people spend in prison to address the types of behaviour that put them in prison, to rehabilitate them and to prepare them for return to society.

In September last year, I published 'Supporting Change: A Strategic Approach to Desistance', setting out my Department's commitment to provide a flexible, person-centred approach that reduces reoffending. The Prison Service contributes to the strategy by making rehabilitation central to how prisons operate and by providing opportunities for people to change and make a positive contribution to their families and to wider society.

The prisoner development model supports, challenges and motivates people throughout their time in prison. Individual risks, needs and strengths are identified so that a structured, tailored personal development plan is agreed with the prisoner to assist them as they prepare for release. When appropriate, people in custody may also participate in programmes to address the distorted thinking and attitudes that led to their offending behaviour, thereby reducing the likelihood of future offending.

Belfast Metropolitan College and North West Regional College provide a wide curriculum of learning and skills across prison establishments, all of which will result in an accredited outcome. The Prison Service also works in partnership with employers to provide work experience and job-sampling opportunities for prisoners prior to their release.

In all those ways, we have put rehabilitation and transformational change at the heart of the Prison Service in Northern Ireland. That remains the direction of our prison service, and the Prime Minister's recent statement suggests that those in England and Wales are now on the same path.

**Mr Speaker:** I call Ms — sorry, Mr — Alban Maginness for his supplementary question. I beg your pardon.

**Mr A Maginness:** Not at all, Mr Speaker. I thank the Minister for his answer. Progress has certainly been made in relation to providing the means for the rehabilitation of offenders, but much more work needs to be done. Will the Minister outline any plans or ideas that he may have on expanding the area of employment that ex-offenders are able to avail themselves of in order to provide for their full integration back into the community?

**Mr Ford:** Mr Maginness puts his finger on one of the key issues to do with rehabilitation, which is the opportunity for employment or, rather, constructive, worthwhile activity. We have certainly seen some significant improvements, particularly at Hydebank Wood, but we have also seen significant opportunities for employment and voluntary service based at Magilligan in recent times. We have a number of enterprises based in our prisons that employ people in prison, as they leave prison and for a short period afterwards. The Thinking Cup Cafe and Book Reserve in south Belfast, which works with young men who have family responsibilities and assists them to get into a culture of employment as they leave, is the right kind of example. I am also conscious of the fact that, despite the significant increase in that work, there remain prisoners who do not have the opportunities either in learning and skills or direct work. It is an area where we need to continue to work with some of our voluntary sector partners outside to get the best possible opportunities.

**Ms Lo:** I thank the Minister for his response and commend him on his determination and his work to reform the criminal system, focusing on rehabilitation and the reduction of reoffending. Does he believe that the prison reform programme has made significant changes that will improve outcomes for prisoners and wider society?

**Mr Ford:** Yes, I certainly do. We are conscious that, this week, we are due to see the latest update on the Criminal Justice Inspection report on Maghaberry prison. However, alongside some of the short-term difficulties we have seen there, we have seen significant issues. For example, the last meeting of the prison review oversight group signed off on 36 — 90% — of the 40 recommendations made by the prison review team, many of which are about embedding long-term structural change. That is very significant. We have seen massive issues in refresh and improved training for staff across a variety of grades. Hydebank Wood College is the first secure college anywhere in the United Kingdom. We have seen the reopening of Burren House as a step-down facility for men and the opening of Murray House as a step-down facility for women. There are a variety of plans — obviously subject to capital, if anybody wishes to speak to the Finance Minister — to develop all three prisons. There is the very significant partnership with the two colleges in the provision of accredited courses on the same basis as it would happen outside. There is the work that I mentioned on the desistance strategy and on rolling out the Inspire programme for women. All of this shows significant advances in recent years that, I believe, are now part of the culture of the Prison Service and will make a real difference in the years ahead.

### Prison Officer Safety: HMP Maghaberry

6. **Mr Buchanan** asked the Minister of Justice how he is improving the safety of prison officers at HMP Maghaberry. (AQO 9673/11-16)

**Mr Ford:** The Prison Service continues to maintain a clear focus on the safety of staff. The Maghaberry senior management team has been refreshed and strengthened, and unit managers are now based in the residential areas to provide visible leadership and support for staff. Staff training and the rotation of staff working in the more stressful areas is ongoing. The introduction of a new core day for prisoners, with more appropriate mealtimes and longer periods outside residential units, reduces prisoner

frustration and provides a safer environment for all. Other measures put in place with regard to safety are the visible patrolling of prisoner recreation areas by staff and the piloting of body-worn cameras. The use of these cameras by staff has clearly led to a lessening in verbal abuse and a reduction in aggression directed at officers. The safety of staff and prisoners remains under constant review.

**Mr Buchanan:** I thank the Minister for his response. Will he advise how many officers are currently off work due to injury on duty and what support services are offered to them?

**Mr Ford:** I cannot give the immediate stats for the numbers who are off work today for injury on duty, but there are solid arrangements in place to provide support for officers, including counselling services and line managers keeping in touch and offering assistance in dealing with sickness issues. All of that is carried out in connection with the general processes outlined in the Civil Service handbook but recognising that prison officers are in a particularly difficult place compared with many civil servants. That support has shown that the number who are off on sick can be reduced, as has happened in recent months, and that is good for all concerned.

**Mr Cochrane-Watson:** I thank the Minister for his answers so far. Minister, do you have any plans to meet, or have you met, the Prison Officers' Association on these issues?

**Mr Ford:** As I said at, I think, my last Question Time, I have not had a recent specific meeting on these issues with the Prison Officers' Association, but I meet it whenever I am requested to do so.

### Cross-border Criminality

8. **Mrs Dobson** asked the Minister of Justice what steps he is taking to combat cross-border criminality. (AQO 9675/11-16)

**Mr Ford:** The fight against cross-border criminality is principally an operational matter for the two police forces and other law enforcement agencies, coordinated through the new cross-jurisdictional joint agency task force. The terms of reference for the task force were agreed at a ministerial trilateral meeting held in Dublin on 21 December. A strategic oversight group will be jointly chaired by the deputy commissioner for operations of an Garda Síochána and the PSNI assistant chief constable for crime operations. Other members will be senior representatives of other relevant law enforcement agencies. The joint chairs have already met twice, and the first full task force meeting will be in early March. An operations coordination group will be chaired by chief superintendents from the PSNI and an Garda Síochána. Membership will comprise senior operational representatives from a wider group of relevant law enforcement agencies to be decided by the group.

**Mrs Dobson:** I thank the Minister for his answer. I am aware of increases in criminal activity, particularly in Louth and Dundalk, which is leading to a bleed across the border, with the A1 dual carriageway and housing estates, including those in Banbridge, becoming particularly vulnerable. What reassurances can the Minister give that the PSNI, particularly in Banbridge, has the adequate resources to effectively address that issue and bring those responsible to justice?

**Mr Ford:** I can guarantee only that the PSNI is provided with the resources that are available for me to provide to it. Members will be aware that the PSNI budget was significantly protected for next year compared with other aspects of the justice system. However, the precise allocation of resources across individual districts is a matter for the Chief Constable, not me.

I note Mrs Dobson's particular point relating to cross-border criminality. There is no doubt that the recent upsurge of drug-related crime in Dublin has led to a reallocation of resources by an Garda Síochána, which may well have had some effect in border areas. It is important that we see the arrangements continuing between the two police services. The joint agency task force will enable better coordination between the two.

**Mrs D Kelly:** I thank the Minister for his answer, particularly the latter points. Minister, you will be aware that there are some 88 gangs here in the North dealing drugs. Of course, we saw the recent gangland violence in Dublin. What reassurance and information can you give to the House around the tie-up and whether the models of Mafia-type violence in Dublin will spill onto our streets here in the North?

**Mr Ford:** I can give the House the assurance that, on the information that I receive about there being very close coordination between the two police services, very good work is being done, particularly with the new structure of the joint agency task force, to tackle criminal activity.

Mrs Kelly referred to the number of gangs dealing in drugs. We should also be aware, of course, that many of them deal in a variety of different crimes. That is why it was a particular pleasure for me to see last week the very good work being done by HMRC in tackling diesel fraud. The new marker is extremely effective in catching vehicles that were using laundered diesel. Even in cases where the old marker has been laundered out, the new marker shows quite clearly. The good news of that is that it means that we are likely to see a reduction in diesel laundering, with all the effects on public health and pollution associated with it, which her colleague the Environment Minister will be well aware of. The bad news is that that probably means that some of those gangs will turn to other issues. We need to ensure that the police response is adequate on both sides of the border to deal with that.

### Inquests: Disclosure Information

12. **Mr Attwood** asked the Minister of Justice for his assessment of the comments of Lord Justice Weir, during the recent review of inquest cases, on the failures of the British Army and Ministry of Defence to provide disclosure information, identify the whereabouts of former soldiers and to make former soldiers available for interview. (AQO 9679/11-16)

**Mr Ford:** I am aware of previous criticism of the Ministry of Defence regarding the disclosure of material and making former soldiers available for interview for a number of legacy inquests in Northern Ireland. I am also aware of the impact that those issues can have on the ability to progress legacy inquests and on public confidence.

### 2.30 pm

I wrote to the Secretary of State on 15 June 2015 asking her to raise the issue of tracing retired military witnesses directly with the Secretary of State for Defence. I asked that he consider what steps might be taken or whether additional resources could be deployed by the MOD to address the problem that the coroners have encountered with retired military witnesses. In response, the Secretary of State for Defence advised that he is conscious of the importance of securing the full participation of the widest possible range of witnesses and that the MOD would do all it reasonably could to facilitate their engagement.

I appreciate that response. However, it is clear that much more work is required in the identification and tracing of retired military witnesses and in communication with them regarding participation in the inquest process.

I also note the involvement of the MOD in the preliminary hearings on legacy inquests before Lord Justice Weir recently. Those 43 inquests with an MOD involvement represent a significant proportion of the legacy inquests that remain outstanding. I trust that the MOD will respond fully to the requests for information that Lord Justice Weir made in those hearings.

**Mr Speaker:** That ends the period for listed questions. We will now move on to topical questions.

### Policing: Cross-border Cooperation

T1. **Mr Rogers** asked the Minister of Justice what discussions he has had with his counterpart in Dublin to address the policy and legislative concerns raised by the Chief Constable of the PSNI following the welcome before Christmas that he and the Garda Commissioner gave to the idea of closer cross-border cooperation. (AQT 3521/11-16)

**Mr Ford:** I thank Mr Rogers for that question. I frequently discuss with the Irish Justice Minister—I think probably at every meeting I have with her—the issues of operational support for the two police services. I know that there had been discussions ongoing very recently between officials about the refresh to the cross-border policing strategy, which I hope to be able to launch within the next few weeks, subject to timing arrangements at this stage largely because of the elections to Dáil Éireann. I believe that good work has been done on that, but it is important that we get the public statement of the relaunch of that strategy.

**Mr Speaker:** I call Mr Chris Hazzard, if he has recovered his breath. Sorry, Seán still has a supplementary to ask. That gives you a rest, Chris

**Mr Rogers:** Thanks, Mr Speaker. A lot of communities have suffered because of cross-border crime, none more so than the farming community through the loss of livestock and machinery. What is being done to address that?

**Mr Ford:** Mr Rogers is now taking me into the direct responsibilities of the operational cross-border group. Members will be aware of the very significant amount of work that has been done in support of trailer marking and a variety of issues relating to Farmwatch and so on. I hope that, in the next few days, we will see a further announcement on the good work being done.

Most of that has been led by individual PSCPs as they look to see what their local needs are. The precise issue of the operational cross-border arrangements rests with the two leading police officers, although Members will also be aware that a number of other bodies, such as the DARD veterinary service, have been suggested for inclusion in the operational subgroup to ensure that we get not just the policing services and the key agencies but some agencies that have not always appeared on the criminal justice list involved in ensuring that we tackle the variety of different crimes that operate on a cross-border basis.

### Courthouses: Additional Services

T2. **Mr Hazzard** asked the Minister of Justice, given his recent statement about the court estate, whether his Department will now look at the remaining courts, the services that they offer and, particularly in the case of Downpatrick courthouse, whether the potential exists to introduce additional services. (AQT 3522/11-16)

**Mr Ford:** There I was thinking that, when I made the courts announcement, Mr Hazzard did a good job by not just making a plea for his local courthouse. The simple answer is that there are no plans to take additional services into Downpatrick at this stage. On the basis of transport and communications links, Downpatrick is seen as serving a fairly discrete area. It is a bit like the point that I made in response to Mr Ross, which was that, no doubt, Members will suggest all kinds of different projects that might be run in particular courthouses, but we need to ensure that we get the balance right and that we manage the costs right, with a lot of the new proposals, such as on problem-solving courts, being handled in the best way to provide an efficient service.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. I want to thank him for giving special acknowledgement to the very rural needs, nature and aspects of South Down, which are why the Downpatrick court exists. I wish the Health Minister would do likewise. Perhaps there is the potential for a refurbishment grant or some sort of resource to be made available to bring Downpatrick courthouse up to the standard that we expect.

**Mr Ford:** Members are well aware of DOJ's difficult budget situation. I have no doubt that the Courts and Tribunals Service is keeping all its buildings under review, but I have not, at this stage, seen any specific proposals for renovation in Downpatrick. I suspect that the reality of the next financial year or two is that it will be unlikely that there will be anything significant within that timescale.

### Coroner Investigator Recruitment

T3. **Mr Milne** asked the Minister of Justice for an update on recruitment to the coroner investigator posts. (AQT 3523/11-16)

**Mr Ford:** I am afraid that I cannot give any direct additional information on that. It is safe to say that Members are aware that a recruitment process is under way, but I am not sure of the exact detail of where we are with the recruitment of those persons.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas don Aire go dtí seo. I thank the Minister for his short answer. Why have the job criteria for the new coroner

investigators been changed from what was sought and recommended by the coroner in the first place?

**Mr Ford:** Specific issues regarding the appropriate balance of skills that would be required for the coroner investigator posts and the knowledge that the individuals would have of the operation of the justice system in Northern Ireland were looked at. That is why the criteria sit as they do. On the evidence that is put to me, I am satisfied that it will be possible to recruit people who have the appropriate knowledge but are not in any way compromised in carrying out the work that will be required in the new posts.

### Dealing with the Past

**Mr Dallat:** Earlier, the Minister answered a question from my colleague Alex Attwood about the need to establish the truth from the past. I am sorry that there was not time for a supplementary. Perhaps I can use this opportunity to pursue the issue.

T4. **Mr Dallat** asked the Minister of Justice, in view of the reluctance of the MOD and the British Army to make any attempt to help the disclosures from our terrible past, whether he believes it is now the responsibility of the British Prime Minister to take the issue in hand and deal with it. (AQT 3524/11-16)

**Mr Ford:** I certainly accept the point that Mr Dallat makes about the historical position. Following the letter from the Secretary of State for Defence to the Secretary of State for Northern Ireland, on the back of my query, I think that we have seen an improvement in the help being offered by the MOD. However, that is where I hinted that we needed to ensure that it was carried through into reality. For example, we have seen it instituting better administrative checks on records, including pension records, to look at potential witnesses. We have also seen the agreement that the Royal Military Police (RMP) will use its policing powers, if necessary and possible, to assist the process. That would mean, obviously, that the RMP would have policing powers to go into liaising with outside agencies beyond simply trawling through MOD records. I think that there is some progress implied; the important issue is whether the comments made by Lord Justice Weir are taken into account by the MOD representatives and carried through in full.

**Mr Dallat:** The Minister will be aware that I come from a constituency and neighbour a constituency where more than 20 people from both communities lost their life in rather strange circumstances. Does the Minister agree that the time for sending letters here, there and everywhere is over and that the British Government should acknowledge their involvement in that and pay the cost of finding out and telling the truth about what happened to our loved ones?

**Mr Ford:** I certainly agree that the Government have a duty, as do other agencies and individuals, to assist in finding the truth about what happened in the case of the 55 legacy inquests awaiting hearing in courts in Northern Ireland. That includes people talking about their involvement in these issues as well as the more bureaucratic approach that we were talking about earlier with regard to finding potential witnesses and making them amenable. There is work to be done by agencies and a moral obligation on agencies and individuals to assist victims.

## Burglaries: East Belfast

T5. **Mr Allen** asked the Minister of Justice to outline the discussions he has had with the PSNI on tackling burglaries in East Belfast. (AQT 3525/11-16)

**Mr Ford:** I have not specifically discussed burglaries in East Belfast with the PSNI because that is very much an operational issue for the Chief Constable. Whilst we discuss general policing matters, we do not discuss that level of operational detail.

**Mr Allen:** I thank the Minister for his answer. Constituents from throughout East Belfast have come to me with concerns about the rise in burglaries in the constituency. Will budget constraints have any impact on the PSNI's ability to tackle such crime?

**Mr Ford:** I thank Mr Allen for the question. At every Question Time that I have done in the last year, I have highlighted the fact that budgetary restrictions are being imposed on the PSNI. It has to deal with significant and severe crimes or threats of crime, with the result that there has been reprioritisation and, therefore, an inevitable slight increase in burglaries. The statistics show a significant decrease in the number of burglaries in Northern Ireland over the last seven or eight years. In that context, much though we might wish it, we cannot expect an ever-decreasing level of crime, and I suspect that, if there is reprioritisation because of budget restrictions being imposed on the Department of Justice, it is inevitable that there will be some increase in burglaries.

## Restorative Justice Organisations

T6. **Mr Newton** asked the Minister of Justice to confirm whether those organisations that are involved in the restorative justice system enjoy his confidence. (AQT 3526/11-16)

**Mr Ford:** I can go only on the basis that the two key restorative justice organisations are fully accredited and inspected by Criminal Justice Inspection Northern Ireland, along with statutory elements in the justice system and the reports to me are favourable.

**Mr Newton:** Given that those organisations enjoy the Minister's confidence, what plans does he have for their development to increase their competence and professionalism so that they might provide an even better service to the justice system?

**Mr Ford:** Given that we are talking about voluntary organisations whose direct line of contact is not with the Department as much as with the Police Service, other agencies and voluntary sector partners, I am not sure that it is the Department's responsibility to enhance their training. It is, however, the Department's job to encourage better joined-up working, and I believe that we are doing that to ensure better professionalism among all those who work in the justice system by encouragement but not by direction.

## Prison Officer Numbers: Maghaberry

T7. **Mr Buchanan** asked the Minister of Justice whether he is satisfied with the prison officer to prisoner ratio in Maghaberry prison. (AQT 3527/11-16)

**Mr Ford:** At present, there is clearly a reduced number of prison officers, which is why one of the key issues

that are being focused on by the governor and the senior management team is sickness absence to ensure that, when possible, officers are at work. A recruitment exercise is being carried out. We need to be careful that we do not automatically assume that the prison supervision ratios that applied some years ago are necessarily appropriate. Reference to ratios of one prison officer to so many prisoners in particular areas does not represent the reality of the different threat levels in different parts of Maghaberry and different kinds of prisoners in different parts of the prison. The issue is at this stage is to ensure that there are appropriate but not excessive levels of supervision in every area, ensuring that the most difficult areas receive significantly higher supervision levels.

**Mr Speaker:** I call Mr Buchanan for a quick supplementary question.

**Mr Buchanan:** Does the Minister agree that the lack of prison officers is the reason for so many being off as a result of injuries received while on duty?

2.45 pm

**Mr Ford:** No. I do not agree that that is the position. In recent months, a cultural shift has led to many more officers being on duty and ensured that prisoners are being managed better, in a way that reduces tension and is less likely to lead to injury to officers or other prisoners.

## Regional Development

### A24: Timescale

1. **Mr Lunn** asked the Minister for Regional Development for an update on the timescale for improvements to the A24 road proposed at the Temple and Ballynahinch. (AQO 9682/11-16)

**Miss M McIlveen (The Minister for Regional Development):** Two schemes are being developed for the A24. I am pleased to advise that my Department has invited tenders for the proposed junction improvement scheme on the A24 Carryduff Road at Temple. Construction is expected to commence in spring 2016, subject to the successful completion of the tendering and land acquisition processes.

A public inquiry into the proposed A24 Ballynahinch bypass concluded on 27 January. The inspector will now consider all the evidence and prepare a report, which will normally include synopses of the Department, supporters and objectors' cases, details of related questions and answers, the inspector's considerations and the inspector's recommendations. It is likely that, as normal, the completed report will be submitted to the Department for consideration within several months. My officials will then address the inspector's recommendations and prepare a report for my consideration. Having considered all of the issues, I will decide how the scheme should proceed. The decision will be conveyed in a departmental statement accompanied by the publication of the inspector's report. Subject to a satisfactory outcome, the notice of intention to proceed and the direction order will also be published. Progression to construction remains subject to the approval of the business case, clearing the statutory procedures and funding being made available to my Department.

**Mr Lunn:** I thank the Minister for what was, effectively, an announcement. It will be very good news for all users of that junction, particularly those who try to turn right from the side roads. In view of the accident history at that point, it is very welcome news indeed. In fact, I can hardly think of a question to ask her. You set out the progression, but when do you expect construction to start? Have you any idea of the timescale?

**Miss M McIlveen:** I thank the Member for his question. I, too, am very aware of that junction as it borders on my constituency, and I use the route often. I am also aware of the collisions there. All tenders returned by the closing date will be assessed, and the most economically advantageous will be identified. Funding has been set aside for the scheme, and it is hoped that it will commence in the spring.

**Mr Craig:** I welcome what the Minister has said so far about the scheme at the Temple crossroads, which is an extremely dangerous crossroads. My father witnessed a fatal accident at that junction. Will the Minister outline the approximate cost of the scheme? More importantly, what additional features will it have?

**Miss M McIlveen:** I thank the Member for his question. The cost is estimated to be in the region of £1.25 million. As I said to Mr Lunn, funding has been set aside for the scheme. There will be a four-leg roundabout at the junction, and, in addition to the junction improvement, there will be road realignment, a new footway on the approach from Lisburn, a 34-space park-and-share facility and traffic islands.

**Mr Rogers:** Thank you, Minister, for your answers thus far. I, too, welcome that good news. Can you be specific about when you expect to get the findings from the public inquiry into the Ballynahinch bypass?

**Miss M McIlveen:** I am hopeful that I will hear about the public inquiry quite soon. I am not clear on whether that will be before purdah. As for the earliest date for construction, it is possible that it could be early 2018. The estimated cost associated with that is around £40 million to £50 million. Again, it is subject to that funding being made available.

**Mr Allister:** The Minister has confirmed that improving the safety of the junction at the Temple is the key consideration. Can she give me an assurance that the same criteria and consideration will be applied to the Woodgreen junction on the A26 in my constituency? Just 10 days ago, we had another fatality of a young person at that junction. Can we have the same safety provision there?

**Miss M McIlveen:** I thank the Member for his question. I take this opportunity to express my sympathy and condolences to the family of the young woman who was tragically killed on the A26. You will appreciate that it would be inappropriate for me to comment on the circumstances of that tragedy. However, there has been a review of safety around the A26. That review included an examination of all the collisions that have occurred in the last three years, up to March 2015, for which details are available. Transport NI officials have also met PSNI staff — traffic safety officers — on site to discuss possible engineering and enforcement measures that not only seek to reduce the severity of collisions but should reduce the likelihood of them happening in the first instance. I have been informed that the review is substantially complete and will make a number of recommendations for action

along that section of the A26, including at the site of the most recent tragedy.

## Road Maintenance Budget

**2. Mr McCallister** asked the Minister for Regional Development for an update on her Department's budget for road maintenance. (AQO 9683/11-16)

**Miss M McIlveen:** The budget for the Department for Infrastructure, as agreed by the Executive in January, provided a capital allocation of £46 million for roads structural maintenance, which I welcome. This will allow for increased expenditure on maintaining the condition of the existing network and reduce the cost of maintenance in future years. However, capital structural maintenance is only one element of the roads maintenance programme. A number of roads maintenance activities are funded through the resource budget. These include street lighting inspection and maintenance, pothole repairs, grass cutting, gully emptying, and weed spraying. These are important aspects of road maintenance in ensuring public safety.

A resource allocation of £20 million was provided for roads maintenance in Budget 2016-17, which again I welcome. However, a 5.7% reduction on DFI's overall resource budget presents a challenging position for delivering services across the Department. Together with my officials, I am taking forward a detailed analysis of all activities that impact on the resource budget for DFI. This will ensure that budget is allocated to maximise service delivery across all aspects of the Department, which will obviously include road maintenance activities. I expect this review to conclude in the coming weeks, at which point budgets will be confirmed to all business areas.

In the current year, 2015-16, the budget for capital structural maintenance is currently £39 million. In addition, my Department received a resource allocation of £16.5 million in the November monitoring round to enable road maintenance activities, including winter service, to be provided. This has enabled a reduction in the backlog of street lighting and pothole repairs and additional gully emptying to be undertaken.

**Mr McCallister:** I am grateful to the Minister for her reply. No doubt the Minister will be aware of the extremely wet winter we have been having and the toll that that is taking, in particular on our rural roads. South Down is suffering as much as anywhere. What role and action is the Minister taking, and how much pressure is she exerting, in Transport NI's identification of necessary repairs and of erosion and excess water? Can she give an undertaking that potholes will be identified quickly and filled in with hot bitumen, rather than the cheaper cold bitumen, as it lasts significantly longer? Does her Department —

**Mr Speaker:** I think you have had enough questions.

**Mr McCallister:** I was just going to give her a chance to comment on any claims against —

**Mr Speaker:** Please sit down before I tell you to sit down.

**Miss M McIlveen:** I thank the Member for his question. Obviously, he has a great deal of experience with pothole repairs. I could nearly offer him a job in Transport NI.

The Member will be aware that there is a duty on my Department to maintain all public roads in a reasonable condition. That is subject to available resources. The

maintenance standards for safety are in place, and they are designed to ensure a consistent level of service. Standards and procedures have been established for the frequency of road inspections. They depend very much on traffic volumes and specific response times for the repair of defects. I, like everyone else in the Chamber, will be aware that there have been issues with response times, but it very much depends on the severity of the defect. The time taken can range from it being repaired within one day to it being put into a programme of works for the next time that the route is having substantial repairs done to it. Those systems and procedures have been tested by the courts.

Regarding the type of bitumen that is used, the Member has shown a certain degree of expertise. My Department carries out repairs using methods that are recognised by the industry. The traditional repair method is to use hot bitumen and spray injection patching. On occasions, as the Member indicated, where high-priority repairs are required, the cold layers will be used, but that is a temporary measure and is in place only until further works can be carried out in the area. Be assured, however, that road maintenance is something that I take seriously, and I have been trying to get additional money for it.

**Mr Clarke:** I appreciate that the Minister took up position with road maintenance at a low under the previous Minister, but has she been able to generate additional funds from her budget as we come to the end of this financial year to put towards road maintenance?

**Miss M McIlveen:** Since coming into office, I have been focused on the appropriate use of the remaining budget and on ensuring that internal efficiencies have been made. All my Department's budget lines and areas of expenditure have been reviewed to ensure that as much money as possible has been available for high-priority activities such as patching and street-lighting maintenance. We have looked at removing all non-essential expenditure on administration, and that has generated savings. Staff overtime has been significantly reduced, being permitted only when it is required to deliver prioritised services.

Additional savings have been generated from the voluntary exit scheme through a combination of increased staff numbers and staff leaving earlier than originally planned. The relatively mild winter has also allowed some funding that had been set aside for winter service to be redirected. I am pleased to say that, since the beginning of January, an additional £3.2 million of resource funding and £2 million of capital funding has been reprioritised for essential maintenance activities, such as street lighting, patching, gully emptying, road markings and resurfacing. That is good news. It will help the local economy, as well as local councillors and MLAs.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for the funding that has been rolled out in recent weeks.

To continue the theme of potholes, I came across one yesterday that had completely wrecked a car. I have, however, been given an undertaking that it will be fixed this week. The Quarry Products Association (QPA) states that there is a £50 million shortfall in the current road maintenance budget. What is your response to that?

**Miss M McIlveen:** I do not think that we need the QPA to tell us that there has been a shortfall; we are all acutely aware of the challenges in our constituencies. I have

regular conversations with the QPA, and it is aware that, since coming into office, I have bid for additional money and have tried to do the best that I can in a very short time. I know that that adds pressures to the industry. It adds to pressure on families when workers have to go across the water to find work. Again, that impacts on our local economy. It is my job and that of others in the Assembly to ensure that we prioritise money in the right direction, and road maintenance is one of those areas.

### 3.00 pm

**Mr Beggs:** The road maintenance budget allocated by the Executive has been inadequate and has relied on in-year monitoring for many years, but the Quarry Products Association and, indeed, the Northern Ireland Audit Office have highlighted how important it is to carry out timely repairs and resurfacing or we will end up patching the patches and wasting money endlessly. Has the Minister recognised the strategic importance of road maintenance? What assessment has been made so that we get the balance right between new build and road maintenance? Can we afford to maintain our existing roads? It appears not. What does the Minister say?

**Miss M McIlveen:** I thank the Member for his question. Having held this position before, his party will be acutely aware of the challenges in relation to that. It is well known that a stitch in time saves nine, and it is important to put as much money as possible into the maintenance of our roads. A study says that we need to put in approximately £141 million per year to sustain our network. There is a backlog, and there will continue to be a backlog, but it is incumbent on all of us to ensure that money is focused on this area.

## A5: Stakeholder Discussions

3. **Mr A Maginness** asked the Minister for Regional Development to outline the discussions her Department has had with stakeholders and farming groups living along the proposed A5 dual carriageway route. (AQO 9684/11-16)

**Miss M McIlveen:** There has been an extensive process of consultation with all those affected by the A5 western transport corridor scheme since its inception in 2008. It has taken a number of forms, including a number of public exhibitions at key design stages; regular updates to directly affected landowners through meetings and by letter at key stages in the development of the scheme; and formal consultation with over 30 statutory authorities and organisations as part of the studies and assessments that have been undertaken during the preparation of the orders and environmental statement for the scheme. That includes the Department of Agriculture and Rural Development, the Northern Ireland Environment Agency and the Loughs Agency. In addition, the scheme has a dedicated project website — [www.a5wtc.com](http://www.a5wtc.com) — and an 0845 telephone contact line. The website has supported the overall consultation strategy for the project, providing an additional means by which statutory, public and private stakeholders have been given access to scheme updates and announcements.

My officials are not aware of farming groups living along the proposed A5 dual carriageway route, although some landowners have chosen to involve the Ulster Farmers'

Union. Officials have met the Ulster Farmers' Union generally and as and when requested by individual landowners. I also met the Ulster Farmers' Union only last week to discuss the A5 scheme and the Land Acquisition and Compensation (Amendment) Bill. In December, I invited the landowners' agents to meet me to discuss their and landowners' concerns about the scheme.

**Mr A Maginness:** I thank the Minister for her detailed answer. Is she fully satisfied that everything has been covered in relation to consultation? If not, you could subsequently come across unexpected roadblocks, if I may put it that way, in the development of the scheme. That must be avoided at all costs. Is the Minister fully satisfied that the necessary consultation has taken place?

**Miss M McIlveen:** I thank the Member for his question. As you will be aware, I announced the start of a new set of consultations on the new draft statutory orders and new environmental statement for the scheme. The current consultation exercise formally commenced on 16 February and will conclude on 4 April.

It is likely that that could lead to another public inquiry into the scheme. As a result, we have tentatively programmed this in for autumn 2016. It is very much subject to the completion of the procedures, and moving forward from there. It is difficult at this stage to anticipate what may come up during those consultations, but I am certainly keen to ensure that as many issues as possible are resolved in advance of a public inquiry.

**Mr Patterson:** As the Minister noted, we will soon see the Land Acquisition and Compensation (Amendment) Bill passed, which will bring parity for those in Northern Ireland affected by projects such as the A5. Will the Minister ensure that measures are in place to maintain parity, should there be further enhancements in the level of compensation awarded in England and Wales in the future?

**Miss M McIlveen:** I thank the Member for his question and for the fact that he recognised that we have moved forward with this legislation, which has been widely welcomed. At this stage, I am unaware of the detail of what may be brought in across the water, but I will certainly advise my officials and ask that that be considered while we are going through the process of the Bill.

### **Pedestrian Crossing: Newtownabbey**

4. **Ms P Bradley** asked the Minister for Regional Development whether her Department has considered proposals for a pedestrian crossing at the junction of Ballyclare Road, Ballyhenry Road and Manse Road in Newtownabbey. (AQO 9685/11-16)

**Miss M McIlveen:** My Department has no current proposals to provide a pedestrian crossing at that roundabout. The layout already includes facilities to assist pedestrians crossing, including pedestrian refuge islands with lowered kerbs, along with tactile paving for the visually impaired. However, I am aware that a site meeting between Transport NI officials and local elected representatives has been arranged for later this month to discuss difficulties that a disabled resident is experiencing when crossing at that junction. The meeting will allow Transport NI to consider possible measures to improve conditions for pedestrians crossing at that busy junction.

TNI considers all such requests for controlled pedestrian crossings against set criteria that take into account the speed and volume of traffic and the demand for pedestrians and vulnerable users to cross a road at a particular location. Usually, surveys will be carried out to determine the peak demand for crossing movements. On occasion, even where the criteria are met, it can be difficult or impossible to provide a crossing at the desired crossing point, and it may be necessary to locate it a short distance away. Where a controlled crossing is not deemed necessary but there is sufficient demand, measures such as pedestrian refuge islands and dropped kerbs may be considered instead.

**Ms P Bradley:** I thank the Minister for her answer. That pedestrian crossing is in an extremely busy area on the boundary of north Belfast and south Antrim leading to Glengormley, Sandyknowes, Ballyclare and Larne. There is not only a high amount of traffic but a heck of an amount of pedestrians. I had to walk that route every day when my children were young and at school, so I know only too well the problems. You are absolutely right, we do have a meeting later on this month, but has there been any history of collisions there? If we were to get any type of pedestrian crossing, have you any idea what could be planned for that area?

**Miss M McIlveen:** I thank the Member for her question. There have been six personal injury collisions at that junction during the most recent three-year period when PSNI collision data is available. Three involved cyclists and motorcyclists, both considered to be vulnerable road users. There have been no reported collisions involving pedestrians during the same period, but TNI will be carrying out a review of the safety of that junction with emphasis on vulnerable road users. I recognise that that is a busy junction, and obviously it is local to the Member. Any formal crossing facilities would have to be carefully sited so as not to be too close to junctions or to compromise private entrances. Normally, they take the form of puffin or toucan crossings and, at some sites, there are zebra crossings. I hope that answers the question for the Member.

### **Belfast Rapid Transit: North Belfast**

5. **Mr Humphrey** asked the Minister for Regional Development to outline the plans she has to extend the Belfast rapid transit system to north Belfast. (AQO 9686/11-16)

**Miss M McIlveen:** I am fully committed to the delivery of Belfast rapid transit (BRT), including not only the current phase but future extensions to the north and south of the city. Belfast rapid transit is a transformational public transport project for the city. It represents a great opportunity for Belfast going forward and is a major undertaking by my Department in support of an Executive priority.

To assess the viability of potential Belfast rapid transit routes to north and south Belfast, my Department has already undertaken surveys. The results of those, along with passenger information and existing data sets, are being used in the development of a new transport model for Belfast. The model will enable my Department to assess potential options for the extension of Belfast rapid transit and to prepare a business case for the extension of the system to north and south Belfast. Any future extension of the system will, of course, be subject to the availability of

funding. My Department is continuing to engage with those responsible for current and proposed developments on potential future routes for BRT, including the Department for Social Development and the University of Ulster, to ensure as far as possible that the future provision of Belfast rapid transit to those key areas is not prejudiced.

**Mr Humphrey:** I thank the Minister for her answer. Has a route been identified for north Belfast, and what is the likely timescale for its operation and implementation?

**Miss M McIlveen:** My Department has not yet identified the preferred route option for the extension of BRT to serve north Belfast. As with the first phase of BRT, which is being implemented, the route options will be subject to detailed analysis and public consultation. There are a number of potential route options in north Belfast, which include Shore Road, Antrim Road and Crumlin Road. Obviously, the success of a high-frequency and high-occupancy rapid transit system relies on achieving significant patronage levels. Whilst the route has not yet been identified, it appears that, based on current bus patronage levels and the potential for future growth, the Antrim Road is likely to emerge as the preferred option.

A timeline for this is very much dependent on the success of the first phase of the Belfast rapid transit network and available funding for it. However, subject to those caveats, an outline provisional timeline for the extension to north Belfast is as follows. In 2017-18, the options assessment will be prepared. In 2018-19, a business case will be prepared and, following assessment, the first phase will be commenced. In 2019-2020, there will be the detailed design and implementation, and, by 2022-23, I hope that it will be operational.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. What discussions, if any, have there been with the taxi industry on any of these proposals on rapid transit?

**Miss M McIlveen:** My Department, as you will understand, is in regular contact with the taxi service, and that will continue through this project.

## Railway Line: North Belfast

6. **Mr McCausland** asked the Minister for Regional Development, in view of the development of the Ulster University campus in York Street, which may result in increasing rail use, what consideration is being given to changes to the railway line in north Belfast. (AQO 9687/11-16)

**Miss M McIlveen:** I recognise the importance of supporting this development, and, clearly, public transport will be critical. I recently met officials from the University of Ulster, and I understand that it is working closely with Translink. Future plans to encourage students to access the new campus by public transport will include a range of direct bus services, discounted ticketing options and a wide range of promotional activity. Currently, Yorkgate rail station has capacity to deal with greater numbers of passengers. Translink will improve bus links from the station and is working with Transport NI on improved walkways and cycleways.

Translink has also looked at the possibility of providing a new station at Gamble Street. However, to operate a new station on the line at this location will require the existing

single-line Dargan viaduct to be reconstructed to twin track. That is because a delay to each train on the single line section for services from Larne and Londonderry could not be justified. A recent review indicated that the single line across the Dargan viaduct will be sufficient for projected passenger growth well into the next decade.

To justify the track dualling earlier would require a sufficiently robust business case and consideration of impacts across the whole rail network. There is also a question of timing. Reconstructing the viaduct to take a twin track will most probably require an extended period of line closure, which brings with it its own difficulties.

3.15 pm

**Mr Speaker:** I am sorry; there is not time for supplementary questions. We now move to topical questions.

## Flooding: Road-raising Work in Fermanagh

T1. **Mr Patterson** asked the Minister for Regional Development to state when her recently announced welcome work to raise roads in Fermanagh following the flooding problems will be completed and to outline what assessments were carried out to identify those roads as the key roads to receive funding. (AQT 3531/11-16)

**Miss M McIlveen:** I thank the Member for his question. My Department has received over £1 million to develop a package of road improvements across Fermanagh and other parts of Northern Ireland to mitigate future flooding. Over 50 roads were flooded in the Fermanagh area during the most recent flooding. Three main crossings of Upper Lough Erne are considered to provide the greatest public benefit, and funding is initially being targeted towards those schemes. The three schemes are as follows: the B55 Wattlebridge Road; the C436 Inishmore Road; and the B127 Newbridge Road. My officials are looking at options and costings for the engineering of those schemes.

**Mr Patterson:** I thank the Minister for her response on those three roads, to which £625,000 has been allocated. In some ways, that seems like a drop in the lough to complete the raising of the roads. It may be an indication that the Executive still seem unprepared to tackle the wider issues of flooding in Fermanagh. Can she confirm whether those projects will be completed entirely with the flooding fund or whether a substantial amount of money will be taken from the DRD budget for 2016-17?

**Miss M McIlveen:** I thank the Member for his question. Obviously, the money will go some way towards correcting and addressing the issues in Fermanagh. The Member is right that it will not rectify all the problems in Fermanagh, but at least it will start to make some headway towards it. Additional moneys may be sought during various monitoring rounds for other roads that are identified. At this stage, we are still identifying roads that require work. You will be aware that previous works helped in the past. I know that not all road works were successful, but the majority of roads remained open as a result of previous works. Like other Executive members, I plan to be in Fermanagh on Thursday, when I hope to meet engineers at a number of those sites to discuss the issue further.

## A5: Ballymagorry

T2. **Mr Hussey** asked the Minister for Regional Development, who will not be surprised to be asked a question about the A5, to confirm that, as part of the consultation process, she will give serious consideration to protecting the circular lough walk in the Ballymagorry area, which he toured on Saturday with some local residents who showed him the walkway on the boundaries of the village, where the proposed route of the A5 will cross the Greenlaw Road and Park Road, basically cutting off the walkway. (AQT 3532/11-16)

**Miss M McIlveen:** I thank the Member for his question. As he has identified, some alterations are proposed to the lough walk area. However, it is my understanding that my Department intends to ensure that there is public access to that area, and that will be maintained. Obviously, there is an opportunity for that to be raised during the consultation process. I am happy to speak to my officials about the area in question, and I will then write to the Member.

**Mr Hussey:** Again, I thank the Minister for her response. That response will be greatly appreciated by the people of Ballymagorry. Again, thank you for your letter.

**Miss M McIlveen:** I thank the Member for that.

## Comber Greenway: Potential

T3. **Mr Newton** asked the Minister for Regional Development whether she recognises the potential of the Comber greenway. (AQT 3533/11-16)

**Miss M McIlveen:** I thank the Member for his question. That greenway is close to my heart, given that it falls within my constituency. There is tremendous potential in developing greenways across Northern Ireland, and not just the Comber greenway. I am keen to harness that potential to deliver a network that provides safe and convenient traffic-free routes in order to increase sustainable travel and opportunities to improve health and well-being by using recreational areas such as that. I was recently in Edinburgh and Holland, where I was able to see what they have made of their greenways and their potential.

I am developing a strategic plan for greenways across Northern Ireland. The Comber greenway has potential, given the large catchment area and the links to the new Connswater Community Greenway, which I also had the opportunity to visit recently.

**Mr Newton:** I thank the Minister for that answer. She mentioned the Connswater greenway, which she has seen. Is it her intention that the Comber greenway comes up to the same standard as the Connswater greenway.

**Miss M McIlveen:** I thank the Member for his question. Of course I would like that to be the case. As he said, I visited the Connswater greenway. It really is something very special, and I recommend anyone who has not had the opportunity to see that work as it progresses to go to the area. In the first instance, I see opportunities for enhancements in lighting on the Comber greenway and for better signage and links to communities off the greenway. I want to explore the best way to do that and, for the Comber greenway in particular, greater links with councils. I have given my support to a Sustrans application for EU funding to increase usage of the Comber greenway, and I hope to see the benefits of that.

## Road Maintenance: Rural Newry and Armagh

T4. **Mr Boylan** asked the Minister for Regional Development, on behalf of the good people of rural Newry and Armagh, to outline what action she is taking to ensure that the roads in that area are maintained in a safe and roadworthy condition. (AQT 3534/11-16)

**Miss M McIlveen:** I thank the Member for his question. I met him recently to discuss a range of issues, particularly in the Newry and Armagh area, and I am also aware that he met local Transport NI officials to address his concerns.

As I said in response to previous questions, road maintenance is a priority. Since coming into office, I have ensured that money has been directed to that, along with other maintenance issues. I would like to think that, before the end of the term, he will see the benefits of that additional money. I admit that it is not enough, but it will go some way to address the areas of concern.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. As part of her legacy and when leaving the old DRD, will she give a commitment and assurance to the House that the money for the 2016-17 budget year will be prioritised for the maintenance of rural roads? In a previous answer, she talked about doing the roads that carry the greatest volume of traffic. She will understand that rural roads have been neglected for many a long day. Will she commit to prioritising that money for rural roads maintenance?

**Miss M McIlveen:** I thank the Member for his question. The case is well made. As somebody who also represents a rural constituency, I am aware of rural roads requirements, and many in the Chamber would reiterate that. While I can give a commitment that I will seek to get as much money as possible into the roads budget, it very much depends on how local divisions allocate their money and the areas that have the highest priorities. It is about making a case for those areas.

## Brexit: DRD Funding

T5. **Ms Hanna** asked the Minister for Regional Development, now that the date for the EU referendum has been confirmed, to outline any planning or auditing that her Department has done to assess the funding that might be lost if we are withdrawn from the European Union in the summer. (AQT 3535/11-16)

**Miss M McIlveen:** I thank the Member for her question. As she will be aware, the date was agreed only at the weekend, and, given that it is only Monday, I am not yet at the stage of getting that information, but I plan to do so in the near future.

**Ms Hanna:** Has her Department applied for money in INTERREG's latest open call, which is worth a potential £30 million to Northern Ireland for cross-border transport? Are there any specific cross-border transport projects that she feels might be at risk in the event of a Brexit?

**Miss M McIlveen:** My Department is undertaking a number of projects on sourcing EU funding, and I mentioned the greenways. One that has a cross-border dimension is the Londonderry transport hub. I will speak to officials and get the detail of the information that the Member has requested and send it to her.

## Sewerage Improvement Works: North Down

T6. **Mr Weir** asked the Minister for Regional Development, moving from wider European issues to more narrowly focused local issues, for an update on sewerage improvement works in North Down. (AQT 3536/11-16)

**Miss M McIlveen:** I thank the Member for his question. In North Down, Northern Ireland Water is investing in the sewer network through carrying out maintenance activities, as well as addressing flooding issues. A number of schemes in North Down are in construction or nearing the construction phase, including some dealing with unsatisfactory intermittent discharges. The Clondeboy stream phase 2a is in construction, at a cost of £1.7 million, and phase 2b is nearing construction, at a cost of £3.6 million. The Rathmore stream is nearing construction at a cost of £200,000, and Belfast lough is nearing construction at a cost of £2 million. In addition — not in the Member's constituency but mine — the £250,000 Kircubbin drainage area plan and combined sewer overflow upgrade is nearing construction.

**Mr Weir:** I thank the Minister for her response. Specifically, what improvement works are being done in the Millisle area?

**Miss M McIlveen:** I thank the Member for his question. The Millisle sewerage improvement scheme is at construction stage. The project is aimed at improving bathing water, reducing the risk of flooding and enhancing the coastal area. The project involves the construction of a new underground pumping station in the car park/seafront area of Millisle. It also includes the laying of approximately 340 metres of sewage pumping main, and that, with the exception of the final connections, is substantially complete. It is anticipated that the overall programme of work will be completed in the summer of 2016.

## Knockmore/Sprucefield Link: Update

T7. **Mr Givan** asked the Minister for Regional Development for an update on the recent meetings she held with him, some of his Assembly colleagues and local councillors to discuss the Knockmore/Sprucefield link. (AQT 3537/11-16)

**Miss M McIlveen:** I thank the Member for his question. In January, I met members of Lisburn and Castlereagh City Council to discuss the proposal, and I can confirm that my Department will undertake a preliminary assessment of the traffic impacts of the Knockmore link, the results of which should be available in March. I expect the results to provide objective evidence for further discussion between Transport NI and Lisburn and Castlereagh City Council officers.

**Mr Givan:** I thank the Member for that response. Associated with the Knockmore/Sprucefield link, particularly along the Knockmore Road, are junction improvements required as a result of planning articles and housing associated with those. Will the Minister provide an update on those junctions in what is commonly known as the LD1 area?

**Miss M McIlveen:** I thank the Member for his question. My understanding is that TNI is in ongoing negotiations with the development consortia for the financing and building of the three junctions at the LD1 site. I expect that the discussions between TNI, Lisburn and Castlereagh City Council planning officers and the developer's agent will continue to facilitate the agreed junction approvals to be

implemented. I have agreed to visit the site and meet the developers afterwards to discuss the scheme.

**Mr Speaker:** That ends the period for questions. Thank you very much, Minister. Will Members take their ease while we change the top Table?

3.30 pm

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

## Executive Committee Business

### Employment Bill: Further Consideration Stage

#### New Clause

Debate resumed on amendment No 3, which amendment was:

After clause 16 insert

#### **“Zero hours workers**

**16A.** After Article 59 of the Employment Rights (Northern Ireland) Order 1996 (meaning of “wages” etc.) insert—

#### **“PART IVA**

#### **ZERO HOURS WORKERS**

#### **Zero hours workers**

**59A.**—(1) The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—

- (a) zero hours contracts;
- (b) non-contractual zero hours arrangements; or
- (c) worker’s contracts of a kind specified by the regulations.

(2) In this Article—

‘non-contractual zero hours arrangement’ means an arrangement other than a worker’s contract under which—

(a) an employer and an individual agree terms on which the individual will do any work where the employer makes it available to the individual and the individual agrees to do it, but

(b) the employer is not required to make any work available to the individual, nor the individual required to accept it;

and in this Article “employer”, in relation to a non-contractual zero hours arrangement, is to be read accordingly;

“zero hours contract” means a contract of employment or other worker’s contract under which—

(a) the undertaking to do or perform work is an undertaking to do so conditionally on the employer making work available to the worker; and

(b) there is no certainty that any such work will be made available to the worker.

(3) For the purposes of this Article—

(a) an employer makes work available to a worker if the employer requests or requires the worker to do the work; and

(b) references to work and doing work include references to services and performing them.

(4) The worker’s contracts which may be specified under paragraph (1)(c) are those in relation to which the Department considers it appropriate for provision made by the regulations to apply, having regard, in particular, to provision made by the worker’s contracts as to income, rate of pay or working hours.

(5) Regulations under this Article may amend or repeal any statutory provision (including paragraphs (2) to (4)).’.— [Ms Lo.]

The following amendments stood on the Marshallled List: Amendment Nos 5-17, 24, 29.

**Mr Buchanan:** I rise to speak on the second group of amendments, which deal with zero-hours contracts, and to look at amendment No 3, which inserts a new clause 16A, and amendment No 24. In relation to zero-hours workers, I want to say that we will be giving our support to amendment No 3. At the outset, I want to acknowledge the role that zero-hours workers play in the workplace, especially for businesses that, at certain times, require extra workers for a length of time to help them in busy periods. I know that, over the past few months, some concerns have been raised about abuses of the use of zero-hours contracts and non-contractual zero-hours arrangements. As a result of that, a raft of amendments to the Bill have been brought forward at a very late stage, but it is far too late to bring them forward on such an important issue as this.

Amendment No 3 gives the Department the flexibility to consider provisions that are appropriate for the purpose of preventing any abuse that may arise. Given that this is subject to affirmative resolution, it gives the future Minister for the Economy the opportunity to bring forward proposals that can be debated and scrutinised in detail at Committee. It also gives us the opportunity to hear from witnesses and to open it up to a consultation exercise to ensure that this matter is dealt with in the proper fashion so that whatever is legislated for in the House meets the needs of employers and workers. It is important that, whenever work is being done on this, a balance is found that meets the needs of employers and workers.

As legislators, we need to ensure that whatever we legislate for is not detrimental to the business world, employers or workers. On an issue such as this, it is important that there is time to fully scrutinise and assess prospective legislation to ensure that what is being legislated for will meet the needs of all those interests. There is only one way to do that, which is to take the time to consult with business people, employers and employees. That has not been done; there has been no time for that, but the Alliance Party amendment gives the flexibility to allow that to be done by the future Minister for the Economy. That is why we will support that particular amendment.

**Mr Flanagan:** I thank the Member for giving way. He said that no consultation has been carried out, but does he accept that the Minister carried out a very extensive public consultation on this issue and that, through the Committee, we were given a summary of consultation responses and were contacted by a number of people who expressed their concern about the use of zero-hours contracts? For the Member to say that there has been no public consultation on this issue is incorrect.

The Minister, with the support of the Executive, carried out a public consultation, but unfortunately, some of us felt that the Minister's policy proposals just did not go far enough. That is why we tabled amendments that go much further than the Minister had anticipated. For the Member to suggest that there was no consultation is, in fact, incorrect.

**Mr Buchanan:** It is fair to say that the Committee has not had the opportunity to scrutinise the matter as fully as it should, and it is much too important an issue to drive through in an Employment Bill for which no opportunity was given for us to scrutinise it in the detail required. That is why we will be opposing amendment Nos 5 to 17 and amendment No 29. They are detrimental both to employers who, by the very nature of their business, require zero-hours contracts and to those in the workforce who rely on zero-hours contracts, as they best meet their working arrangements. Let us remember that there are workers out there for whom the zero-hours contracts in place best meet their needs. Therefore, we cannot deny them the right to have zero-hours contracts, nor can we deny the employers.

There is a concern, however, and that concern needs to be addressed. I do not believe that it can be addressed by bringing forward a raft of amendments to a Bill at this late stage that have not had the proper scrutiny, and that is why we cannot support them today and will be opposing them.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to put forward arguments in favour of the Sinn Féin amendments to deal with the vexed issue of zero-hours contracts. As you will be aware, my party tabled an amendment at Consideration Stage that would have prohibited zero-hours contracts. The House did not support the proposal, so we have brought forward a range of amendments today that will protect workers from some of the most awful working practices that exist in the developed world. There has been some criticism here that the amendments were not scrutinised by the Committee, but members of the Committee will perhaps recall that it was given all of two weeks to discuss the Employment Bill, to take evidence and table potential amendments, so there was not really the scope to engage in proper scrutiny even if the amendments had been tabled for the consideration of the Committee at its earliest possible stage.

I will deal first with amendment No 3, from the Alliance Party. As has been said, it is a broad enabling amendment to allow a future Minister to bring forward regulations dealing with the whole issue to prevent abuses arising out of the use of zero-hours contracts. I have no great difficulty with supporting it. It is a forward step, but I certainly do not think that it goes anywhere near far enough, and it demonstrates a clear lack of ambition by Members of the Alliance Party and other Members in the House, who are happy to settle for future regulation, with no surety that improvements will be made to the rights of working people.

It must also be remembered that the first line of the amendment states:

*"The Department may by regulations make",*

so there is actually no legal requirement on the Department to bring forward regulations that would improve things. Therefore, all the amendment really does is to provide the Department with the opportunity to bring forward secondary legislation to deal with the issue.

**Dr Farry (The Minister for Employment and Learning):** Will the Member give way?

**Mr Flanagan:** I certainly will, Stephen.

**Dr Farry:** I hate to intrude across debates, but the Member will be aware that his party colleagues have brought forward an amendment to the Health (Miscellaneous Provisions) Bill later around banning smoking in cars in which there are children under 18 that is phrased around these lines — "The Minister may bring forward regulations" — so amendments from his own party in other legislation use the exact same formulation.

**Mr McCarthy:** Hear, hear. Answer that one.

**Mr Flanagan:** I hear what the Member is saying, and I hear Mr McCarthy telling me to answer him.

I suppose that the fundamental difference is that there are, in the Health (Miscellaneous Provisions) Bill — not to get too far away from the zero-hours contract issue — not two competing options, where something "may" be done, or, because there is an alternative proposal, where something "is" done. Correct me if I am wrong, but there is no party bringing forward an amendment in the Health (Miscellaneous Provisions) Bill that states that smoking will be banned in cars. The only option on the table there is that the Minister may bring forward a regulation. What is on the table here is an enabling power for a future Minister to bring something forward and our options, which would deal with some of the worst abuses of zero-hours contracts immediately.

**Dr Farry:** I am grateful to the Member for giving way. This is an entirely serious point, and I appreciate that the Member may yet come to it in his own remarks. In order to get support for the amendments he is proposing, he needs to satisfy Members that the amendments would actually do what is set out and that they are going to work and deliver, amongst other factors. Simply stating that, "If we pass these things today, we will clamp down on zero-hours contracts", is not guaranteed in some ways, because in no way have they been stress tested.

There are issues around the definition of zero-hours contracts, whereby employers can very easily circumvent them. We could end up in a situation whereby we pass something which locks something into law which may not be effective in delivering what the Member intends. This is why, building on what the vice-Chair of the Committee said, it is so important that we have the scrutiny, not just to ensure that what we are doing is balancing employers versus employees, but to ensure that this will actually work and deliver what people want to see happening.

**Mr Flanagan:** I hear what the Minister says but I do not necessarily agree with him. The amendment we tabled to bring in a definition of zero-hours contracts would have included the ability for the Department to change or amend the definition of a zero-hours contract by regulation, to reflect the concern — that the Minister has indicated for a number of years — that, regardless of what mechanisms we bring in to deal with this issue, some employers will always try to circumvent them. The opportunity for amending the definition by regulation exists in our amendment No 5, but it also exists in the Alliance Party's amendment No 3; so, there is flexibility for the Department to realise, over time, that some employers are changing how they are abusing workers and it allows the

Department to change the definition. So, there is not really an issue of definition. I accept that issues might arise in England from the definition included in our amendment No 5, but it is very similar to the Alliance Party's amendment No 3, and both provide for the Department to alter the definition by regulation at a later stage.

I do not think that putting the issue on the long finger is sufficient. The abuses of zero-hours contract workers happen on a daily basis through a range of guises now. Merely adopting the position of waiting for a future Minister to bring forward some regulations to deal with it is not sufficient in my opinion. It is clear that some Members are burying their heads in the sand by saying that this is going to sort out the whole problem. We have a responsibility to send out a message to people that we are actually dealing with the issue. Giving a future Minister powers to deal with it is not dealing with it. It is, once again, delaying the resolution of a problem that needs to be sorted as a matter of priority.

What we propose complements the approach envisaged by the Alliance Party, without leaving everything in its totality for a year or two before a solution is found. As I said to Mr Buchanan, the Minister has already engaged in extensive public consultation around the issue of zero-hours contracts. He has brought forward a range of policy proposals to the Executive to try and deal with the issue, but, unfortunately, there could not be agreement within the Executive on how best to tackle zero-hours contracts, because some Members wanted the Minister to go much further than he proposed. Unfortunately, he decided that there just was not time to deal with any of this and, as such, it has been put on the long finger, and the Minister has not brought forward any policy proposals because he is, in effect, hamstrung by the Executive and by time in that regard.

I move on to the specific amendments tabled in my name and those of my colleagues. Amendment No 6 gives employees the right to be given written notice of the minimum number of hours of their employment within seven days of the commencement of the contract. In complementing the proposed definition of a zero-hours contract worker, any worker who is not given that written notice will be regarded as though they were a zero-hours contract worker for the purposes of these proposals. It is a fairly simple thing. An employee, or worker, is entitled to a written contract within seven days of starting to work and, if they do not get one, they will be deemed as a zero-hours contract worker.

Amendment No 7 ensures that zero-hours contract workers are treated in the same way as other workers as regards terms and conditions of employment. In essence, what that means is that if a fixed or regular working-hours contract worker is entitled to overtime, then a zero-hours contract worker should be entitled to the same basic entitlement. This means that zero-hours contract workers cannot be penalised just because they are being placed on a zero-hours contract.

Amendment No 8 sets out that all zero-hours contract workers should be given at least 72 hours' notice of any request or requirement to undertake a period of employment or any cancellation of a period of employment already agreed. What happens at present in some workplaces is that many workers have returned to the days of queuing up outside the docks or factory, waiting to see whether they will be called in for a day's work. Such employment practices cannot be tolerated in this day and

age. Some employers, a very small number, bring in all their staff every day and then send the zero-hours contract workers home again.

Those people get no compensation or payment for the period in question. What we propose would address that.

### 3.45 pm

Through amendment No 9, workers who are not given 72 hours' notice that they are requested or required to work a shift would be paid time and a half for that shift. In the event that the shift is cancelled without reasonable notice they would also be entitled to be compensated for that period. These two amendments would go some way to protecting workers from what I described at Consideration Stage as lazy and ineffective management practices and would certainly address the problem facing the small number of workers whose rights are being eroded by bad employers.

Amendment No 10 gives workers the right to request fixed and regular employment but no more often than every 12 weeks. It also places a duty on employers to respond within 10 working days of receiving the request. At present, too many employers use and abuse zero-hours contracts by having a significant proportion of their staff on such contracts, without considering the needs of the employees or workers for job security, an expectation of earnings and the ability to plan for future events, such as holidays or time off, or even for the assurance that one can borrow enough money to buy a car or own one's home. It is made clear in the amendment that only compelling business reasons can be used to turn down a request for a fixed and regular working contract and that a desire by an employer to use zero-hours contracts does not meet that criterion. Finally, any employee who is refused or does not get a response within the stipulated time shall be entitled to make an application to an employment tribunal to have their case heard.

Amendment No 11 is similar to amendment No 10 but deals with continuous employment. It places a duty on employers who have continuously employed a zero-hours contract worker for a period of 12 weeks to offer that worker a fixed and regular working hour contract 12 weeks after their first engagement with the employer. It also establishes that any worker who works 12 weeks out of a period of 26 weeks shall be entitled to the same rights. Any worker who is not offered a fixed and regular contract shall once again be entitled to make an application to an employment tribunal.

Amendment No 12 is very simple. It deals with exclusivity clauses in zero-hours contracts and makes them void, except in circumstances where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify such an agreement. I thought that there was widespread agreement across the House and across society that exclusivity clauses in zero-hours contracts were unacceptable. I heard Members opposite, from all parties, indicate such at Consideration Stage, when they argued that we should not go as far as an outright ban but that issues such as exclusivity clauses should be addressed and not be allowed to stand.

**Dr Farry:** I am grateful to the Member for giving way. Will the Member explain to the House how he can guarantee that the wording he has put forward for the clause will

achieve the outcome he seeks? If employers are allowed to provide a compelling reason for an exclusivity clause, what is to stop virtually every employer citing one or other rationale? For example, confidentiality is only cited as a “for instance”; there is not an exhaustive list of reasons that employers can use. On that reading, employers could cite any reason as a compelling business reason, thereby negating the intent of the amendment. That is why scrutiny is so important: it helps ensure that what is put forward will actually work by achieving a proper ban on exclusivity. The Member has not used the wording, for example, in the Great Britain small business legislation; this is entirely different wording. There is no understanding, there is no appreciation and there is no stress test to ensure that the wording put forward, going into primary legislation, will actually achieve the outcome that the Member seeks.

**Mr Flanagan:** I thank the Minister for his intervention. There is no problem with amendment No 12. It is very clear-cut:

*“(1) Any term or understanding, written or oral, of a contract or engagement (whether express or implied, and whether formal or informal) that requires a zero hours contract worker to work exclusively for one employer shall be void.*

*(2) The provisions of subsection (1) shall not apply where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify a contractual requirement that the zero hours contract worker shall work exclusively for the employer in question.”*

I do not understand how Minister Farry reads into that that an employer could put forward any possible reason for having an exclusivity clause in a zero-hour contract. I read that as providing that an employer must have a compelling business reason. It will be up to the employer to justify it, and it is as not as straightforward as saying, “Because we want to use zero-hour contracts with exclusivity clauses. That is our compelling reason”. The onus will be on the employer to prove that there is a compelling business reason for it.

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

**Mr Flanagan:** I will, yes.

**Dr Farry:** It is one small suggestion, which is why legislative scrutiny is so important. The addition of the word “reasonable” provides a qualification of the “compelling business reason”. At this stage, there is no qualification written against the phrase “compelling business reason” in the draft that the Member has provided. I stress that, once this is passed — if it is passed — it will go into law, and tribunals will rule on that basis. If you put in a reasonableness test, that will give some scope for cases to be taken where there are breaches of the content of that amendment. As it is currently worded, there is no qualification. It is open season for employers to define what is a “compelling business reason” without any check or balance on it.

**Mr Flanagan:** If the Minister reads amendment No 10, he will see it says that:

*“The employer’s desire to use zero hours contracts is not a compelling business reason for using such contracts.”*

The fact that an employer wants to use exclusivity clauses and zero-hours contracts is not sufficient to warrant them having exclusivity clauses. We are getting hung up on the detail of what the Minister interprets from an amendment and what I interpret from an amendment.

**Dr Farry:** That is what legislation is for.

**Mr Flanagan:** Well, we can agree to differ: I read it to be one thing, and the Minister, in trying to put this on the long finger, wants to read another thing into it. From my reading of it, it is very simple. That amendment would prohibit the use of exclusivity clauses in zero-hour contracts. It would make them void unless an employer could bring forward a compelling business reason why they should be in use. That would be up to the employer to prove.

Amendment No 13 makes it unlawful for an employer to subject a worker to a detriment simply because they are a zero-hours contract worker or for other reasons as the Department may specify by regulation. The purpose of the amendment is that, if any of the aforementioned amendments are made and employees are allowed to request fixed and regular working hours or there is a duty to provide them with a written contract and an employee or a worker requests one of those things, there is protection, in that employers cannot punish them or subject them to a detriment just because they have requested a contract or fixed and regular working hours. There is also the provision that any worker who faces such a detriment shall be offered the right to make an application to an employment tribunal.

Amendment No 14 makes the dismissal of an employee unfair if the primary reason for that dismissal is that the worker is a zero-hours contract worker or for other reasons, as the Department may specify by regulation. That could include some of the earlier amendments on requesting a contract or requesting fixed and regular working hours.

Amendment No 15 deals with continuous employment and makes technical amendments to the existing legislation that deals with the issue.

Amendment No 16 gives the Department the right to introduce regulations that would establish a maximum proportion of workers that an employer can have on zero-hours contracts. The demand and the requirement for employers to use zero-hours contracts may well differ within sectors. This will be subject to further consultation, which would allow input from employers’ representatives and the trade union movement. The difference between these amendments and the all-encompassing Alliance Party amendment is that this one places a duty on the Department to bring forward those regulations, whereas amendment No 3 does not place that duty on the Department but merely gives it the power.

Amendment No 17 deals with how the amendments will be interpreted and ensures that those who are genuinely self-employed will not be affected by the proposed changes. It also clarifies, for the purpose of the amendments, the difference between a worker and an employee. The recent increase in the rights of workers, which the Minister has championed largely through agency workers, has led to a move away from casual worker contracts toward zero-hours contract employees, even when that is not the most appropriate form of contract.

That concludes my remarks on the amendments. I appeal to all Members to support the amendments. I do not think we can waste the opportunity to deal with zero-hours contract workers. If we do not do it now, it will be another year or two years before the regulations provided for in the Alliance amendment are made. The people out there who are employed on zero-hours contracts, many of whom are being abused by employers, will not forgive us for not taking the opportunity to protect them from such immoral working practices.

**Mr Diver:** I welcome the opportunity to speak to the group 2 amendments. At Consideration Stage, I stated that the SDLP was against zero-hours contracts and supportive of the Sinn Féin amendments.

We said that we would have liked to see greater detail on how the prohibition of zero-hours contracts would be carried out, and I welcome the greater detail provided in today's amendments.

The Alliance amendment on zero-hours contracts states:

*"The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—*

*(a) zero hours contracts;*

*(b) non-contractual zero hours arrangements; or*

*(c) worker's contracts of a kind specified by the regulations."*

In terms of the legislative duty imposed on a Department, we do not believe that that is strong or robust enough. The Department may, basically, do what it considers to be appropriate on zero-hours contracts. In our view, that does not represent the sort of impetus and zeal that we need to see to deal with the iniquity of the situation. I cannot stress enough to the House — Mr Flanagan and others have outlined it — the number of people in all sorts of roles and responsibilities who are being exploited under zero-hours contracts. We cannot afford to be ambiguous in the language that we use.

As I said at Consideration Stage, those contracts are often used by unscrupulous employers. In many cases, they are used to avoid paying employees properly and giving them the other reasonable employment rights that one could expect. When we think about it, those contracts are limiting people's lives; they are limiting their ability to plan for the future and to have the reasonable things that people would like to have for their family and children. We cannot forget the long-term effects that people constrained in zero-hours contracts have to contend with daily.

At Consideration Stage, I pointed to a study by the Chartered Institute of Personnel and Development that found that over 60% of those on zero-hours contracts wanted more hours but could not get them from their employers. I do not think, and neither does the SDLP, that that is a satisfactory situation. We said that we wanted detail as to how zero-hours contracts could be abolished in a reasonable and logical way.

Amendment No 6 requires minimum hours for a worker's employment to be supplied at the commencement of the contract. That amendment does not attempt to specify

how long those hours have to be. It will give a prospective employee a firm indication of the working span to anticipate from their employment.

Amendment No 7 is in relation to equal treatment, which is a particularly important point. The clarification in the amendment is welcome; it calls for proper overtime rates to be paid to essentially all workers. That is a sentiment that the SDLP supports. One of the main areas of abuse of zero-hours contracts by employers is that those employees have fewer rights in the workplace. We are talking about a two-tier employment system where some people are treated differently from others; in effect, they are treated as second-class citizens in employment. That is wholly unacceptable. I, and my party, believe that the House cannot and should not stand over that under any circumstances.

Amendment No 8 requires employers to give employees reasonable notice — 72 hours — of changes to the commencement or cessation of an employment period. Those amendments seek to give those on zero-hours contracts the same rights and entitlements as those on fixed-term or longer contracts. We in the SDLP agree with that. I ask the House how, in all reasonableness, anyone who believes in the fair and equal treatment of people in employment can have any difficulty with that.

Amendment No 9 is an amendment to amendment No 8. It stipulates the working conditions, should an employee decide to take up a period of work when not properly notified, as referred to in amendment No 8. The amendments up to amendment No 11 represent the further strengthening of the position of those on zero-hours contracts, who, for too long, have not had equal rights in the workplace and have often been abused as a result.

Amendment No 12 is particularly important. Exclusivity clauses have been the bane of many people struggling in employment and who have been trying to make a living or support their families. In many instances, it is simply illogical to require an employee to work for only one organisation and perhaps receive only a few hours per week and low pay. Let us face it: most organisations do not have trade secrets, although I accept that there may be circumstances in which there are particular aspects with intellectual property or specialisation, but, in most employment circumstances, those things are rare. In the amendment, the duty to satisfy an exclusivity clause is right and proper. There are very few instances in which the contracts can be justified.

We support amendment No 16, which requires the Department to make regulations about the number or proportion of zero-hours workers whom any one employer may employ.

#### 4.00 pm

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** When it comes to zero-hours contracts, members of the Committee know where I stand. When it comes to the Sinn Féin amendments, it is with regret that I say that I cannot support them for the simple reason that we have not had the time to scrutinise fully and challenge the detail. That has been demonstrated by the exchange between Mr Flanagan and the Minister. When the Minister went into detail and tried to draw out some of the finer points, Mr Flanagan read out the text of

the amendment without giving a substantive level of detail or explanation.

I take the House back to Consideration Stage on 12 January, when the Minister said that he could be minded to bring forward something at Further Consideration Stage on zero-hours contracts. As Chair of the Committee, I said that, if he did, I would:

*"ask the Committee to scrutinise such proposals fully and to engage with stakeholders to the fullest extent, as it is our right and remit to investigate anything that he brings forward on that."* — [Official Report (Hansard), Bound Volume 111, p108, col 1].

That is why I firmly believe that tabling the amendments at Further Consideration Stage is regrettable for employers and employees. Tabling them at this stage does not give the House the time —

**Mr F McCann:** Will the Member give way?

**Mr Swann:** I will, yes.

**Mr F McCann:** You may have a point. We have had discussions on this in Committee, and the Minister has been before us and put across his position. However, two weeks ago, when Phil brought amendments to the House, there were reasons why people would not support them, so he tried to table amendments that would gain the support of other parties. It seems that, no matter what he tries to do to get legislation that will protect workers, it is not enough for the rest of the Members.

**Mr Swann:** Do you know what I would have liked? If that was the Member's sole honest belief, I would have loved it if he had approached us about the amendments. Instead, the first time we saw them was when the Order Paper was published by the Business Office.

I appreciate where Mr McCann is coming from, but if that is the level of engagement that he and his party believe is enough to convince parties on this side of the House that that is the right way to go, he is lacking. That worries me.

One of Mr Flanagan's comments was that we should not get hung up on the detail. We are talking about the management of zero-hours contracts and the 13 amendments that he has tabled, so there is an awful lot of detail. Shorter Bills get an awful lot more scrutiny at Committee Stage and Further Consideration Stage.

**Mr Deputy Speaker (Mr Beggs):** I ask the Member to ensure that he makes his remarks through the Chair and is very careful with his language, giving due courtesy and respect for all Members.

**Mr Swann:** In what way, Mr Deputy Speaker?

**Mr Deputy Speaker (Mr Beggs):** Some language was used that individuals could have taken offence at. I remind all Members to treat everyone with courtesy and respect.

**Mr Swann:** If I used any Committee member's first name rather than full name, I apologise. I do not think that they will be worried about that when we are talking about zero-hours contracts.

I will go back to Committee Stage and evidence that was presented to us. The Law Centre's submission stated that the introduction of an:

*"enabling clause into this Bill ... would allow the Department to bring forward regulations to address zero hours at a later stage."*

That is where the Alliance Party has gone. Although I am making the case for why I cannot support the Sinn Féin amendments, I want to support the Alliance amendments. The House has a responsibility to tackle zero-hours contracts, because they are being abused. Mr Flanagan will point out that he refers to a small number of employees, but Mr Diver talks about a large number.

There is an imbalance there. We have to get down to the detail that we did not get to in Committee Stage: how many people are employed on zero-hours contracts? Even when it comes to the definition, we have annualised hours, contract hours and casual labour. I think that Mr McCann referred to the councils. Belfast City Council has an advert out for casual employees. To me, "casual employees" refers to zero-hours contracts. We have to get the definition right, and we have to know what the tie-in is to the amendments tabled by Mr Flanagan and Sinn Féin.

In amendment No 5, Mr Flanagan proposes new clause 16A. It says:

*"(2) For the purposes of subsection (1) the Department may by regulations vary the definition."*

I believe that including that in amendment No 5 leaves every other amendment that he has tabled open to change, definition and manipulation — maybe "manipulation" is too strong a word — should a Minister want to change the definition at any stage. The Alliance amendment, however, allows the Committee, the Department and the House to take control of what can be put forward. It worries me that the detail in the Sinn Féin amendments sounds and looks good to people on zero-hours contracts who feel that they are being abused.

I draw Mr Flanagan's attention to amendment No 8, which refers to:

*"72 hours before the period of employment referred to in subsection (1)."*

I do not see how the Northern Ireland hospitality or tourism industries and a lot of our smaller businesses, especially around the north coast and in my constituency, could succeed financially if they had to give all employees 72 hours' notice of when they had to come in. Also — I think that this is in a later amendment — if functions are cancelled through no fault of employers, they will have to pay all of their employees on annualised hours and zero-hours contracts at time and a half for the hours that they had expected to be in. It puts an increasing financial burden on even small businesses.

Amendment Nos 10 and 11 refer to "12 weeks". I cannot see where that period of 12 weeks came from. I do not know whether the party that has tabled the amendments put it forward after consultation or whether there was already an established rationale before that.

I hope that the Members are getting why I have concerns about the amendments that they have tabled. I do not get the detail or the explanation. This is the only time that we have had to challenge, debate and get into the fine detail of the amendments, and that is without input from stakeholders from both sides of the house — I mean

employees and employers — as well as the Department and the Minister. At this stage, I am minded to support amendment Nos 3 and 24 and oppose the rest in the group.

**Dr Farry:** It has always been my intention that, during this mandate, the Assembly would introduce the proportionate regulation of zero-hours contracts. Over the past number of years, the casualisation of the labour market has increased, including the use of zero-hours contracts. Their use may be justifiable for some employers, particularly where flexibility is important, and they may be relatively benign for some workers. However, for others, they may represent the only de facto employment option and carry many problems: uncertainty over income, irregular hours, disruption to domestic and family life and difficulties in accessing benefits. As the labour market changes, it is important that we keep up with what the appropriate regulation is.

In February 2015, I presented to the Executive a paper that sought policy approval for a series of reforms that would have been broader and further-reaching than anything else in these islands. My intention was that the necessary legislative provisions would be facilitated through the Employment Bill. Regrettably, Executive agreement was not forthcoming for me to include in the Bill provisions that would have reflected the detailed policy development work and public consultation that was undertaken by my Department.

Given that this is a new area of law, it is important that there is appropriate time and space for proper legislative scrutiny at Committee level and on the Floor of the Assembly. Timely progress on the Executive paper would have allowed the space and scope for that detailed scrutiny to take place. I fully respect and acknowledge the position that the Chair has adopted in saying that any detail in terms of prescription on zero-hours contracts needs to be subject to the Committee's scrutiny as well as further engagement with stakeholders. While reference has been made to the fact that there has been a public consultation on potential proposals that would have led to Executive agreement on that, as the Chair, the Deputy Chair and, indeed, others will fully appreciate, the consultation that has been conducted by the Department is distinct from that conducted by Committees, whereby Committees have their own call for evidence and ask people to come before them to give their views. In that way, we have almost a double lock in the testing of proposals through the departmental consultation and the Committee's call for evidence.

Two new clauses have been tabled by my party colleagues Anna Lo and Stewart Dickson on zero-hours contracts. In doing that, they are very much seeking to find something that the House can unite around. The clauses define zero-hours and non-contractual zero-hours arrangements and provide a broad enabling power to make regulations in relation to these provisions. Apart from providing definitions, the clauses are not prescriptive about how zero-hours contracts are to be dealt with in legislation; instead, they provide for regulations to amend or repeal any statutory provision, including the definitions. They insert a new provision into the Employment Rights (Northern Ireland) Order 1996, which is an enabling framework only. That approach would allow my Department to make regulations that it considered appropriate to prevent abuses connected with zero-hours

arrangements and in relation to particular contracts that could be specified in the regulations.

The amendment would establish a wide power enabling the amendment or repeal of statutory provisions so that we did not have to await the next suitable primary legislative vehicle to take the issue forward. Any regulations would be subject to the draft affirmative procedure, so the Assembly would retain the full opportunity for scrutiny.

I have heard comments from Members about the fact that it is framed with "may", it does not go far enough and there is no guarantee of action, but that is the way we frame enabling powers around regulations in legislation that we pass routinely in the Assembly. I am sure that there is acceptance — we have heard it today in comments from all quarters of the House — that we need to engage in some form of proportionate regulation. Where the difference lies is perhaps in how far-reaching it would be, not the principle or fact that there needs to be regulation. It is important — I think it is clear — that any Minister from any party would, in due course, when they had done the proper due diligence around the work, bring forward proposals in a timely manner for fresh public consultation and regulations that would then be scrutinised through the Executive and the Assembly.

The 12 new clauses relating to zero-hours contracts proposed by Sinn Féin members appear to be drawn from a number of sources including the zero-hours provisions in the GB Small Business, Enterprise and Employment Act 2015; existing employment rights contained in the Employment Rights Order (Northern Ireland) 1996; and the recommendations of the research undertaken by the University of Limerick on behalf of the Irish Department of Jobs, Enterprise and Innovation. The clauses include a definition of zero-hours contracts, including provision, by regulation, to amend the definition and to provide that any regulations be made under draft affirmative resolution of the Assembly. They also provide for a requirement on employers to give notice in writing of the minimum hours of a worker's employment, to treat zero-hours workers on the same basis as comparable workers engaged by the employer and to give zero-hours workers reasonable notice of work and notice of the cancellation of work. They also include the right for workers to request fixed and regular employment and a requirement on employers to offer fixed and regular employment after 12 weeks. The clauses would provide for the prohibition of exclusivity clauses, detriment and unfair dismissal relating to zero-hours contracts, a limit to be set on the proportion of zero-hours contracts per employer and general interpretation provisions.

In the very limited time that I have had to consider the clauses, it appears to me that there may well be merit in a number of the proposed provisions. However, I would be concerned if any or all of the clauses were to succeed in the Bill today as there has been no consultation on the proposals, no assessment of regulatory or equality impacts and, crucially, no Committee scrutiny. There is a particular set or category of questions that we have to ask ourselves. One is whether the proposed regulation by way of primary legislation is actually appropriate.

Another is whether that is what we should be doing to address the issue in society. Members may have their own views on that.

**4.15 pm**

The second aspect, and perhaps one that is more pertinent to the whole process of scrutiny, is whether the amendments will achieve their stated outcomes and objectives. There is no guarantee of that, because we have not stress-tested their wording. There may be means by which employers could circumvent what is put down on paper. It is all well and good to say that we can provide more regulations to prevent that, but if we were to put things into a Bill, we could end up with one unholy mess as we tried to unpick things that prove to be ineffective. It is far cleaner for us to have a broad enabling power in the legislation and then to address the issue through regulations. In that way, we will be able to modify things as circumstances evolve, particularly as we take into account rulings of tribunals as cases on breaches of regulations or, indeed, primary legislation occur. That is the most responsible way in which we can ensure that we protect people. If we get this wrong, we inadvertently raise expectations while putting in place a paper tiger that will not provide the outcomes that people are suggesting.

I do not think that it is good enough for people to come here today and talk about outcomes and make broad speeches about how we want to crack down on zero-hours contracts without going through the detail and explaining the rationale behind the way in which things are framed. This is not a debate on a Back-Bench motion in which we are talking in broad principles. This would alter the law of Northern Ireland. It is something that would go down in statute, and we would have to live with it on the far side.

The irony, of course, is that my paper to the Executive of February 2015 contained a number of proposals that, unfortunately, did not get the Executive's approval. Those proposals are reflected in some of the Sinn Féin amendments. It would have been my preference for those proposals to have been agreed by the Executive, and then for them to have been presented to the Committee for Employment and Learning and subjected to the detailed and appropriate scrutiny that should characterise a sound legislative process.

**Mr Flanagan:** I thank the Minister for giving way. Had he got Executive approval for the policy proposals that he brought forward on zero-hours contracts, would he still have stipulated that the Committee had only a fortnight to scrutinise the Bill in its entirety or would the Committee Stage have been carried out in such a way as to give the Committee sufficient time to engage in proper scrutiny, if that is actually the issue at the heart of the matter?

**Dr Farry:** I am very happy to clarify that point, and I thank the Member for bringing it up. We had the frustration that the Employment Bill itself was caught up in the Executive system for quite a period. Had the Bill been brought forward sooner, its Committee Stage would have been much longer than the time available.

I again put on record my thanks to everyone for what they did —

**Mr Swann:** Will the Minister give way?

**Dr Farry:** — to move things through that quickly.

On the back of the Executive's approval of the zero-hours contracts paper, we would have brought amendments, which would probably have been enabling amendments for regulations, to the Committee at a very early stage

and allowed its wider scrutiny of the Employment Bill to encompass those. In that way, we would have brought everything together as part of the discussion.

Owing to the constrained timescale, what was done was all that was feasible in the time available. We will have a very good result today if we pass the enabling clauses around zero-hours contracts, because we will not have to come back with another piece of employment legislation in order to have a platform from which to move ahead. The new Minister will be able to move very quickly from this platform. I will give way to the Committee Chair.

**Mr Swann:** Thank you very much, Minister. I just want to put on record that the timetable that the Committee worked to for the Bill was the Committee's timetable, not the Minister's. It was agreed by all members of the Committee.

**Dr Farry:** Absolutely. I place on record my thanks to the Committee. No influence was brought to bear by the Department — the Committee made its own decision. However, had the Committee not been as proactive as it was, the Bill would not have been able to make its way through the legislative stages in the House to reach completion before the end of the mandate. A sterling effort was put in by the Committee staff and members to ensure that we are where we are today. As part of that process, however, we had to be realistic about what could and could not be scrutinised in the available time frame. We are in a reasonable place, where we have a Bill that is comprehensive, addresses a range of issues and sets out the promise of a lot more happening in the future.

We have a very prescriptive approach from Sinn Féin that has not been tested. I am more than happy to recognise that there may well be a case for supporting some of the policy intent contained in the Sinn Féin amendments. It certainly reflects some of my thinking, and I think that it reflects the thinking of other Members from a range of political parties. However, there is a danger in proceeding in a rushed way and putting in place bad or ineffective law. We do not know that the terms of these amendments will succeed in doing what they intend or whether they will be readily circumvented by some employers. As such, I recommend to my Executive colleagues that we oppose these amendments, and I recommend to the House that we oppose this approach as well.

If the Assembly has a will to take forward the measures in the Bill to legislate for zero-hours contracts, the preferred approach would be that of supporting the amendments from Anna Lo and Stewart Dickson, which make provision for general enabling powers, with regulation-making provisions, to allow for a proper process of policy development to be undertaken. These amendments have the benefit of providing a mechanism for zero-hours contracts to be included in the last opportunity for primary legislation during this mandate, while also providing for the outworkings of necessary consultations, impact assessments and stakeholder engagement to be taken forward in due course through regulations during the next mandate, should that be the wish of the Assembly.

Notably, any and all of the Sinn Féin amendments could be taken forward as part of those regulations. So the absence of support today for those amendments does not need to be the end of the consideration of those proposals, and, indeed, I would look forward to seeing at least some of those being implemented in some form in the very near future.

The amendment from my colleagues is a purely enabling amendment that provides the capacity for a Minister of the Economy to bring forward regulations. The content would be determined by that Minister and could be as broad or as narrow as deemed appropriate. The current amendment is not prescriptive in content; it solely serves to provide an early opportunity in the next mandate for proportionate regulation in an area of significant public concern and discourse, and avoids any delay in waiting for the next piece of employment legislation that, in all likelihood, would only put in place the same enabling powers as proposed by the amendment today. Given the number of variables involved, the issue of zero-hours contracts is probably best addressed through regulations in any event. Those regulations would need to be agreed by the Executive and then by an affirmative vote in the Assembly. I believe that that is the most realistic way forward, and I urge the House to support the two amendments from my colleagues and to oppose all the other amendments in the group.

**Ms Lo:** I thank all the Members who have contributed to the group 2 debate. It has been a very reasoned debate, and a lot of points have been raised and responded to by the Minister and others.

Mr Buchanan was the first Member to speak. He said that the amendments from Sinn Féin have come far too late in the day. He stressed the importance of having time to assess the amendments and to consult stakeholders, and he opposed amendment Nos 5 to 17 because they had come very late at this stage. He supports amendment No 3, and he said that it gives flexibility to the Department.

Mr Flanagan spoke passionately in favour of his raft of amendments on zero-hours contracts to protect workers from abuses by, he said, “bad employers”. While he supports amendment No 3 — I think that he said that he supports amendment No 3 — and thinks that it is a forward step in enabling a future Minister to bring this forward, he wants to see this happen as a matter of priority and for this issue to be dealt with right away. He acknowledged the Minister’s proposed policy, which did not get approval by the Executive. There were some discussions on the difficulties in the definition of “a compelling business reason”, which was a phrase in his amendment. There were good exchanges between Mr Flanagan and the Minister.

Mr Diver spoke in support of all the amendments put forward by Sinn Féin. He criticised amendment No 3 for not being robust enough and said that, without legislation, zero-hours contracts would limit people’s lives and futures. He does not want to see some workers being treated as second-class citizens and said that it was unacceptable. He supports a large number of the Sinn Féin amendments.

The Chair of the Committee, Mr Swann, mentioned that, with the amendments from Sinn Féin coming so late, it does not give the House adequate time for scrutiny. He said that we accept that we have a responsibility to tackle zero-hours contracts. Therefore, he supports amendment No 3, which will allow the Department and the Committee to take control of what will be brought forward in the future.

The Minister concluded by saying that that, while amendment No 3 will provide that enabling framework, he regretted that the proposals that he brought to the Executive last February did not receive approval. If those had been approved, the proposals would have been included in the Bill. That would have allowed for proper

scrutiny during Consideration Stage. The Minister said that the Sinn Féin amendments may well have merit, but there was no consultation, no assessment on equality impact and no Committee scrutiny, and that was not the right way to implement primary legislation, so he recommends that the House oppose the Sinn Féin amendments and support the Alliance Party amendment.

*Amendment No 3 agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 4 made:*

After clause 16 insert

*“Gender pay and disclosure of information*

#### ***Gender pay gap information***

**16A.—***(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—*

*(a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and*

*(b) details of the methodology used to calculate any statistics contained in the information.*

*(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.*

*(3) A copy must be sent to all employees and any trade union recognised by the employer.*

*(4) The Department may prescribe by regulations a limit to the total number of employees and workers in an organisation below which this section does not apply.*

*(5) Regulations under subsection (4) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*

*(6) The regulations must prescribe—*

*(a) descriptions of employer;*

*(b) descriptions of employee;*

*(c) how to calculate the number of employees that an employer has;*

*(d) a standardised method for calculating any differences in the pay of male and female employees;*

*(e) descriptions of information;*

*(f) a requirement that information include statistics on workers within each pay band in relation to—*

*(i) ethnicity, and*

*(ii) disability;*

*(g) the time at which information is to be published; and*

*(h) the form and manner in which it is to be published.*

*(7) The first regulations under this section must be made by 30 June 2017.*

*(8) Regulations under subsection (6)(g) may not require an employer, after the first publication of*

information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(9) The regulations shall make provision for a failure to comply with the regulations—

(a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;

(b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(10) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(11) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.

(12) For the purposes of this section, the ‘Department’ means the Office of the First Minister and deputy First Minister.”— [Ms McGahan.]

New clause ordered to stand part of the Bill.

**Mr Deputy Speaker (Mr Beggs):** I will not call amendment No 5, as it is mutually exclusive with amendment No 3, which has been made.

#### New Clause

Amendment No 6 proposed:

After clause 16 insert

##### “Contract information

**16B.**—(1) Employers shall be required to give notice in writing of the minimum hours of their workers’ employment.

(2) The notice shall be given before the commencement of the contract. If it is given orally, it must be given in writing within seven days from the commencement of the contract.

(3) The requirement under this section is without prejudice to the obligations of employers in respect of employees under section 33 of the Employment Rights (Northern Ireland) Order 1996.

(4) A worker who does not receive a notice under subsection (1) shall be regarded for the purposes of this Act as if he or she were a zero hours contract worker.

(5) In complying with the duty under section 33 of the Employment Rights (Northern Ireland) Order 1996, an employer may refer to any document issued under subsection (1).”— [Mr Flanagan.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 38; Noes 55.

#### AYES

Mr Agnew, Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone,

Mr M McGuinness, Mr McKay, 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 Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Flanagan and Ms McGahan.

#### NOES

Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson and Ms Lo.

Question accordingly negatived.

#### New Clause

Amendment No 7 proposed:

After clause 16 insert

##### “Equal treatment

**16C.**—(1) Employers shall be required to treat zero hours contract workers on the same basis as comparable workers engaged by their employer on fixed and regular working hours contracts.

(2) The requirement of equal treatment shall be an implied term of any contract between a zero hours contract worker and his or her employer, and the implied term shall apply to all matters relating to terms and conditions of employment.

(3) A comparable worker is a worker selected by the zero hours contract worker on the grounds that the worker in question is engaged on the same or broadly similar work having regard, where relevant, to whether the worker selected has a similar level of qualification and skills.

(4) For the avoidance of doubt, subsection (2) applies to the overtime rates payable when the worker exceeds the minimum hours of work under the terms of his or her contract.

(5) Subsection (2) shall not apply to the allocation of working time.”— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

**Mr Deputy Speaker (Mr Beggs):** As amendment No 9 is an amendment to amendment No 8, we need to dispose of amendment No 9 before putting the Question on amendment No 8. Amendment No 9 proposed:

As an amendment to amendment No 8, at end insert

“(3) If a zero hours contract worker accepts employment offered contrary to the requirements of subsections (1) and (2), the employer shall be required to pay the zero hours contract worker at a rate of 150%

of the rate they would normally be paid for the period in question.

(4) An employer who has cancelled a period of employment of a zero hours contract worker contrary to the requirements of subsections (1) and (2) shall be required to pay the zero hours contract worker for the period of employment in question, even though no work has been done.

(5) For the purposes of subsection (4), the amount of payment shall be made up of—

(a) the payment the zero hours contract worker would normally be paid by his or her employer for the period in question; and

(b) a sum equivalent to any other monetary loss incurred as a result of the cancellation.”.—

[Mr Flanagan.]

Question, That the amendment be made, put and negatived.

**Mr Deputy Speaker (Mr Beggs):** We now return to amendment No 8.

### New Clause

Amendment No 8 proposed:

After clause 16 insert

#### “Reasonable notice

**16D.**—(1) The Department must by regulations require employers to give zero hours contract workers reasonable notice of—

(a) any request or requirement to undertake a period of employment; and

(b) any cancellation of a period of employment already agreed.

(2) A period of notice shall not be reasonable if given less than 72 hours before the period of employment referred to in subsection (1).”— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

### New Clause

Amendment No 10 proposed:

After clause 16 insert

#### “Requests for fixed and regular employment

**16E.**—(1) There shall be a duty on employers to consider at any time a request by a zero hours contract worker for fixed and regular working hours unless a request has been made in the previous 12 weeks.

(2) An employer to whom a request under subsection (1) is made shall deal with the application within ten working days.

(3) In considering a request, the employer shall give overriding consideration to the interest of the worker in having fixed and regular working hours.

(4) An application by a worker under this section shall be refused only where there are compelling business reasons to do so.

(5) The employer’s desire to use zero hours contracts is not a compelling business reason for using such contracts.

(6) An application shall be treated as having been refused if the provisions of subsection (2) have not been complied with.

(7) A zero hours contract worker whose request under subsection (1) has been refused may make an application to an employment tribunal.

(8) An employment tribunal shall not consider a complaint under this section unless it is presented—

(a) before the end of the period of three months commencing ten working days after the application for fixed and regular employment was made, or

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(9) Where an employment tribunal finds a complaint under subsection (7) well founded it shall make a declaration to that effect and may—

(a) make an order for reconsideration of the application, or

(b) make an order that the application has been successful and make an award of compensation to be paid by the employer to the worker.

(10) The amount of compensation under subsection (9) shall be such amount, not exceeding the permitted maximum, as the tribunal considers just and equitable in all the circumstances.

(11) For the purposes of subsection (10), the permitted maximum is such number of weeks’ pay as the Department may specify by regulations.”.— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

### New Clause

Amendment No 11 proposed:

After clause 16 insert

#### “Fixed and regular employment

**16F.**—(1) There shall be a duty on employers who have continuously employed a zero hours contract worker for a period of 12 weeks to offer the zero hours contract worker fixed and regular working hours contract from the date commencing 12 weeks from his or her first engagement with his or her employer.

(2) Where a zero hours contract worker has not been continuously employed for a period of 12 weeks, there shall be a duty on employers to offer a fixed and regular working hours contract to any such zero hours contract worker who has been employed in at least 12 of the preceding 26 weeks (the reference period).

(3) For the purposes of subsection (1) and (2) the Department must by regulations make provision to establish—

(a) a rate of pay;

(b) a minimum period of hours; and

(c) any other relevant terms and conditions of employment.

(4) *The Department must by regulations provide for a zero hours contract worker to make an application to an employment tribunal where a fixed and regular contract under this section is not offered.*—  
[Mr Flanagan.]

Question, That the amendment be made, put and negatived.

#### New Clause

Amendment No 12 proposed:

After clause 16 insert

##### **"Prohibition of exclusivity clauses**

**16G.**—(1) Any term or understanding, written or oral, of a contract or engagement (whether express or implied, and whether formal or informal) that requires a zero hours contract worker to work exclusively for one employer shall be void.

(2) The provisions of subsection (1) shall not apply where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify a contractual requirement that the zero hours contract worker shall work exclusively for the employer in question."— [Mr Flanagan.]

Question put, That the amendment be made.

The Assembly divided:

**Mr Deputy Speaker (Mr Beggs):** I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to a Division.

Ayes 38; Noes 56.

#### AYES

Mr Agnew, Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Flanagan and Mr F McCann.

#### NOES

Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots,

Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Dickson and Ms Lo.

Question accordingly negatived.

#### New Clause

Amendment No 13 proposed:

After clause 16 insert

##### **"Detriment**

**16H.**—(1) It shall be unlawful for an employer to subject a zero hours contract worker to a detriment by any act or any deliberate failure to act on the ground that the zero hours contract worker—

- (a) is or has been a zero hours contract worker; or
  - (b) any other condition prescribed by the Department.
- (2) A zero hours contract worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of subsection (1)."— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

5.00 pm

#### New Clause

Amendment No 14 proposed:

After clause 16 insert

##### **"Unfair dismissal**

**16I.** The dismissal of an employee shall be unfair for the purposes of The Employment Rights (Northern Ireland) Order 1996 if the reason or principal reason for the dismissal is that the employee—

- (a) is or has been a zero hours contract worker; or
- (b) any other condition prescribed by the Department."— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

Amendment No 15 not moved.

#### New Clause

Amendment No 16 proposed:

After clause 16 insert

##### **"Proportion of zero hour contracts**

**16K.**—(1) The Department must by regulations set a limit on the number of zero hours contract workers as a proportion of the total number of those employed by an employer.

(2) Regulations under subsection (1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Mr Flanagan.]

Question, That the amendment be made, put and negatived.

Amendment No 17 not moved.

**New Clause***Amendment No 18 proposed:*

After clause 16 insert

***“Living Wage Agency***

**16A.** *The Department must, by 1 November 2017, establish an unincorporated body of persons known as “the Living Wage Agency” for the purpose of measuring, researching and advancing a living wage.”— [Mr Flanagan.]*

*Question, That the amendment be made, put and negatived.*

**Mr Deputy Speaker (Mr Beggs):** I will not call amendment Nos 19 to 22 as they are consequential to amendment No 18, which has not been made.

**New Clause**

**Mr Deputy Speaker (Mr Beggs):** We now come to the third group of amendments for debate, which deal with blacklisting offences and equality exception for employment of teachers. With amendment No 23, it will be convenient to debate amendment Nos 26 and 27. A valid petition of concern has been received for amendment Nos 26 and 27. I call Mr Phil Flanagan to move amendment No 23 and address the other amendments in the group.

**Mr Flanagan:** I beg to move amendment No 23: After clause 16 insert

***“Blacklists***

**16A.** *—(1) Article 5 of the Employment Relations (Northern Ireland) Order 1999 is amended as follows.*

*(2) Leave out subsection (4) and insert—*

*‘(4) Regulations under this Article shall create an offence, which shall provide for it to be punishable—*

*(a) by a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months, or both, in the case of an offence triable only summarily;*

*(b) by a fine or imprisonment for a term not exceeding 3 years, or both, in the case of summary conviction for an offence triable either on indictment or summarily.*

*(4A) The first regulations under this subsection must be made by 31 December 2017.’.”*

*The following amendments stood on the Marshalled List:*

No 26: In clause 26, page 16, line 14, at end insert

*“(1A) The repeal of Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 as set out in Schedule 3 comes into operation one year after this Act receives Royal Assent.”— [Mrs Overend.]*

No 27: In schedule 3, page 25, line 23, column 2, at end insert

“

	Article 71.

*“.— [Mrs Overend.]*

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. For the purposes of this group of amendments, I will direct my remarks towards amendment No 23 and the placing of a duty on the Department to make regulations that would make blacklisting a specific criminal offence.

Members may recall that enabling powers around blacklisting were first given in 1999, yet it took until 2014 for regulations to follow and for the matter to be dealt with in any way. Those regulations have not dealt with all the issues at the heart of the problem, but I commend the Minister for bringing forward the regulations earlier in the mandate. A public consultation took place on the issue in 2003, but at that time, as there was no hard evidence, according to DEL, that blacklisting was taking place, the regulations were not implemented.

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

Whether blacklisting is taking place is irrelevant to me: proper legislation is required to ensure that people are discouraged from collecting lists of trade union members to block them from accessing employment opportunities. In March 2009, the extent of blacklisting in the construction sector was exposed when the Information Commissioner's Office raided the Consulting Association, which was a vetting service for checking potential employees, and confiscated its blacklist. That whole process was arrived at because of data protection laws, not because of blacklisting laws. Since that incident, not a single company involved in the vetting process has apologised to their victims for their actions.

Over 3,000 construction workers were on the blacklist, and, at present, hundreds of blacklisted workers have lodged cases in the High Court against the companies that had blacklisted them. At the time, victims had no idea that they were blacklisted and often were not especially active in the trade union movement. Despite this, they found themselves on a secret blacklist, and, inevitably, work became harder to find or they were forced out of the construction industry. Blacklisting had terrible consequences for the individuals and their families, and the construction companies remain in denial. Rather than accepting their wrongdoing, they have tried to minimise the cost of wrecking workers' lives by establishing a counterfeit compensation scheme. Blacklisting victims could receive as little as £4,000 in what amounts to hush money.

The existing regulations do not go far enough, in my opinion. It is now unlawful to make and use a blacklist or to refuse employment or subject an employee to a detriment due to a blacklist entry. However, the law does not make the process of blacklisting itself a criminal offence. Although blacklisting is described as unlawful, the regulations that the Minister brought forward do not contain a free-standing right not to be blacklisted.

The Consulting Association was certainly not the only blacklister, and there is every possibility that the problem remains widespread today, because there are insufficient deterrents for people who engage in such activities. Given the secretive nature of blacklisting and the incredible difficulty in finding out if it is occurring, a strong deterrent is required. Blacklisting must become a criminal offence, with a prison sentence a definite option for the guilty. It does not suffice that it is unlawful unless there is a penalty for those involved in it.

Under the current regulations, it is unlawful to compile, use, sell or supply a blacklist containing details of people who are or have been trade union members or who are taking part or have taken part in trade union activities, where the blacklist may be used by employers to discriminate in relation to recruitment or the treatment of existing workers. Courts can award damages, including damages for injury to feelings, when the relevant provisions are breached. The regulations also allow current and former trade union members to complain to an industrial tribunal if they are refused employment, subjected to a detriment or unfairly dismissed for a reason relating to a blacklist. Employment agencies are also unable to refuse to provide a service because a worker appears on a blacklist. Whilst all of that is positive and much better than what we had before 2014, what is actually needed is strong legislation to deter people from engaging in what is already an illegal activity. Amendment No 23 delivers that and will force the Department to make regulations that would make blacklisting a specific criminal offence, something that is long overdue.

**Mr Buchanan:** Very briefly on group 3, we support amendment Nos 26 and 27 as they bring all of the schools into line with equality legislation, and yet time after time in the House, when we talk about equality, it is right on the lips of those in the parties opposite, yet whenever we come to legislate to create that equality, we have both parties putting down a petition of concern to stop that happening — to stop the House passing legislation dealing with equality. Therefore, they have a bit of questioning to do among themselves as to why they shout so much about equality and then, when the opportunity is there to provide equality, they turn around and put down a petition of concern to stop it. I say to you across the Chamber, “Shame on you today”. We will support amendment Nos 26 and 27 and oppose amendment No 23.

**Mr Diver:** Thank you very much, Mr Deputy Speaker. As has been outlined, amendment No 23 refers to the issue of blacklisting and, more specifically, to the creation of an offence of using blacklisting and stricter punishments, including prison sentences, for those who are caught involved in this process. While I accept that there is, perhaps, a lack of full understanding and knowledge of the extent of blacklisting, nonetheless we understand that it happens in some cases. It is entirely repulsive that any individual should find themselves on a blacklist, as a result particularly of activities that they have done protecting the rights and interests of other workers, such as participation in a trade union or a dispute.

No McCarthy-esque measures should be allowed, with people being blacklisted and marked for the rest of their working lives where potential recruitment or participation in trade union activities are concerned. The SDLP, as a party, is obviously extremely supportive of that. In that light, we support the amendment as it is put.

We have rejected amendment Nos 26 and 27. I know that a valid petition of concern has been put in on those amendments, so we will not be voting in favour of them.

**Mrs Overend:** I will speak to the group 3 amendments. Obviously, my comments will focus on amendment Nos 26 and 27, tabled in my name and that of my Ulster Unionist colleague Danny Kennedy.

I note that the introduction to the Bill refers to the idea that it will:

*“Make provision relating to conciliation and other matters in connection with industrial tribunals and the Fair Employment Tribunal”.*

It goes on to say in conclusion that it aims to:

*“make other provision relating to employment; and for connected purposes.”*

I and my party are therefore satisfied that amendment Nos 26 and 27 are absolutely relevant to the Bill.

I will take the opportunity to remind the House what the issue known as the teacher exemption from fair employment is all about and why the Assembly should waste no further time in legislating on it. Members will note that schedule 3 to the Bill refers to the repeal of various articles of legislation on the statute book, including the Employment Rights (Northern Ireland) Order 1996; the Industrial Tribunals (Northern Ireland) Order 1996; the Employment Relations (Northern Ireland) Order 1999; and the Employment (Northern Ireland) Order 2003. Articles, or parts of articles, from the Fair Employment and Treatment (Northern Ireland) Order 1998 are identified for repeal. We propose to add to the list, under amendment No 27, article 71 of the Fair Employment and Treatment Order. Amendment No 26 quite reasonably specifies a commencement date for the repeal of article 71 as one year after the Employment Bill receives Royal Assent. To remind Members, article 71 of the Fair Employment and Treatment Order 1998 — FETO — is known as the teacher exemption.

That has nothing to do with the current requirement that appointees to teaching posts in the maintained nursery and primary sector possess or obtain, within a short period, a Catholic certificate in religious education. This amendment is about employment law. FETO is the consolidation and strengthening of the Fair Employment (Northern Ireland) Act 1989 and the Fair Employment Act 1976. The 1989 Act imposes six duties on employers, including the introduction of compulsory workforce monitoring, and it set up the Fair Employment Commission. FETO extended the monitoring of part-time employees and the outlawing of religious and political discrimination in the provision of goods, facilities and services.

Nowhere in the Western World is the community or religious background of the workforce checked and monitored more than in Northern Ireland, and any perceived imbalances that do not reflect the local population must, by law, be rectified. All employers in Northern Ireland, whether in the public or private sector, must register with the Equality Commission for Northern Ireland if they employ 11 or more employees who each work more than 16 hours a week. All employers must ask their employees, apprentices and job applicants to fill in an annual monitoring form that asks whether they are from the Protestant, Roman Catholic or other communities. That goes for all employers, except those that employ teachers. Those employers are the Education Authority for the state-controlled sector; the Council for Catholic Maintained Schools; and, for the voluntary grammar and grant-maintained integrated sectors, it is the board of governors that is the employer. All, however, are exempt from the fair employment rules laid down in FETO under article 71, which is known as the teacher exemption. That opt-out for teacher appointments goes right back to the

original Fair Employment Act 1976. In 1976, Parliament exempted employment as a teacher in a school from anti-discrimination legislation. The reasons have been somewhat lost in time, but it seems to have been in recognition of the de facto segregated nature of our education system and some sort of special protection for denominational ethos. In 2016 that teacher exemption still exists.

### 5.15 pm

Apart from the ridiculous situation where, uniquely, it is not unlawful to discriminate when recruiting to teaching positions, it also means that roughly 17,000 teachers employed in Northern Ireland are not monitored in the same way as all other professions. So the figures quoted in all reports on fair employment over the past 40 years are not accurate, because we do not know the religious background of 17,000 schoolteachers; they are not recorded or monitored. We can, however, surmise from the survey data collected by the Equality Commission that, 12 years ago, 85% of teachers in state-controlled schools were from a Protestant background, while 99% of teachers in the maintained sector were Roman Catholic.

**Mr Kennedy:** I am grateful to the Member for giving way. Would the Member agree that it is nothing short of disgraceful that SDLP and Sinn Féin Members have tabled a petition of concern to oppose this very sensible change in the legislation, a change that will bring an end to discrimination? Yet it is opposed by parties claiming to be the champions of equality.

**Mrs Overend:** I thank the Member for his intervention. I agree, and, indeed, I find it astounding that the parties mentioned have tabled a petition of concern.

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

**Mrs Overend:** Certainly.

**Mr Swann:** Sorry, I just want to reinforce what my party colleague said, especially in regard to Mr Diver's comments on amendment No 7, when we were talking about equal treatment. He said that the sentiment of the SDLP does not support:

*"a two-tier employment system where some people are treated differently from others... That is wholly unacceptable... the House cannot and should not stand over that".*

Was it a bit hypocritical of the SDLP to sign this petition of concern?

**Mrs Overend:** I thank the Member for his intervention and for his response. I am astounded that the petition of concern was tabled and, furthermore, at the little debate in the Chamber this afternoon. When the Ulster Unionist Party brought this issue to the Assembly for debate on 22 April 2013, and again in April 2015, the Assembly agreed with our stance that article 71 of FETO was indefensible and should go. There were dissenting voices on the other issue of the Catholic RE certificate, but, in both debates, no one, whether unionist, nationalist or other, argued that the teacher exemption from fair employment legislation should be retained.

For the avoidance of any doubt for those on the nationalist Benches, I will simply quote what CCMS representatives, Jim Clarke and Eugene O'Neill, said when they appeared

in front of the Education Committee on 29 May 2013. Mr Clarke said:

*"we are in agreement with that. FETO should go. We are not defending FETO; that is what that is. We are not defending FETO; let it go."*

Mr O'Neill said:

*"our council finds the notion of discrimination on the grounds of one's religion abhorrent. It is on record as saying that. We do not believe that, in 2013, there is a place for that exemption of teachers from fair employment. We, as a council, are quite happy for that exemption to be removed, but we are not responsible for that. That exemption is contained in the Fair Employment and Treatment Order 1998. That is a legislative thing, which, I suppose, is the Assembly's business. I could put it like this: we would not obstruct or seek to obstruct any removal of that exemption."*

That is crystal clear. CCMS says that it does not rely on or use the teacher exemption.

On the controlled side, the education and library boards' teacher employment policy, now the Education Authority's, has been set out in the following terms:

*"all eligible persons will have equal opportunity for employment and advancement, irrespective of perceived religious belief, political opinion, gender, marital status, disability, race, sexual orientation and age. There will be no unlawful discrimination — direct or indirect — against any person in recruitment, training, promotion or in any other way."*

The controlled sector does not use the FETO exemption. Why, then, should it stay on the statute book? If it is a dead letter, let us get rid of it now.

As we explained in the two debates in 2013 and 2015, there is no justification for continuing the FETO exemption; it is a historical anomaly and needs to go. Today is an opportunity to get rid of it, and this Assembly should take that opportunity. For some reason —

**Mr Hazzard:** I thank the Member for giving way. The Member said that the controlled sector does not use this veto. Does the Member accept that no one uses it?

**Mrs Overend:** The issue is that allowing this to remain on the statute book allows discrimination to happen. Whether or not it actually happens is not the issue; it is the fact that it allows discrimination. If that is the case, let us pursue removing it from the statute book.

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

**Mrs Overend:** I want to continue for a moment. If the Member wants in again as I proceed, he can ask.

For some reason, the Department of Education and the Office of the First Minister and deputy First Minister have played a game of pass the parcel for the past three years. At times, the Education Minister has said that he is against the teacher exception and that he has written to the First Minister and deputy First Minister. However, when pressed on when he wrote to them and what the reply was, he denied having written to them at all. Then, in answer to Assembly questions, the Office of the First Minister and deputy First Minister said that, although it has responsibility for equality issues, it needs the Department

of Education to establish a policy position and refer a review, which has been conducted. However, I recently asked the Education Minister to detail the results of such a review. Instead of giving a direct answer, he said:

*“Removal of the exception under Article 71 of the FETO is a matter for OFMDFM to take forward. If OFMDFM were minded to do so I would support this as part of a full public consultation.”*

In short, it is back to pass the parcel. Nothing has happened for three years. The Assembly should not tolerate such prevarication, and nor should it tolerate discrimination in any field of employment. There was no opportunity to amend the ESA Bill, which was dropped, and the focus of the Shared Education Bill was deemed too narrow to accept a similar amendment two weeks ago.

On the petition of concern lodged by Sinn Féin and the SDLP, the amendments deserve the support of everyone in the Assembly. Everyone who believes in fair employment and equality must support them on a cross-community basis. Repeal of this outdated article does not target one side of the community. I urge Members on the nationalist Benches to do the right thing and vote for the amendments. The argument that OFMDFM has primary responsibility for equality and should have legislated on the matter may sound reasonable, but OFMDFM has been aware of the issue for years and has done nothing. Danny Kinahan MP, when he was in this place, tabled numerous questions to OFMDFM and Education on the FETO exception, and no action was forthcoming. More recently, I have done the same.

**Mr Kennedy:** I am grateful to the Member for giving way. Does she recall that, in debates in the House in April 2013 and April 2015, Sinn Féin representatives, among them Mr Hazzard, Michaela Boyle, Mr Sheehan and Maeve McLaughlin, expressed themselves to be in favour of repealing the FETO exemption? Is it not absolutely unbelievable that they continue to table a petition of concern to oppose the very measure that they spoke in favour of in April 2013 and April 2015?

**Mrs Overend:** Thank you, Mr Kennedy; I appreciate your intervention and clarification on those points. I find it astounding that, while Sinn Féin is on record as supporting the removal of the exception, the Sinn Féin Minister has not moved to act on it. Meanwhile, the Sinn Féin Minister claims that it is the responsibility of OFMDFM to consult on and move the legislation. This is the Office of the First Minister and deputy First Minister that is made up of the DUP, which, I believe, is in support of the amendment, and Sinn Féin, which has lodged a petition of concern. On the one hand —

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

**Mrs Overend:** I will just finish the sentence. Sinn Féin says that it will support the removal of the exception, as Mr Kennedy said, yet the deputy First Minister is not moving to do so. Do I detect a split in the ranks of Sinn Féin on the matter?

**Dr Farry:** I am grateful to the Member for giving way. Does she agree that it seems a little strange that Sinn Féin seems to be using an argument that this is an OFMDFM responsibility and should be subject to public consultation before it is willing to act, when it has already amended the Bill today on another equality matter regarding gender pay

audits on which there has been no public consultation but there was clear consensus in the House that it wanted to move ahead? That, again, is an OFMDFM responsibility.

**Mr Flanagan:** Will the Minister give way?

**Dr Farry:** There is clearly a contradiction between those two positions.

**Mrs Overend:** I thank the Minister for pointing out the hypocrisy of Sinn Féin. While —

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

**Mrs Overend:** I will finish my sentence. While we can be astounded by the hypocrisy of Sinn Féin in this instance, maybe we should not be surprised.

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

**Mrs Overend:** I am concluding —

**Mr Deputy Speaker (Mr Dallat):** Order, please. When it is clear that a Member does not wish to give way, another Member should not pursue it. I also point out that, just now, it was not the Minister's prerogative to give way because he did not have the Floor.

**Mrs Overend:** Thank you, Mr Deputy Speaker. I conclude by commending amendment Nos 26 and 27 to the House. I trust that, after this debate, the proposal will receive support from all sides of the House.

**Mr Lunn:** There is certainly something strange going on here today. I will happily give way to Mr Hazzard at some point, if he can explain what on earth the Sinn Féin position is. We will not support amendment No 23 on blacklisting, but I will leave it to the Minister to speak to it. I will speak briefly to amendment Nos 26 and 27, which we will, of course, support.

The exception granted to schools has been a long-term bone of contention, as we all know. At the time, Roman Catholic educationalists were concerned that the Fair Employment Act would lead to a non-denominational system with a loss of Catholic ethos, and Protestant educational interests were concerned that Protestant teachers would be placed in an unfavourable position, as, indeed, they were and continue to be 40 years on. The exception is also in line with section 75 of the Northern Ireland Act, which does not include schools. The question is this: is it still necessary, if it ever was? It seems odd that legislation designed to prevent discrimination is causing discrimination to this day.

It is a fact that there are reasonable numbers of Protestant teachers in Catholic schools. I can think of one in north Antrim that Mr Swann will know very well: Dominican College has a Presbyterian headmaster, but that does not appear to be causing any damage to the Catholic ethos of that marvellous school.

Does the exception contribute to the annual oversupply of teachers from our training colleges? That question links to this debate, although not perhaps directly. We certainly supply too many teachers, particularly those coming out of the Catholic training system. What is the reason for that? Is it really the case that non-Roman Catholic teachers — I am sorry to keep using the terms “Roman Catholic” and “Protestant”, but that is what we are talking about

**Mr McCarthy:** Forget about the “Roman” thing.

**Mr Lunn:** I am getting heckled by my own party and being told to forget about the “Roman” part. *[Laughter.]* Is it really the case that non-Catholic teachers cannot be trusted to respect the traditions and ethos of Catholic schools as they do their job? Do we really not trust them to do that? I certainly trust them — I have no problem whatever.

I listened with interest to what others said here today. I remember that, when Jim Clarke and Mr O'Neill came to the Committee, they announced that they had no problem with the removal of the exception. Mr Hazzard appears to have confirmed that Sinn Féin has no problem with the removal of the exception. However, if I read it right, that is because you think that that is down to OFMDFM rather than the Department for Employment and Learning. It is the same removal. If that is your only problem, why on earth would you petition it? Here is an opportunity if you want to explain it.

**Mr Hazzard:** I am going to sum up.

**Mr Lunn:** OK.

The exemption continues, along with the difficulty in training for the Catholic certificate in religious education, which acts as a key aspect of institutional separation in education. It acts as a barrier to the efforts to bring about a shared future in Northern Ireland. It is a measure whose time has passed; really, we do not need it. I am glad to hear such unanimity across the House to the effect that we do not need it. I wonder who is pressing for it to be retained. I do not know.

There does not appear to be anybody left to oppose this. It would be possible for the Catholic system to retain the Catholic certificate; they do not have to retain the exception at the same time. They could, of course, perhaps make it a bit easier for others to obtain it.

### 5.30 pm

I regard the Ulster Unionist amendments as timely and worthy. It is a pity about the petition of concern — it is a pity about all petitions of concern, frankly — but here we have another one. I still do not understand why Sinn Féin wants to petition this or why, not to let them off the hook, the SDLP is assisting them; it makes no sense. If the time has come to remove this then remove it. It will not be any less legal or less valid if we do it under this legislation instead of trying to persuade OFMDFM to do it. Let us get on with it. We will certainly be supporting amendment Nos 26 and 27.

**Mr Hazzard:** Go raibh maith agat, a LeasCheann Comhairle. I rise to oppose amendment Nos 26 and 27 and perhaps shine a bit of light on the situation. I came into the Chamber about halfway through the debate on the previous group, and it appears that we and the Ulster Unionists have swapped roles. Instead of the Ulster Unionists decrying a lack of consultation and Committee scrutiny, we are perhaps the ones saying that now. For this very delicate equality — Mr Swann is shaking his head but he in particular decried a lack of public consultation on a certain issue —

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

**Mr Hazzard:** I am happy to give way, yes.

**Mrs Overend:** If the Member looks at the Hansard report, he will see that my colleague did not mention anything about a lack of consultation. He may have mentioned a

lack of debate on the issue, but we have been debating this issue for the past three years on the Floor, so there has been plenty of consultation on it.

**Mr Hazzard:** I thank the Member for her input. I referred directly to Committee scrutiny. This issue has not been in front of the OFMDFM Committee for scrutiny. This is very delicate equality legislation we are talking about.

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

**Mr Hazzard:** One second. We are talking about repealing equality legislation here. Sinn Féin has repeatedly said that the time has come to look at this very carefully and see if it is needed any more. I am certainly of the view, as are members of my party, that it is no longer the time for the measure, but we want to see the process being followed through properly. We want to see a proper public consultation through OFMDFM, who are in charge of it. We do not want to see it latched onto the side of a different Bill, which is unfortunately what is happening here. Members can shake their heads, but those are the facts about what we are dealing with. This is being attached to a Bill that is the responsibility of a Department that does not have the authority for it. That is exactly —

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

**Mr Hazzard:** Yes.

**Mr Swann:** I thank the Member for giving way. He said that he came in part of the way through the debate on the last group. That is obvious, because he is not aware of what his party has been putting into the Bill, from measures on zero-hours contracts to those on gender pay and disclosure of information. Those areas are the responsibility of OFMDFM.

**Dr Farry:** With no public consultation.

**Mr Swann:** With no public consultation, Committee structure or anything. So, the Member is arguing against himself.

The Member has petitioned against the amendments. I was going to say that he has been conned, but I am not allowed to use that unparliamentary language so I will not. He still has the option tomorrow to vote in favour of the amendments. Even though the petition of concern is still in place, they can do the right thing, as everybody in the House is saying, and support amendment Nos 26 and 27. His arguments against them are not stacking up, because his own party has countered them through what it has done at Consideration Stage and Further Consideration Stage. To say that this is not the responsibility of the Department for Employment and Learning is a nonsense, because the Department for Employment and Learning ceases to exist in a few months. Responsibility for the legislation in this Bill will be passed to the appropriate Department afterwards.

**Mr Deputy Speaker (Mr Dallat):** That was a very long intervention.

**Mr Hazzard:** I take the Member's points on board to a certain extent but, on the gender pay stuff, the regulations would involve public consultation and scrutiny. That would not have been the case with this, because it is different; it is delicate equality legislation that should be dealt with through OFMDFM. Let me say it on record: I am for the repealing of this legislation, but I want to see it done in the

appropriate fashion. I and my party do not believe that this is the appropriate forum to do it. It is as simple as that.

There are a few things to touch on. There is a growing concern in this House — the Minister himself has touched on this — that issues are being attached to Bills that they should not be attached to. This is a case in point; the repeal needs to be dealt with through OFMDFM. I think that Members are looking for pot luck. They see this as an opportunity to attach something to a Bill to get it through. I do not see that as —

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

**Mr Hazzard:** No, I will not give way.

I do not see that as being the right way to go. As I said, there has been no scrutiny and no examination in a neutral environment of the consequences that may roll out from it. That is what we want to see when we are looking at the issue. I say to Mr Kennedy and Mrs Overend that that is the reason. This is not a flip-flop from a previous education debate. The Education Minister has written to OFMDFM, as far as I am aware, to take the issue on. That is why we are opposing it. This Bill is not the place to be discussing the issue.

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

**Mr Hazzard:** No. I am coming to an end. We want to see dialogue in a neutral environment and a public consultation through OFMDFM. That is the place to deal with this.

**Mr Allister:** Mr Deputy Speaker, seldom have Members from the SDLP and the Sinn Féin Benches spoke more unconvincingly out of both sides of their mouth. Mr Hazzard —

**Mr Swann:** Will the Member give way? *[Laughter.]*

**Mr Allister:** Why not?

**Mr Swann:** He cannot accuse the SDLP of speaking out of both sides of its mouth, as it did not speak at all on the matter. *[Laughter.]*

**Mr Deputy Speaker (Mr Dallat):** Order, please. Whatever about speaking out of both sides of the mouth, I would much prefer that you spoke through the Chair.

**Mr Allister:** Mr Swann is quite right, because we had a contribution from the SDLP in which the Member spectacularly failed to mention the amendments whatsoever, other than to say that the party was going to oppose them, without reason or rationale.

To return to the point, Mr Hazzard says, “In fact, we support the removal of article 71”, but today — or tomorrow — Sinn Féin is going to veto the amendments. So intent is it on vetoing it that it is going to deploy a petition of concern. You therefore speak with no credibility whatsoever when you try to suggest to the House that, in fact, you are in favour of repealing the application of article 71, when, by your actions, you are going to guarantee that it is not repealed. Therein is the hypocrisy of the situation.

There are politicians on the nationalist Benches who have made a career out of talking about discrimination. The walls of the Chamber have echoed for years with protestations about discrimination and about how a community, in one way or another, has been shamefully treated and hopelessly discriminated against. It is, however, those very people who, in this debate, and

tomorrow, are going to protect and cement discrimination and ensure that this very modest move to chip away at discrimination is defeated. Of course, they are the same politicians who pin their colours to the European Convention on Human Rights and laud all its protections, yet article 71 can be in existence only because of a derogation from the European Convention on Human Rights. In order to make it lawful to discriminate in the manner that article 71 permits, there had to be a derogation from the convention. Therefore, those coming from that background, having made their careers out of protestations about discrimination, to end up as those who are the defenders of discrimination, they have a lot of explaining to do.

“Pitiful” is the only word that I can think of for Mr Hazzard’s attempt to explain the inexplicable. As for the SDLP spokesman, as was pointed out, he did not even go there, because he knows, I suspect, full well that it is utterly inexplicable why those who claim to be against discrimination should themselves be those determined through a petition to ensure that discrimination stands.

Mrs Overend is right: there has been shameful passing the parcel on the matter. I have answers from OFMDFM and the Minister of Education, each saying that it is the other’s responsibility. I welcome the indication from Mr Buchanan that he and his colleagues will support the amendment, but what has the First Minister done about it? When you ask a question of the First Minister and deputy First Minister, the answer you get is this: “Well, that is for the Department of Education.” When you ask the Department of Education, it says: “That is for the First Minister.” What has the First Minister done to bring the matter to a head; this disgraceful, ridiculous, unedifying discrimination provision whereby teachers, and employing authorities when they employ teachers, are exempt from discrimination legislation?

**Mrs Overend:** I thank the Member for giving way. Will he join me in asking either of the Sinn Féin Members who spoke this afternoon to clarify, or get clarification from the Minister, on whether he actually has written to OFMDFM, because we have received conflicting messages about whether there has been a letter? Maybe that letter and the response could be put in the Library for other Members to see.

**Mr Allister:** I certainly endorse that suggestion. If there has, allegedly, been an attempt by the Education Minister to encourage OFMDFM to deal with the issue, let us get it out into the public domain. Let us see that correspondence and the reply. Who is hiding from the issue and why? That is the question. It is a nettle that needs to be grasped. Nobody seems prepared to grasp it. When there is an attempt to grasp it in the House, the people who line up to ensure that the issue is not dealt with are the SDLP and Sinn Féin.

**Mr Givan:** I am grateful to the Member for giving way. Obviously, Mr Hazzard has been put forward to try and sell the unsellable and the indefensible in this respect. At times, Back Benchers have to do these things for their parties. Does the Member agree that the rationale put forward by Mr Hazzard that there was no Committee scrutiny or consultation — and that seems to be what he is hanging the issue on — flies in the face of the position taken by Sinn Féin on what were sensitive and controversial amendments brought forward by Mr Lunn and Mr Dickson to the Justice Bill? Does it not highlight the

stark contrast in the approach that Mr Hazzard's party is taking today and reveal the hypocrisy in its position?

**Mr Allister:** Well, I will have to take the Member's word for it that, as a Back Bencher, sometimes — and maybe he was speaking from personal experience: I do not know— *[Laughter.]* — he has to say things he does not believe in. I have no idea. He is absolutely right that, today, Mr Hazzard was the emperor without clothes to say that, "Oh, we could not do that because we are very cognisant of the need for consultation", when his party, as Mr Givan points out, were the very people who were so anxious and eager to rubbish his amendments and those of others when it suited on the pretext of all that. Yes: it only adds another layer to the hypocrisy that is so self-evident here.

I say to those parties: apply your own standards of what you are on record as saying about discrimination. If you believe in them, then, overnight, withdraw the petition of concern and allow the matter to be dealt with because, patently, neither Department is willing to deal with it. Now is the time to grasp the nettle.

#### 5.45 pm

**Dr Farry:** First of all, I will discharge my duty as Minister in relation to the blacklisting amendment, which relates directly to the functions of my Department. The intention is to modify article 5 of the Employment Relations (Northern Ireland) Order 1999 so that regulations must make non-compliance with blacklisting regulations an offence which could, in certain circumstances, be punishable by imprisonment for up to three years. The current blacklisting regulations make it unlawful to compile, supply, sell or use a prohibited list, ie a blacklist. This core feature of the regulations is termed the general prohibition. As well as the general prohibition against compiling, selling, supplying and using a blacklist, the regulations also make it unlawful for an employer to refuse a person employment for a reason related to a prohibited list; to dismiss an employee for a reason related to a prohibited list; and to subject a worker to any other detriment for a reason related to a prohibited list. The regulations also make it unlawful for an employment agency to refuse its service to a worker for a reason related to a prohibited list.

Individuals may enforce their rights contained in the regulations through an industrial tribunal or a court. Complaints against employers or employment agencies for refusing employment or services, for dismissal or for detriment can be made by the individual concerned to an industrial tribunal. Compensation can range from £5,700 to £76,600. Individuals, trade unions and other organisations may complain to a court that the general prohibition in the regulations has been breached, or was likely to be breached, where they have suffered a loss, or may suffer a loss, as a consequence of that breach. Where the court upholds the complaint, it may award damages to the complainant. The award of damages may include compensation for injury to the feelings of the complainant. No minima or maxima apply to the size of these awards.

During consultation on the 2014 blacklisting regulations, consultees were asked whether they supported the Department's view that enforcement should take place via civil law. Those not in agreement with that view were asked to indicate what alternative approach they favoured. Of the six substantive responses, five agreed that enforcement should take place via civil law. Only one

consultee considered that enactment of both criminal and civil sanctions would be appropriate.

The blacklisting regulations can be read alongside the provisions of the Data Protection Act 1998, where there are criminal sanctions. The Information Commissioner already has the powers to investigate breaches of the Data Protection Act and to undertake criminal prosecutions if necessary. If blacklisting occurs in the future, it may well be covered by an investigation by the Information Commissioner and lead to prosecutions. Criminal offences are unusual in employment law, and the Department considers that the package of measures in the 2014 regulations provides adequate protection, especially taking into account the outcome of the public consultation on the issue.

In my view, civil law is the best area in which to enforce the regulations. Other employment relations concerns are dealt with appropriately using this method, and, as I have indicated, there is recourse to criminal penalties through data protection legislation, if that is warranted. I therefore oppose the amendment and invite Members to join me in doing so.

I also want to make some comments as an individual Member, primarily on the amendments tabled by Mrs Overend and Mr Kennedy. Their purpose is to repeal article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 a year after this Bill receives Royal Assent. The effect would be to remove the current exception that exists in fair employment legislation in relation to schoolteachers. I am aware that this is a matter on which there has been some discussion, albeit not in the context of the Employment Bill. The policy focus here is very much on equality in education. The Department referred to in article 71 of the Fair Employment and Treatment Order is, in fact, OFMDFM, which has the lead on equality matters.

It is my view that this exemption to equality legislation should be removed. It was not justifiable in the first place, and the arguments against it are today even stronger. Any professionally trained and educated teacher should be capable of teaching in any type of school or sector, irrespective of their personal background. Therefore, we need to separate personal background from the ethos of a school. Teachers should be able to reflect and promote the ethos of a school in which they work, irrespective of their own particular views.

The situation would be helped by more ready access for all trainee teachers to the certificate of religious education for situations where it is still retained. As others have said, it is important that we decouple the issue of the exemption to equality legislation with the potential to require the certificate, because the requirement for the certificate can be applied on a non-discriminatory basis to anyone from any background. The issue is therefore a level playing field in terms of access to the certificate, which is clearly embedded in the St Mary's University College approach to the curriculum and available to students at Ulster University, but it is only available to students at Stranmillis via distance learning from the University of Glasgow, notwithstanding the fact that there are institutions on their doorstep that could equally provide them with access.

In so far as we have different sectors in Northern Ireland and no matter what teacher training infrastructure we will have, there should be provision to reflect the particular

requirements of the various types of school, but there should also be scope for the development of a much more integrated module that trains all teachers in the full spectrum of diversity, with top-ups available specific to particular sectors. The application of the exemption to equality legislation serves only to restrict the job opportunities of some qualified teachers compared with others in what is a very tight and competitive labour market.

In closing, I want to refer to some of the comments that were made. Like other Members, I am stunned by the arguments or the lack of arguments being put up on these very particular amendments. The point I want to return to is the notion that the reason for the petition of concern and presumably the votes against today is the fact that this has not been subject to public consultation or Committee scrutiny and is a matter for OFMDFM when this is not an OFMDFM Bill. Let me be very clear about this: we have already made an amendment, only a matter of about an hour prior to this point, that passed a new duty relating to equality to the Office of the First Minister and deputy First Minister.

I heard Mr Hazzard, before he left the Chamber, refer to the fact that the amendments were different because the amendment about the gender pay audit was one where we have enabling powers but the issue before us here is prescriptive. However, if people refer to that amendment, they will see that, while it has enabling powers in some respects, it is also prescriptive in a range of areas. I invite Members to note the occasions on which we have duties on employers that they must do certain things and on the Department that it must do certain things — that is right across what is quite a lengthy amendment. I will give one example that appears towards the end, where it says that the Department “must” produce a strategy. That is not “may”. We have had no consultation on the merits or otherwise of having a strategy, but we have a directive from the Assembly today that the Department “must” do something. Therefore, we have a massive inconsistency. The basis on which the amendments are being rejected today does not stand up to scrutiny. The arguments that those who propose it are using are the selfsame arguments as have been used to justify them doing something in OFMDFM on equality matters today — on a matter on which there has not been any debate in the Assembly, certainly not in my time as an MLA over the past nine years. At least you can say that the teacher exemption to fair employment legislation has been discussed and voted on in the Assembly. Until we had the discussion and vote today, there had not been a single vote in the Assembly on gender pay. Members from Sinn Féin saw fit to proceed with that and to set out prescription on the way forward, but they are not prepared to do that on an issue that is well established and on which everyone seems to agree we want to see change.

We have already accepted the principle that my Bill today is a bit of a free-for-all and does not have to refer to matters that extend directly to my Department or the Department for the Economy, but we are drawing an artificial line around this issue for some bizarre reason that I cannot understand and virtually no other Member seems to understand.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I thank Members who contributed to the debate on the group 3 amendments that deal with the proposed

criminalisation of blacklisting and the repeal of article 71. I will go through some of the remarks that Members made.

Mr Buchanan was a strong proponent of equality during his short contribution and never mentioned blacklisting. Mr Diver spoke in favour of criminalising blacklisting and never mentioned article 71. That seemed to be the way the debate went on, as Members focused on amendment Nos 26 and 27, while a minority spoke on amendment No 23.

Sandra Overend provided an overview of why she believes article 71 is no longer required. Trevor Lunn appeared to ponder the question of whether segregation was necessary in education in any sense. Chris Hazzard argued that, given the sensitive nature of the matter and the fact that it deals with repealing equality legislation, the unintended consequences of the proposed legislative change need to be fully explored before it is repealed.

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

**Mr Flanagan:** Yes, go ahead.

**Mr Dickson:** You commented that Mr Lunn said that there was no place for segregation in education in Northern Ireland. It is not only Mr Lunn who said that: President Obama, when he came to Belfast, said that as well.

**Mr Flanagan:** I thank the Member for his intervention. I do not recall Mr Obama being present during the debate that we are winding up on, but I am happy to be corrected that President Obama is a strong advocate of integrated education, as are many other Members of this House and elsewhere in society.

Mr Allister highlighted how the issue appears to have fallen between the stools of OFMDFM and the Department of Education, yet the Minister for Employment and Learning is here to respond to the issue. We now have three stools that the whole thing has fallen between.

Minister Farry seems to — I cannot even read what he said now — sorry, Minister Farry responded first on blacklisting. That is why I was confused. He reckons that the current mechanism for dealing with blacklisting through civil law provision is sufficient and argues that there is recourse through criminal law for anybody who breaches the Data Protection Act. I do not think that that is sufficient. Some trade unionists do not agree with that, and that is why the legislative change has been proposed. I suppose that the proposed changes to blacklisting have been somewhat overshadowed by the amendment from left field by the two Members from the Ulster Unionist Party. Far be it for me to criticise anybody for bringing amendments from left field into Minister Farry's Bill, which may well be described in the Bill Office as now being a skip where everything is dumped.

I think that the phrase that Stephen Farry was hunting for when he was talking about the debates that we have had today is “consistent inconsistency”. Members from some parties have highlighted the fact that we cannot support some amendments because they have not gone through any scrutiny process, and, now, at the end of the day — we are not even near the end of the day because this has gone on longer than it was supposed to — but, at this stage of the day, the same Members are arguing that that is not a good enough reason for opposing something. Consistent inconsistency is the order of the day. Before I conclude —

**Dr Farry:** I thank the Member for giving way. I appreciate his point that we are all being consistent on being inconsistent today, but can the Member have a go at trying to reconcile his approach where his colleague proposed an amendment earlier today to this legislation that modified equality legislation, which is the responsibility of OFMDFM, without any public consultation or discussion in any format whatever, while he is perfectly content to oppose that being done with another matter on which there has been quite a bit of debate?

**Mr Flanagan:** I thank the Minister for his intervention, although I presume that he is speaking as an individual Member in this debate. I can see where the Member finds the inconsistency, but if you take the — *[Laughter.]* You asked me to try; I did not say that I would succeed. If you take the example of —

**Mr Kennedy:** It is like the Fermanagh and South Tyrone selection.

**Mr Flanagan:** No comment, Danny.

**Mr Deputy Speaker (Mr Dallat):** Order, please. I have to discourage this cosy little chat between the Members from Fermanagh and South Tyrone and direct the remarks through the Chair.

**Mr Flanagan:** I thank the Deputy Speaker for his intervention —

**Mr Allister:** Protection.

**Mr Flanagan:** “Protection”, Jim, would be a good word. What we proposed earlier with our raft of amendments, as Anna Lo helpfully called them, were changes, most of which have been subject to a full public consultation by the Department for Employment and Learning or which would be through the regulations process, but I will be reminded by the Deputy Speaker that I am no longer speaking about the amendments in group 3.

Nobody can be quite sure what the unintended consequences of repealing article 71 would be. We are not opposed to the principle of repealing article 71; we are concerned about the potential unintended consequences that might arise if it were to be repealed. For that reason, we do not think that this is the proper legislative mechanism, but it is something that we would be willing to explore with other Members, as we have done in the past, to find a way of doing it that meets the needs of everybody concerned.

*Question put, That the amendment be made.*

*The Assembly divided:*

Ayes 37; Noes 55.

## AYES

Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O’Dowd, Mrs O’Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

*Tellers for the Ayes: Mr F McCann and Ms McGahan.*

## NOES

Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

*Tellers for the Noes: Mr Lunn and Mr McCarthy.*

*Question accordingly negatived.*

## Clause 21 (Variation in procedures for certain orders and regulations)

*Amendment No 24 made:*

In page 14, line 37, after “Article” insert “59A or”.— *[Ms Lo.]*

## Clause 25 (Interpretation)

*Amendment No 25 made:*

In page 16, line 10, after “Act” insert

“, except in section (Gender pay and disclosure of information).”— *[Ms McGahan.]*

## Clause 26 (Commencement)

**Mr Deputy Speaker (Mr Dallat):** Amendment No 26 is a paving amendment for amendment No 27. Amendment No 26 proposed:

In page 16, line 14, at end insert

“(1A) The repeal of Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 as set out in Schedule 3 comes into operation one year after this Act receives Royal Assent.”.— *[Mrs Overend.]*

**Mr Deputy Speaker (Mr Dallat):** As the Principal Deputy Speaker explained earlier, a valid petition of concern has been received on amendment No 26. Amendment No 26 has been moved, so I must advise the House that today’s proceedings on the Bill will now stop. The vote on amendment No 26 and the remainder of the Further Consideration Stage of the Employment Bill will be taken at the start of tomorrow’s business. I ask Members to take their ease for a moment.

*The debate stood suspended.*

## **Health and Personal Social Services (Amendment) Bill: Consideration Stage**

**Mr Deputy Speaker (Mr Dallat):** 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 Dallat):** No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the nine clauses of the Bill for the Question on stand part, followed by the long title.

*Clauses 1 to 9 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Deputy Speaker (Mr Dallat):** That concludes the Consideration Stage of the Health and Personal Social Services (Amendment) Bill. The Bill stands referred to the Speaker.

## **Health (Miscellaneous Provisions) Bill: Consideration Stage**

**Mr Deputy Speaker (Mr Dallat):** 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 Dallat):** Members will have a copy of the Marshalled List of amendments, which details the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3 and 5, which deal with the prohibition of smoking in an enclosed vehicle. The second debate will be on amendment No 4, which deals with the consultation on a sugar-sweetened drinks levy. The third debate will be on amendment Nos 6, 7 and 8, which deal with a duty to promote information and awareness of human transplantation.

I remind Members who intend to speak that, during the debates on the three groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been 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 shall proceed.

No amendments have been tabled to Clauses 1 to 4. I propose, by leave of the Assembly, to group those clauses for the Question on stand part.

*Clauses 1 to 4 ordered to stand part of the Bill.*

### **New Clause**

**Mr Deputy Speaker (Mr Dallat):** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 5, which deal with the prohibition of smoking in an enclosed vehicle. Amendment No 1 is mutually exclusive with amendment No 2, and amendment No 3 is consequential to amendment No 2. I call Ms Rosie McCorley to move amendment No 1 and address the other amendments in the group.

**Ms McCorley:** I beg to move amendment No 1: After clause 4 insert

***“Prohibition: use of nicotine products or tobacco in enclosed vehicles***

**4A.—(1) The Department may by regulations make provisions prohibiting the use of nicotine products or tobacco in an enclosed vehicle at a time when a person aged under 18 is in the vehicle.”.**

*The following amendments stood on the Marshalled List:*

No 2: After clause 4 insert

***“Prohibition: use of nicotine products or tobacco in enclosed vehicles***

**4A.—(1) The Department may by regulations make provisions prohibiting the use of nicotine products**

*or tobacco in an enclosed vehicle at a time when a person aged under 18 is in the vehicle.*

*(2) The Department must, beginning with the coming into operation of subsection (1), raise public awareness of the change in the law to be effected by that subsection.”— [Mr McKinney.]*

No 3: After clause 4 insert

**“Fixed penalties**

**4B.—(1)** *Where a police constable has reason to believe that a person has committed an offence under section 4A(1) the police constable may give that person a fixed penalty notice in respect of the offence.*

*(2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a penalty in accordance with this section.*

*(3) The form of a notice under this section shall be such as may be prescribed.*

*(4) The fixed penalty payable under this section shall be such amount as may be prescribed.”— [Mr McKinney.]*

No 5: After clause 5 insert

**“Review**

**5A.—(1)** *The Department must not later than 3 years after the commencement of this Act review and publish a report on the implementation of Part one.*

*(2) Regulations under this section shall set out the terms of the review.”— [Ms McCorley.]*

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom leasú uimhir a haon a mholadh. Beidh Sinn Féin ag cur i gcoinne leasuithe uimhir a dó agus trí, agus beidh muid ag tacú le leasú uimhir a cúig. Sinn Féin will oppose amendment Nos 2 and 3 and support amendment No 5.

As you said, this relates to making provisions to prohibit the use of nicotine products or tobacco in an enclosed vehicle at a time when a person under the age of 18 is travelling in the vehicle. This also relates to major health issues, and the arguments about the dangers of smoking and its impacts have been well rehearsed over many years.

This amendment relates to second-hand tobacco smoke, and it is the impact on children that we are addressing. Second-hand tobacco smoke is the smoke from a burning cigarette, pipe or cigar as well as the smoke exhaled by a smoker. It is a complex mixture containing more than 4,000 chemicals, over 50 of which are known carcinogens.

Second-hand tobacco smoke is a major preventable contributor to acute and chronic adverse health outcomes, and those exposed to second-hand tobacco smoke for long periods of time are more likely to develop and die from heart disease, respiratory problems and lung cancer. There is no safe level of exposure to second-hand tobacco smoke. Exposure to second-hand smoke in the confined space of a vehicle is particularly dangerous since second-hand smoke levels from a single cigarette can exceed concentrations previously found in the smokiest bars and restaurants.

Protecting children from second-hand tobacco smoke is critical as they are more vulnerable to the adverse health effects of exposure. This is because children are

smaller and have immature immune systems and higher respiratory rates. Second-hand tobacco smoke is linked to leukaemia and brain and other childhood cancers, as well as to sudden infant death syndrome, asthma, ear infections and respiratory diseases in children. Even short-term exposure to second-hand tobacco smoke can trigger an asthma attack in children, and effects on lung health may be long-term.

**Mr Ross:** I thank the Member for giving way and I totally concur on the dangers of passive smoking and why it is not a good idea. I want to ask two questions about the amendment. It would seem to suggest, by the way it is drafted, that other products such as nicotine patches, nicotine gum or even e-cigarettes would be contained within the provisions. Is that something that the Members intended or did not intend in the drafting of their amendment? Second, does the Member have any concerns about passing an amendment that the police may not enforce, given that a similar provision has been passed in Great Britain but the police have said that they will not enforce it?

**Ms McCorley:** I thank the Member for his intervention. We are concerned about all nicotine products. Clearly patches are not offensive and would not affect other passengers, so it would be nicotine tobacco things. Clearly the intention relates to where there would be second-hand damage or impact on other people; that is what the intention is.

As regards enforcement, we hope there would be a dual responsibility so that both the police and local councils would take responsibility for this. Obviously that is something that would need to be worked out either in regulation, further legislation or guidance.

**Mr Ross:** I appreciate what the Member is saying, but has she had any conversations with the Police Service of Northern Ireland about whether or not they would enforce this, given the comments that have been made by police forces in Great Britain?

**Ms McCorley:** No, we have not had any conversations about that. I do not actually have anything more to offer on that, so I will just continue.

In addition to protecting children from exposure to second-hand tobacco smoke, smoking restrictions also influence social norms regarding the acceptability of smoking. Smoke-free policies help to challenge the perception that tobacco use is a normal adult behaviour. This, in turn, can have a positive effect on youth and help them to remain smoke-free. We hope that positive intentions would arise as regards attitudes towards smoking, as well as the protection of children and young people under the age of 18, as a result of this amendment being brought into effect.

In response to the Member, I have already mentioned amendment No 3, relating to enforcement, and so we see that there would be a dual responsibility as regards enforcement between local authorities and the police. In addition, the effect and impact of the legislation being brought in to being can, in its own right, affect behaviour.

**6.30 pm**

We can talk about the impact of seat belts. There are very few people now who would get into a car and not put on a seat belt, but very few have had those regulations enforced on them. The enforcement procedure is probably not that obvious or strong.

The first part of amendment No 2 is the same as our amendment. We would see the second part brought into being in subsequent regulations to raise public awareness. We support amendment No 5, which is about reviewing this not later than three years after commencement. I am not too sure whether three years is the best amount of time, but on the face of it, we support that amendment.

**Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a LeasCheann Comhairle. First, I want to make a few comments on behalf of the Committee and to welcome the Consideration Stage. It has been debated that the main purpose of the Bill is to make provision to allow the Department to make regulations banning the sale of nicotine-containing products to minors. It also amends existing provisions on primary dental services and other services such as pharmaceutical services, as well as charges for services provided to persons not ordinarily resident.

I take this opportunity to quickly provide a brief overview of the evidence taken by the Committee and the key issues that we identified during Committee Stage. The Bill was referred to the Committee for Health for scrutiny on 9 December. Following our request for evidence, we received 10 written submissions from a range of stakeholders and took oral evidence from the Department, the BMA and Cancer Focus. The written and oral evidence focused mainly on the clauses that deal with the regulation of the sale of nicotine products and tobacco. However, significant comments were also made about smoking in private vehicles carrying minors — a provision that was not included in the Bill.

Having considered the written and oral evidence that was received on the regulation of the sale of nicotine products and tobacco, the Committee identified an issue on the enforcement of the age of sale provisions for e-cigarettes. The Committee came to the view that the best way to address that was for the tobacco retailers' register to be extended to include e-cigarette retailers so that they also would be subject to regulation. Members certainly felt that that would future-proof the legislation should evidence emerge at a later date of difficulties in enforcing the age of sale provisions for e-cigarettes.

In response to the views expressed by the Committee, the Department proposed an amendment that would allow it to amend the relevant provisions of the Tobacco Retailers Act 2014 to apply them to nicotine product retailers as well as tobacco retailers. The Committee was content with the Department's response and agreed to support an amendment at Consideration Stage.

During the Second Stage debate, the Minister indicated that he intended to table an amendment to ban smoking in cars carrying minors. During the Committee Stage, the Department proposed such an amendment for consideration by the Committee. Such an amendment would provide the Department with regulation-making powers to allow for the creation of offences on smoking in a smoke-free private vehicle, for failing to prevent smoking in a smoke-free private vehicle where under-18s are present and for fixed penalty notices to be applied to the offences. The Committee welcomed the new policy and, therefore, agreed to support the amendment at Consideration Stage.

The Committee was aware that Executive approval was required for the departmental amendments, as they represented a change in policy, but, on Monday 15 February, the Minister wrote to the Committee to advise that Executive agreement had not yet been received for the amendments and that he was seeking agreement through the urgent procedure to allow him to meet the deadline for tabling amendments to the Bill. However, as we stand today, the amendments were not tabled.

Turning to the amendments before us, the Committee did not form a view on any of them during Committee Stage, so there is no formal Committee position on them. Therefore, that concludes my comments as Committee Chair.

I would, however, like to make a few comments as a Sinn Féin MLA on the proposed amendments in group 1 in the name of Rosaleen McCorley, Daithí McKay and myself. Rosaleen articulated the position on amendment No 1 and our position on the rest of the amendments. In reply to some of the commentary earlier, particularly from Mr Ross, I should say that amendment No 1 prohibits the use of nicotine products or tobacco in enclosed vehicles, and it is our intention that the debate be as wide as possible. Indeed, that was why we offered our support to the extension of the Tobacco Retailers Act to include e-cigarettes and why we advocate that that is a genuine enhancement to the legislation.

My colleague outlined the impact —

**Mr Ross:** I thank the Member for giving way. I understand and appreciate that research on e-cigarettes is still probably in its infancy, but, if the rationale for the amendment today is to protect children in a car from second-hand smoke, is there evidence that there is such a thing as second-hand inhalation from e-cigarettes or from vaping? My understanding is that there is not, and, if that is the case, what is the rationale for banning it? Is there not also a rationale that, if a parent is smoking on the way to pick up their child from school, and the smoke and carcinogens are in the fabric of the car, that does an equal amount of damage to the child once they get into the car than this amendment would actually do?

**Ms Maeve McLaughlin:** I thank the Member for his intervention. He is right in a sense. There is no robust evidence or any real indicators that e-cigarettes impact negatively or positively. The jury is still out on that. However, there is a wealth of evidence on the impact that second-hand — indeed, what is now being called third-hand — smoking has, particularly on children and young people. Again, I point out that the terminology on the use of nicotine products or tobacco is something that was done in full communication and conjunction with the Committee and the Bill Office, so I think that this is a step in that direction.

I want to reference enforcement because there has been some discussion about it. It is apparent from the work of Cancer Focus, in particular, and the other cancer charities when they worked with organisations in England in 2012 and found that 80% of people wanted a ban on smoking in cars carrying children. There is a view in charities that, with such a high level of support, legislation could be self-enforcing. That is why we have issues with Mr McKinney's amendment. Enforcement needs to encompass that dual process, and I encourage the Health Minister to outline

how that could be taken forward at Further Consideration Stage or, indeed, through regulations.

In conclusion, I believe that we need a long-term, sustained, comprehensive tobacco control strategy. We need to look at all the influences, at what curtails the tobacco industry, at what helps people to stop smoking and at what protects children and others from second-hand smoke. I urge the House to support amendment No 1 in our names in group 1. Thank you very much.

**Mr Easton:** Thank you, Mr Chair. I rise to speak on the prohibition on smoking in enclosed vehicles and on amendment Nos 1, 2, 3 and 4. I will be supporting amendment No 1, although I believe that it may need tidying up at a later stage. In written and oral evidence to the Committee, the BMA recommended the inclusion of a new provision that would prohibit smoking in private vehicles carrying children under the age of 18. It also recommended that further consideration should be given to extending the ban to include smoking in all private motor vehicles, regardless of the age of the driver and passenger, and I believe that the amendment helps to do that.

Smoking is the single greatest cause of preventable illness and premature deaths in Northern Ireland, killing approximately 2,300 people each year. Some 17,163 people were admitted to hospital in Northern Ireland due to smoking-related causes in 2012-13. The estimated hospital costs of treating smoking-related illnesses in Northern Ireland were in the region of £164 million a year, based on figures from 2011-12, so it is probably substantially more than that now. I welcome anything that helps to reduce deaths and costs in our hospitals.

I will not support amendment No 2; it duplicates amendment No 1 and is not really needed. Amendment No 3 deals with fixed penalties. It has a flaw, in my opinion, in that it should partly be the role of councils to issue fixed penalties, and there does not seem to have been any consultation with the PSNI and the councils on that. I believe that it should be a joint role and responsibility, and there should have been consultation to see how that would affect those services. Amendment No 5 calls for a review, which I do not quite understand the need for. If we stop everybody smoking in cars, what is the point of a review on stopping everybody smoking in cars? We are doing the job — making sure that we stop people smoking — and that will improve everybody's life.

**Mr McKinney:** I speak as the SDLP health spokesperson and as a member of the Health Committee. I welcome the opportunity to speak on the Consideration Stage of the Health (Miscellaneous Provisions) Bill. I will address the group 1 amendments.

The rationale that underpins the SDLP amendments is about protecting people's lives and health, especially the health and well-being of children, from the dangers of nicotine and tobacco products. In that context, it is important to remind ourselves that smoking remains the single greatest cause of preventable illness and premature death here. The Public Health Agency estimates that in Northern Ireland around 360,000 people aged 16 and over smoke. Sadly, one in two smokers die early because of their habit. Each year, approximately 2,300 people die from smoking-related illnesses. Those are startling statistics.

I commend the Assembly, which has taken great strides in changing societal attitudes and culture on smoking. A hugely successful ban on smoking in public places and public vehicles, for example, was introduced in 2007. As well as the ban, there were two important ingredients: promotion and penalty. It was a carrot-and-stick approach, but it was effective. You will probably remember, Mr Deputy Speaker, the controversy that surrounded the issue, but, in the end, it produced a good result. Nobody is now fined because we achieved a societal change, and people respect the change that we were trying to achieve, despite its having been controversial. Some of the questions raised now on this Bill are similar to those raised on that smoking ban, but we should try to achieve the ambition.

**Mr Ross:** I thank the Member for giving way. He is right, of course, and, at the time, there was quite a debate. The distinction, however, is that that ban was about a public space; it was in the public sphere and involved public vehicles or council vehicles that could be shared with other people. This moves the debate into the private sphere — a private vehicle — and, some people would argue, ultimately impacts on a personal and parental decision. Nobody is saying that it is a good idea; in fact, it is stupid to smoke in a car carrying children. However, has the Member any concerns about starting to legislate for the private sphere? Can a distinction be made between a car and a small flat or a room in a house?

**Mr McKinney:** I think that, for several reasons, we should go some distance towards exactly what you outlined. First, the confined space — the car — means that fumes are more noxious; secondly, a child does not have a choice; and, thirdly, I make a distinction between a car and a domestic house. I appreciate your point about a small flat, but, for me, that is probably going too far. If you are saying that there could be a difficulty with the size of a flat, I guess that you could point out that, if a car is small, the toxicity of the fumes could be more potent.

The child is travelling in that car, whereas he or she could be outside the house when the parents are smoking inside, or the parents could be smoking outside when the child is inside. There are arguments there, and I urge Members to support the exact direction of travel.

#### 6.45 pm

We continued on that journey when we raised the age for purchasing tobacco to 18 in 2008. Once again, we had the promotion and the penalty — the carrot and stick. We passed the Tobacco Retailers Act last year. It aims to restrict the availability of cigarettes to children and targets adults buying for children. We supported Westminster regulations on plain cigarette packaging, which I hope will act as a further disincentive to young people taking up smoking. Once again, there was promotion and penalty. The ingredients for success on the journey to protect people from the dangers of smoking are there, and we should embrace them.

Those who oppose what we propose today have not included promotion and penalty in their amendment. I urge those who have declared that they want to back a certain amendment to think about the SDLP amendment, which includes the successful ingredients for limiting the harmful effects of smoking. These are all evidence of a progression that must be welcomed and is all the more important given the detrimental impact of smoking.

What we have not done so far is legislate on smoking in cars with children, which is an important piece of the anti-smoking jigsaw. I will quote some statistics from the Department of Health: 15% of adults smoke with their children present in the car, which, given the headline figure that I outlined earlier, means that roughly 50,000 to 55,000 people regularly smoke with one, two or more children in the car. You begin to see the impact that it can have. That is unacceptable. Passive smoke poses a serious health hazard. Studies have shown that there is no safe level of exposure, not least in an enclosed vehicle. Every time someone smokes a cigarette, they breathe in a lethal concoction of toxins and other harmful chemicals, and every time a person breathes in passive smoke, the danger increases, as the smoke contains over 4,000 chemicals, many highly toxic and more than 50 known to be carcinogenic. The evidence is stark.

Passive smoke also affects children more than others, causing a variety of adverse health effects, including an increased susceptibility to respiratory tract infections, such as pneumonia and bronchitis, the worsening of asthma, middle ear disease, decreased lung function and sudden infant death syndrome. The Minister will be conscious of the earlier debate on the need for early interventions in all of these issues, and one of the earliest interventions would be to stop people smoking, which would have a tremendous effect on limiting child ill health. We know that children are more vulnerable to passive smoke exposure in vehicle because their immune systems are not yet fully developed, they breathe more rapidly and they inhale more pollutants than adults. Scientific evidence shows that ventilation does not eliminate the risk to health of passive smoking in enclosed spaces.

It is against that backdrop that early intervention and prevention are key. That is why the anti-smoking narrative from 2007 to today has been so valuable. We must continue that narrative. The only way to provide children with effective protection from passive smoke in cars is to prevent them breathing it in in the first place. It is simple, and it is exactly what has happened in other jurisdictions: Scotland, Wales and the Republic are all legislating on the issue, and England introduced a ban that came into force in October last year. I refer to Mr Ross's earlier intervention from across the Chamber and would like to clear up what the police said. The police simply said that they would give a three-month grace period after the implementation of the English Act; they did not say that they would not act on the Act. They said that they would give it a three-month grace period, which is a different thing. The headlines around the implications of that were perhaps much more negative, but, in fact, they were saying that they would implement it but were giving it a three-month grace period. My amendments are not solely about fining people; they are about creating a behavioural and cultural shift for people to realise that their actions are impacting on their child's health and that such actions will not be tolerated. In marrying those two things together, the police are perhaps sensibly looking at it and saying, "Promotion and penalty; let's go for the societal shift here. People are aware now". It is about that awareness programme as well.

I would like to put on record my appreciation of the many organisations that have called for the introduction of the ban. There has been overwhelming support from the royal colleges, health experts and leading authorities in public health across the UK. During Committee Stage, the

British Medical Association and Cancer Focus wrote to the Committee stressing the need to include a ban in the Bill, while Chest, Heart and Stroke has campaigned for its introduction for a number of years. We all celebrate the expertise and commitment of those organisations; indeed, they have presented to the Committee many times in the past. We take the bona fides of that evidence. In fact, they have conducted a public opinion poll in Northern Ireland that reveals that a staggering 92% of people agree with the ban. I am sure that the House would agree that such public support reinforces the need to support the SDLP amendments in the first group.

Turning to the specific amendments in this group, I commend Sinn Féin for tabling amendment No 1. However, as I have outlined, it is limited. The SDLP believes that accompanying such a change in the law must be an effort to raise public awareness of the issue. You may simply say, "It will come in regulations", but there is no guarantee. We need to say what we mean and mean what we say. We should introduce a ban, promote it and introduce the penalty. We have already recognised the importance of raising public awareness during recent debates on organ donation. In fact, later in this debate, Sinn Féin will ask for a promotion campaign on a different issue. On one hand, they ask for it on that but, on the other, they say, "Just support our amendment and reject the SDLP's amendment, which includes promotion".

**Ms McCorley:** I thank the Member for giving way. Does the Member agree that the Human Transplantation Bill was well discussed and debated in Committee and we heard lots of evidence that informed us? It is not as though we are at the same place here. As we know, that Bill was then dropped and we were left with the useful public awareness-raising aspect of it, which was supported by everybody who gave evidence. It seems only right that we ensure that that part of the Bill is kept and that we have something that helps to increase rates of organ donation.

**Mr McKinney:** To borrow a court phrase, there rests the case for the defence. You either want promotion or you do not want promotion. In the transplantation issue that is coming up, Sinn Féin will be looking for evidence promotion. That is exactly what we are looking for in this group of amendments.

The same principles apply in amendment No 2. There is a need to have a substantive element of public awareness, but it is not just about that. This is the importance of the promotion aspect of it. I am talking about the balance of those two things: penalty and promotion. It is about creating a societal shift. It is about celebrating what we did all those years ago to ban smoking in bars and applying it to something that we categorically know is causing all these problems. We know that children are inhaling these dangerous and noxious toxins. We know that that is stacking up huge health service bills for us in years to come. We know what we have to do, and we cannot ignore that. To choose an amendment that ignores those crucial elements and ingredients of success would be to miss an important opportunity.

At this late stage, I still appeal to parties to think again. If there is a bit of nuance required at the next stage, let us look at that, but let us not cast our amendments aside now for a one-sentence amendment that bans smoking in cars without those important proven-track-record ingredients that would make such a difference attached. We are

talking about our children — your children, my children and others' children. We are all talking about parents, but what happens if somebody who smokes in a car is taking your child to another destination? You are not going to be too happy about that. We need to send out a very strong signal tonight that we recognise and endorse those essential ingredients. If there is a bit of a tweak needed, let us talk about that, but let us not send out a signal from the Chamber tonight that we have rejected two of the most crucial elements of what will work to limit aspects of smoking that will affect our children.

We have had a whole range of anti-smoking campaigns here. I referred earlier to the Public Health Agency's one-in-two campaign. The SDLP believes that aspects of that campaign can easily be extended to ensure that members of the public are aware of the changes. As I said, I believe that the Sinn Féin amendment is flawed. I hope that the House has understood the nature of the flaw.

Amendment No 3 prescribes powers for the police for administering fixed penalty notices. The Minister had signalled an intent to amend in that regard. He clearly recognised a lot of what I am talking about by way of penalties. However, there appear to have been some drafting difficulties or other issues. The Minister's focus was then on how local authorities are hampered by not having stop-and-search powers, meaning that they are unable to issue a fine when they see a breach of the provision taking place. Only the PSNI here has those explicit powers and can issue on-the-spot fines. That is why we believe that it is vital to include amendment No 3 in the Bill. As I said, taking another approach might lead to another conversation, but we will have rejected one of the vital ingredients and easy options that could make a difference in the debate.

It is paramount to review any piece of legislation that changes the law. Amendment No 5 would place an obligation on the Department of Health to review our amendments to ensure that they are operating as they were intended and to give an opportunity for any further amendment that may be necessary to ensure that the legislation is as robust and coherent as possible. Earlier, Mr Ross intervened on the matter, and I wish to reflect on that. There has not been any conclusive study compiled on the impact of e-cigarettes. We accept that, but, at the same time, and as a precaution — you could always step outside the car for five minutes and have your e-cigarette — the SDLP believes that they should be included in the Bill. E-cigarettes have proven to be a great success for many adults quitting smoking, and I support that. However, we cannot afford to give them the benefit of the doubt when it comes to children's health. We are proposing that further amendment so that we can —

**Mr Ross:** I thank the Member for giving way. One thing that people often talk about in the House is evidence-based policymaking. The Member seems to be suggesting that we make the policy with a lack of evidence just to be overly precautionary. Is that not a little bit strange? There is no evidence to suggest that passive smoking from vaping — it is not smoke but water vapour — is damaging to somebody in the proximity. If we are looking at having evidence-based policymaking, surely we will not be looking to ban somebody from using an e-cigarette in a car. It does not seem to make logical sense.

**Mr McKinney:** On the face of it, perhaps, but, at the same time, it is an inhalable tobacco product, and, by extension, you exhale.

## 7.00 pm

The issue is the size of the car and the space within which you are using the device. So, it is a precautionary principle. Principle attached to precaution is acceptable, and it is understood in our society that we can be precautionary and can say that we are banning something. This is something that comes under the umbrella of nicotine products or tobacco.

We understand the negative effects of nicotine and tobacco products on people's health. That is why we are proposing the measure. It does not shut the door; it is saying, "Let's review this in three years' time". That is a reasonable and sensible approach.

So, I think that the House would agree that a change in the law is necessary. Northern Ireland may remain the only jurisdiction in these islands that does not have a ban on smoking in cars with children. If so, children here would suffer as a result. I urge support for the amendments.

**Mrs Dobson:** I welcome the opportunity to speak on this group of amendments. No one who has been watching the Bill's progress will have been surprised to see amendments of this nature coming forward. However, I reiterate the point I made at Second Stage: the Department should have brought this issue forward. That would have allowed for a greater degree of consultation as well as an opportunity for key stakeholders, such as the PSNI, to fully engage in the process. Indeed, I find the Department's appeal for a Back-Bench MLA to take forward a ban on its behalf, through amendments, to be quite bizarre.

The facts are clear. In Northern Ireland, approximately one in four people smoke, and one in two smokers will ultimately die early because of it. Whilst many people realise that the habit is damaging and generally bad for your health, I am sure that most would be shocked to realise the true impact of it on the local population. The habit kills well over 2,000 people here every year. That is more than the number of deaths from obesity, alcohol, illegal drugs and road accidents put together. It is our leading cause of preventable death, and it is putting a huge amount of pressure on our health service.

It is interesting to note that funding from the Department, through the Public Health Agency, towards TV advertising was £206,000 in 2011-12, whereas, in 2015-16, it is £58,000. In addition, smoking is the largest cause of inequalities in death rates between the richest and poorest in our communities. I therefore fully support any efforts taken to assist people to give up the habit and to stop others from taking it up in the first place.

Smoking causes harm, not only for the individual but for those around them. When people decide to smoke, they take a conscious decision to do so. However, when people have to breathe in other people's smoke, they have little choice in the matter. Second-hand smoke is a toxic by-product that is medically proven to affect anyone who is exposed to it.

The ban on smoking indoors in public places split public opinion when it was first proposed. However, even the most ardent smoker would not think about lighting a

cigarette in a restaurant or pub now. Who could possibly disagree that the ban has not only helped the health of our workers but also greatly improved those environments? People have been protected in public areas and in their workplaces since 2007.

On that issue, we also have the smoking ban in psychiatric hospitals, which is due to come into effect next month. That will, in itself, raise a number of questions over how it can be effectively managed by staff. However, there is very little legislation in place to protect children and young people from the effects of smoking.

Young people are particularly vulnerable to exposure to second-hand smoke, much more so than adults, which is why the amendments are so important. Medical practitioners will tell you that children's bodies are still developing and that exposure to harmful substances puts them at risk of severe respiratory diseases. Exposure to second-hand smoke is known to cause asthma, bronchitis, pneumonia, sudden infant death syndrome, middle ear infection and a raft of other health problems. In addition, children who are exposed to smoke from an early age are statistically much more likely to smoke later in life.

Most drivers already take an active decision not to smoke in cars if children are travelling with them, but one of the leading local charities believes that as many as 13,000 children may still be exposed to second-hand smoke in cars across Northern Ireland. Some parents smoke in cars under the assumption that winding down the car window will let the smoke out, but, as we have heard, in reality, that only pushes it back into the car. In such a confined space, smoke can reach up to 10 times the recognised unhealthy level, and it often lingers for hours.

People should, absolutely, be free to do what they wish, within the law, in their homes and cars. I appreciate that some people will be concerned when they hear about the Assembly taking decisions such as this, but, before people jump to a conclusion, I urge them to consider the issue and to accept that, when actions are harming the lives of children, the Assembly should have a duty to intervene and introduce safeguards that limit such actions and harm. Whilst I do not expect the PSNI to carry out roadblocks as a result of this legislation, it is my hope that criminalising smoking in cars with children will prevent people from doing it in the first place.

**Mr McCarthy:** I, like others, welcome the Consideration Stage of the Bill. The Alliance Party is supportive of the intent behind all the amendments in this group, but, like others, I am extremely disappointed that there has not been Executive agreement to permit a formal amendment to come from the Department. Perhaps the Minister can give us a reason why his colleagues failed on this occasion. Had it happened, it would have been instrumental in guiding us around the most effective route of establishing the best way forward.

Our understanding of the dangers of smoking has evolved considerably over the past number of decades and, in health terms, it makes sense to inform people of the huge dangers involved in smoking. Thankfully, today we better understand the health implications of smoking directly for the smoker, and also the dangers to others arising from passive smoking. Tackling smoking rates is a core aspect of all public health messages. While addressing the impact of smoking is a major pressure on scarce resources in our health service,

it is absolutely essential that government continues to lead on steering our young people not to start smoking in the first place. I applaud the Public Health Agency on its work to date and over the years. Please, please continue to get the message over to our young people.

There are ongoing wider economic and social consequences. It is in that context that it is now commonplace in this and other societies that we regulate where and when smoking in cars occurs. Smoking is effectively banned in most public spaces. That is not just about the interests of the smoker, as the smoker is free to smoke in the confines of their own private space when it does not impact on others, but about protecting others from being impacted by smoking, often when they have no ability to choose or consent to suffer these ill effects. In that regard, it is surely a loophole that, today, smoking can take place in vehicles in which those under the age of 18 are being carried. They often have no means of consenting to the damage to which they are being subjected.

With that said, I am happy to support these amendments on behalf of the Alliance Party.

**Mr McCallister:** It will probably not come as a surprise to many that I support banning smoking. I led a debate on this subject in the early months of this mandate. I accept Mr Ross's arguments round civil liberties, how this impinges or impacts on those and how we make sure that we send out a very strong public health message when it comes to smoking. That is one of the key messages that legislation or regulations flowing from this should send out. It should send out a very, very strong message to people that this is not acceptable, that it is dangerous and that, most of all, it is dangerous to the most precious thing that parents will have in their life — it is a health risk to their children.

The health risks for all the population who smoke have now been well-documented for many decades. We have driven down those numbers with different measures. Now when you go abroad and people are smoking in a bar or restaurant, it almost seems an alien concept. We have become so used to the ban. It was very much a welcome step a number of years ago. The same arguments were put up then, such as, "This could be very difficult to enforce." It has become probably one of the most complied-with laws that we have passed here.

On the very idea that we would allow or permit in any form people to smoke in cars, I agree with the Minister. I think that when the issue was also talked about at Second Stage and people declared that they would be likely to bring forward amendments, he used the phrase "stupid" — "stupid", "reckless" or maybe even one stronger than that. I agree with his comments about anyone who would smoke in the car with their children. It is absolutely mind-numbing that people would act in such an irresponsible, reckless manner. The Assembly, with, I hope, the support of the Minister, can send out a clear message that that is not an acceptable way to behave.

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

**Mr McCallister:** Yes.

**Mr McKinney:** I referred to the Department of Health's statistics. Does the Member accept that, if the Department has found that 15% of smokers smoke in their cars with children present, which represents 15% of 360,000 people,

there is a problem that needs to be solved with, as I say, a ban, promotion and penalty?

**Mr McCallister:** I am grateful to the Member. Certainly, 15% is way too high — way, way too high. There is a sizeable number of people who do that. I will also point out — I think the point was raised in an interchange between Mr Ross and Ms McLaughlin or another member of Sinn Féin — that the damaging impact of smoking can last in a car for up to an hour after a cigarette has been smoked. I realise that we are probably not going to solve that problem. Having that sneaky fag, if you like, on the way to lift the kids from school is still incredibly damaging.

Maybe this is where I will test some of the arguments on civil liberty and even enforcement. Does it then become easier to ban smoking outright in cars regardless of the age group because it becomes easier to police, or do we just ban smoking in cars with children under the age of 18? I am certainly open to being persuaded either way on that.

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

**Mr McCallister:** Yes.

**Mr Ross:** I certainly agree that it is probably an easier way of doing it, if that is what you want to achieve, but the argument surely is not so much about whether anybody thinks it is a good idea to smoke in a car with children, or, indeed, whether anybody thinks it is a good idea to smoke full stop — I do not think that anybody does think that. The question is whether it is appropriate for government to legislate in what is a private sphere. The car is a private space. It is a private sphere, much like the home. Nobody is saying that it is a good idea to smoke around children in the home either, but it is accepted that it is a private space and that we do not legislate on it. In my view, the same, by extension, can be said about a private vehicle. It is a car, a private sphere, and we should not legislate in that area. That is what the argument comes down to, rather than what would be the easier way to enforce it.

*(Mr Speaker in the Chair)*

7.15 pm

**Mr McCallister:** I accept the argument that the Member makes about private space. However, even in a very modestly sized house, the volume of air in a smallish room is significantly larger than that in a car. That comes into it.

As for the argument as to whether the Government should ever interfere in regulating anything that goes on in a private space, we have done so over the past 30 or 40 years, particularly with cars. There is a reference in old files that the Northern Ireland Parliament almost introduced seat belt wearing 11 years before it was introduced across the United Kingdom. That would have saved thousands of lives, had it happened, but the Parliament collapsed before it could be progressed. Today, no one argues that seat belts are a huge infringement on civil liberties. They save lives. They, along with many other factors that we have introduced, make a huge difference to road safety and to the injuries sustained. For example, when children are brought home from hospital, no one seriously says, "Well, it is a private space, so you can bring your child home lying across the back seat of your car". You cannot leave hospital without an approved child seat. You might say that it is an infringement of civil liberties, but I say that it is a good thing because it saves lives. It is too

important to be left up to the individual when individuals do not always make the right choices.

**Ms Maeve McLaughlin:** I thank the Member for giving way. On a similar track, the BMA gave evidence to the Health Committee and referred to a recent study that said that the concentration of toxins in a smoke-filled vehicle — in essence, a car — could be up to 11 times greater than in even a smoky bar. There was clearly an identified urgent need in relation to that statistic that was given to the Committee.

**Mr McCallister:** I am grateful to the Chair of the Health Committee for that intervention. There is a small volume, in cubic metres, of air in a car. Even with the windows open, smoke simply does not clear. That is where the risk comes from.

I come back to the point that the big debate on the amendments is about what will be most effective. I would have preferred the Executive to table their own amendments, as there was a clear will at Second Stage for that to happen, although I know that there were issues, maybe, with getting Executive clearance. However, I would have liked us to have been through that process by the time we hit Further Consideration Stage so that we could build on any amendments to make them as effective and as robust as possible.

For me, this is probably the big debate for the Minister in moving this stage: do we go for a total ban on smoking in cars, which would probably be easier to enforce, or do we leave the discretion that it is simply a ban in cars carrying children under the age of 18? That is an important distinction to make. One is easier to enforce, but it might go too far and be an infringement on civil liberties.

**Mr McKinney:** I thank the Member for giving way. He has touched on an issue that the Minister might reflect on later. If he is saying that there is the potential that the Executive might not let some of this go ahead, is it not easier to back an amendment now, because there might not be a guarantee that it will happen? For whatever reason, something might happen in the Executive that would not allow this to proceed.

**Mr McCallister:** I am grateful to the Member for that, and I intend to back the amendment. I will listen keenly to what the Minister has to say and will possibly be guided by his advice. At Second Stage, he gave a commitment, as much from the perspective that this sends out a strong message in a public health arena as from anything else. It sends out the message that the Assembly is serious about tackling smoking and the dangers to children. I am minded to listen intently to what the Minister has to say. I support the principle, and I hope that the amendments do enough to get us to where we want to go.

**Mr Speaker:** Your timing is impeccable. That is one that we owe you. I now call the Minister, Mr Simon Hamilton.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I will talk to you later about that, Mr Speaker.

I thank Members for their contributions to the debate, which has been quite good. To pick up on one of Mr McCallister's latter points, Members will no doubt recall that, during the Second Stage debate, I expressed my support for legislation banning smoking in cars when children are present. It was my intention to table an

amendment on that issue, and a draft of my proposed amendment was shared with and subsequently supported by the Health Committee in its report on the Bill.

In summary, my amendment would have introduced a clause to provide my Department with regulation-making powers to allow for the creation of offences on smoking in private vehicles where under-18s are present. The offences would be very similar to those for work vehicles under the Smoking (Northern Ireland) Order 2006 and relate to smoking in a smoke-free vehicle and failing to prevent smoking in a smoke-free vehicle.

Unfortunately, I was unable to secure Executive agreement in time to allow my amendment to be tabled for Consideration Stage. I will pick up on a point made in the discussion back and forward between Mr McKinney and Mr McCallister: it was a timing issue as opposed to any outright objection at Executive level, and I expect that further amendments, as required, which I will mention later, will secure the support of the Executive and be able to be tabled at Further Consideration Stage.

Amendment No 1, which is in the names of Ms McCorley, Mr McKay and Ms McLaughlin, goes further than the amendment that I had intended to table, in that it also provides powers for banning the use of e-cigarettes in cars carrying children. I am, however, prepared to support this amendment. I listened to the debates at Second Stage and this evening, and, in my view, the case for banning smoking in cars when children are present is clear. Children are particularly vulnerable, as many Members said, to the effects of second-hand tobacco smoke. For Mr McCallister, I clarify that I described those who smoke in cars with children as "idiots". It was as strong as that — he suggested that I was much more sensitive in what I said — and that view is held, maybe not in quite such strong terms, across the Chamber and in wider society.

I do not believe that there is any evidence at present to justify banning the use of e-cigarettes in enclosed spaces for health protection reasons. The latest report published by Public Health England in August last year concluded that e-cigarettes:

*"release negligible levels of nicotine into ambient air with no identified health risks to bystanders".*

I understand that, in the past, there were incidents about the enforcement of smoke-free work vehicles, where, to avoid paying a fixed penalty, offenders claimed that they were using an e-cigarette and not a tobacco product. While it could be argued that a ban on both products will assist enforcement of the legislation, there has been a considerable shift in the popularity of e-cigarettes in the last two years from the early products that resembled cigarettes to the later generation devices that do not. This argument, therefore, may soon be no longer relevant. However, the inclusion in the Bill of a power to ban the use of e-cigarettes in cars when children are present will future-proof the legislation and allow my Department the flexibility, at a later stage, to make regulations, if sufficient evidence is available.

Whilst I am prepared to support amendment No 1 at this stage, I may seek to tighten it further via an amendment at Further Consideration Stage.

I turn now to other amendments in the group. The second part of amendment No 2, in the name of Mr McKinney,

relates to raising public awareness, which is, I agree, an important part of any change in the law on the use of tobacco or nicotine products in vehicles carrying children. In advance of the commencement of any new legislation that could result in a member of the public committing an offence, it is standard practice to raise public awareness of that offence. I do not necessarily believe that that needs to be stipulated in primary legislation.

Amendment No 3 would place the enforcement duty in relation to smoke-free private vehicles in which children are present solely on police constables. Members may be aware that existing smoke-free legislation on places or work vehicles is carried out by authorised officers of district councils. Therefore, councils have years of experience in dealing with similar tobacco control legislation. However, as district council staff do not have stop and search powers equivalent to those available to the Police Service of Northern Ireland, issues have arisen with obtaining the driver information required to issue fixed penalty notices for offences relating to smoking in work vehicles. For those reasons, my Department would prefer a dual enforcement approach similar to that adopted in England and Wales, where a ban has been in place since 1 October 2015. In practice, that would mean that a fixed penalty notice could be issued by the Police Service of Northern Ireland or a district council. It is my intention that a dual enforcement approach would be set out in any regulations drafted in relation to smoking and the use of nicotine products in cars where children are present. Therefore, I oppose amendment No 3.

Amendment No 5 provides:

*"The Department must not later than 3 years after the commencement of this Act review and publish a report on the implementation of Part one".*

I am not against the principle behind the amendment, although I am not massively in favour of it either for reasons that are more practical than of principle. It is stating the obvious that it would take some months to draft regulations under Part 1 of the Health (Miscellaneous Provisions) Act and to consult on them. Therefore, even with the best will in the world, it is unlikely that any new measures to ban smoking in cars with children will be commenced until early 2017. For the impact of the legislation to be properly and comprehensively assessed, a commitment to carry out a review three years after the regulations have come into force, rather than three years after the commencement of the Act, would make more sense and be more effective. I will, therefore, consider building in a requirement for a review in the regulations emanating from the Act, if the amendment is rejected this evening. If it passes, I will give consideration to the possibility of an amendment to make it operative after the commencement of the regulations as opposed to the commencement of the Act.

In short, I support amendment No 1 but oppose amendment Nos 2, 3 and 5 in the group.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his swift response to the debate, and I will try to be equally swift.

I welcome the fact that there is general support across the House for the introduction of the measure, whether that be through amendment No 1 or amendment No 2. My party

colleague Rosie McCorley moved amendment No 1 and referred to the damage that second-hand smoke causes. It was not that long ago that many of us — maybe not all of us — were sitting in smoky bars and clubs and even in our smoky living rooms. The difference between then and now is like night and day, so extending the ban to cars and enclosed vehicles, especially those with children in them, makes perfect sense.

As always, Mr Ross made a number of combative interventions, which is good. It makes for good debate, and it has been a good debate. He made a point about amendment No 1 and the inclusion of “nicotine products or tobacco” being too wide. The only point that I will make is that that is the beauty of regulations. The Department may make regulations that take into account some of the concerns about it being too wide. That can be drilled down to specifics, according to the wishes of the Department. It is good that the Department is minded to take this forward, hopefully within a fixed period.

### 7.30 pm

The Chair of the Committee outlined that the Committee had no formal view on the amendments. She also said that, according to research, 80% of people want a ban on smoking in cars with children. A very important point is that we need a long-term tobacco control strategy, because what we are dealing with today is just one instance. The point was made that smoking in a car was 11 times more damaging than smoking in a bar or restaurant to those who suffer as a result second-hand smoke. This is an important measure to put forward to deal with the problem of second-hand smoke, but we need to come back to it. When we come back to the Assembly after May, we need to look at a strategy, because this is one of the biggest killers in our society.

Alex Easton outlined his support for amendment No 1. He said that some of the amendments might need to be tidied up at a later stage. We are willing to consider that at Further Consideration Stage, as is always the case.

Fearghal McKinney outlined that 360,000 people in the North smoke and that one in two dies because of it. That figure was also quoted by Jo-Anne Dobson. That is absolutely shocking. It remains shocking that, in 2016, so many people still smoke and that it kills so many people in our society. That is not acceptable. As politicians, we need to take a zero-tolerance approach to smoking, and that is why I say that we need a strategy, objectives and goals to drill down and tackle those deaths.

Alastair Ross asked whether we should legislate for things that happen in a private sphere: I say absolutely, yes. That is not the case in all instances, but there are many laws in place to tackle crime within the home, and, when it comes to public health, especially children's health, we should intervene in extreme circumstances. I believe that, given the damage that is done in a very confined space through smoking in a small vehicle where there are children, we need to intervene and legislate.

Jo-Anne Dobson informed the House that smoking killed 2,000 people a year and that it is the biggest preventable killer. That means that it is the killer that we can do most about as legislators. She referred to the fact that indoor public areas had been protected since 2007. That has been a great success. Of course, opinion was divided at

that time, but, looking back, nearly 10 years later, I am sure that a lot of people, especially young people, will ask what all the fuss was about. Of course we should have done it. It was common sense, and it has saved many lives.

Kieran McCarthy was disappointed by the lack of Executive agreement on this and would have preferred to see the Department bring amendments to the Floor today. John McCallister said that he found it strange going abroad now and seeing smoking in bars and restaurants in other countries. We should be very proud that the ban is in place here in the North and, indeed, in the South. We are saving people's lives and protecting people from second-hand smoke when people in many countries do not have that protection. Many bar workers and those who work in restaurants and even in offices do not have the protection that many of our citizens have.

The Minister outlined that he had been unable to secure Executive agreement on amendments. Nonetheless, I appreciate and think that Members appreciate his effort and that of his Department to lead on the issue.

He was clear that the case against smoking in cars with children is proven. In his view, there is no evidence as yet to state that e-cigarettes are doing damage. In my view, however, because e-cigarettes are a recently developed product, we have not had the opportunity for an adequate research base to be formed to assure ourselves that they do not damage children or anybody else. It is wise therefore to keep the issue under consideration for the proposed review, because in three years' time we may have learnt a lot more about e-cigarettes. There are concerns at the moment that we cannot just dismiss.

Amendment No 2 refers to a need to raise public awareness. Rosie McCorley said that it is something that has not been consulted on and thus needs more consideration. That is my view as well.

Amendment No 3 is specific about fixed penalties. Rosie McCorley said that the law itself changes behaviours. Many people do not want to break the law regardless of whether there is good enforcement. That also applies to speed limits to a degree. Alex Easton concurred that there should be joint responsibility between a council and the police. That was supported by the Minister.

We will also be supporting amendment No 5. We support a review within a set time. As I said, we need to be cautious about e-cigarettes. The jury is out, but research is at a fairly early stage, so it makes sense to keep our options open on that one. After three years, we can look at it again.

As was said, people do smoke when their children are in the car. That is a fact. It is happening today and is probably happening right now. Adults do smoke in cars when young children, babies, newborns and infants are present. As far as I am concerned, that is not acceptable.

The Health Survey NI stated that 23% of households here could be exposing children to second-hand smoke in cars, and 30% of schoolchildren surveyed reported that smoking was permitted in the family car. It is not something that is happening in a small number of cases. It is happening to a great degree, according to statistics.

Smoking around children needs to be stubbed out once and for all. I commend amendment No 1 to the House and ask for its support.

*Amendment No 1 agreed to.*

*New clause ordered to stand part of the Bill.*

#### **New Clause**

**Mr Speaker:** I will not call amendment No 2, as it is mutually exclusive with amendment No 1, which was made.

#### **New Clause**

**Mr Speaker:** I will not call amendment No 3, as it is consequential to amendment No 2, which was not called.

*Clause 5 ordered to stand part of the Bill.*

#### **New Clause**

**Mr Speaker:** We now come to the debate on amendment No 4, which deals with consultation on a sugar sweetened drinks levy. I call Ms Rosie McCorley to move amendment No 4.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom leasú uimhir a ceathair a mholadh. I beg to move amendment No 4: After clause 5 insert

#### ***“Levy on sugar sweetened drinks***

**5A.—(1) *The Department must consult on a levy on sugar sweetened drinks within a year of enactment of the Act.***

**(2) *The consultation required by subsection (1) should include—***

- (a) *a definition of sugar sweetened drinks;***
- (b) *which sugar sweetened drinks should be subject to a levy;***
- (c) *factors to be considered in determining and administering a levy;***
- (d) *the financial rate at which a levy may be set;***
- (e) *the anticipated health and economic impacts of the levy; and***
- (f) *the options for funding measures to address adverse health conditions associated with the consumption of sugary drinks derived from the levy revenue.***

**(3) *The persons consulted under subsection (1) should include—***

- (a) *members of the public;***
- (b) *such organisations as appear to the Department to be representative of persons substantially affected by the making of the proposed regulations; and***
- (c) *such other persons as the Department considers appropriate.***
- (4) *The Department must publish notice of its consultation in such manner as the Department thinks is most likely to bring the consultation to the attention of any persons listed in subsection (3).”***

Amendment No 4 is about the consumption of sugar and the impact of sugary, sweetened drinks. The fact is that we are consuming too much sugar. We are told by the Scientific Advisory Committee on Nutrition that, according to experts in the UK, we should not be exceeding 5% in sugar of our total dietary intake, but evidence shows that,

on average, all age groups consume between two and three times more than the 5% target.

The highest percentage of sugar intake is among young people. We know —

**7.45 pm**

**Mr Speaker:** Order. If Members are leaving, will they do so? Let us cease the conversation. I cannot hear the Member whatsoever. Can you speak into the microphone? Thank you.

**Ms McCorley:** Sorry.

We know that it is bad for our health. There is a strong connection between sugar consumption and health problems, and that includes dental decay, obesity, diabetes and cardiovascular conditions. In the North, 24% of children under 16 and 61% of adults aged 16 and over are overweight or obese. The number of people diagnosed with diabetes has grown by 33% over the last five years, with 4% of the population in the North now diagnosed with diabetes. Sixty-one per cent of five-year-olds in the North show signs of dental decay, compared with the UK average of 43%. It also has detrimental impacts on our health service. For example, research carried out by Safefood in 2012 estimated that the direct health costs, including GP costs, inpatient and outpatient costs and prescriptions, of dealing with obesity in the North are £92 million a year.

Sugary soft drinks are of particular concern. We know that the sugary soft drinks imbibed by children aged 11 to 18 are their largest single source of sugar — 30%. The fact is that they have zero nutritional value and low satiety. Just one can of sugary drink can take you over your daily intake level.

One way of reducing the consumption of sugary drinks is to raise the price, which we already do with taxes on cigarettes and alcohol. Basic economic theory suggests that demand for a product will fall as price increases, and that is backed up in practice. Public Health England reviewed the evidence on the effect of tax increases introduced on unhealthy foods in OECD countries since 2010 and concluded that higher pricing does lead to lower consumption of unhealthy foods.

**Mr Ross:** I thank the Member for giving way. She is looking at the evidence; does she share my concern that the evidence actually suggests that a sugar tax would be a tax on the poor? Much evidence has backed that up. What we want to do is not to have additional taxes on people who can ill afford it.

**Ms McCorley:** I thank the Member for that intervention, and I will come to that point later.

We also have to take into account the fact that Cancer Research UK has given us statistics which warn that obesity is escalating at such a rate that it will cause almost 700,000 extra cases of cancer within the next 20 years. We also have evidence from Professor Mike Rayner of Oxford University, who has been looking at the issue for the last 10 years. What he says is this:

*“It has become clear what we should tax. Health-related food taxes should be levied on sugary drinks, because it is the safest thing you can possibly do. All the alternatives to sugary drinks are healthier, even*

*diet drinks. If you are going to shift from a sugary drink, you will substitute a healthier alternative."*

We have to acknowledge other facts: children consume three times more sugar than is recommended, and soft drinks are the biggest source, accounting for 29% of the sugar intake of 11- to 18-year-olds and 16% for younger children. In the last few weeks, the British Medical Journal published a study showing that a 10% sugary drinks tax in Mexico has led to a 12% reduction in sales after a year.

Another aspect — this has been referred to by the Member across the way — is that people on low incomes consume a higher level of sugary drinks and are more likely to suffer the adverse health consequences. That means that people on lower incomes stand to gain the most from reducing their sugar intake. It is true that there is no single solution to obesity. A sugary drinks levy is one part of a wider strategy that is needed to encourage healthy diet and exercise. Importantly, as well as helping to reduce sugar consumption, the levy will raise revenue that could be reinvested in other initiatives to improve health. So, there will be a double benefit of the levy itself and the health initiatives funded by it.

In the South of Ireland, the Department of Health commissioned a piece of research that was carried out by the Irish Heart Foundation and Ipsos MRBI. They consulted on public attitudes to steps to tackle the high rates of consumption of sugar-sweetened beverages. What they discovered was that almost 100% of people agreed that children drink far too many sugar-sweetened drinks, with 44% saying they would reduce their intake if prices increased and 60% saying they would increase water consumption if they drank fewer sugary drinks. The facts are out there about why it is extremely important to take action as soon as possible on the issue. So that we achieve the right outcomes, we are calling for detailed, comprehensive consultation that would take place within a year of enactment and that would become part of the basis of introducing a levy on sugar-sweetened drinks. I call on the Assembly to support amendment No 4.

**Mr Easton:** While this is probably a well-intentioned amendment, I do not believe that consultation on the issue will achieve anything. The evidence is not clear that it would work. It is not even clear that the Assembly has the power to introduce a tax anyway; this is probably a Westminster issue. It would use up a lot of departmental resources that are focused on other things to produce a consultation within a year.

Such a tax would be regressive and would have the biggest impact on the poorest families, potentially exacerbating food poverty. Based on what little we know, we are not clear whether we can do this, and without being able to take advice on the impact, I would tend to err on the side of caution on the issue.

I call on the Minister to maybe look at it at some stage in the future when all the facts are known and clear. At this moment in time, I am not able to support it without the facts and without the Committee being able to discuss it properly.

**Mr McKinney:** I welcome the opportunity to contribute to the group 2 amendments and the amendment that asks for the Department of Health to consult on the possible benefits of introducing a levy on sugar-sweetened drinks.

Obesity is a 21st-century epidemic. A recent study by the Institute of Education in London found that a staggering one in four children born here at the start of the century were obese by the time they reached 11 years of age. It also showed that levels of childhood obesity here are the highest in the UK at 24%, while in Wales they are 23%, in England they are 20% and in Scotland they are 19%. Such levels are not acceptable when we consider the extent to which obesity presents health problems for our children and others and all the problems that those then present to the health service. Serious health conditions often emerge, and the SDLP believes that the Assembly should do all within its power to prevent them from occurring in the first place. That will in turn, as I say, provide savings for the Department of Health.

Part of the global effort to tackle childhood obesity and to raise health revenues surrounds the introduction of a levy on sugary drinks, which is colloquially known as the sugar tax. Here, it is fair to say that we are at a very early stage in the debate. The Health Minister has indicated, and we heard further reflection tonight, that he has no plans to consult on the issue.

A recent RalSe paper that was tabled to the Health Committee stated that there are no recent figures on consumption, so there is a lack of clear data available. A consultation as proposed in the amendment is perhaps a logical step to ask the Minister to take, as we need to make informed decisions on this important issue. I say this sort of humorously, but here we are legislating for consultation when we do not have sufficient consultation for legislation. With regard to the implementation of a tax on sugary drinks, the paper stated that there have been mixed levels of success within other jurisdictions in providing better health outcomes. In Mexico, where there is a 10% levy on sugary drinks, that resulted in a 6% decrease in consumption, but similar strategies elsewhere have had different results. For example, the Danish model saw people buying cheaper brands and travelling across borders to buy products, and, of course, there would be an implication for that here too.

The Finnish model shows that, despite a high level of taxation on sugary drinks since the 1940s, obesity amongst children is actually increasing, albeit at marginally lower levels than in the UK. There is a lot to be considered in this. We need a concerted approach to tackling obesity, and a sugar tax may be one of the elements that would provide an overall solution.

There has been some movement in the UK on the introduction of sugar taxes. The Health Committee considered the issue and recommended the introduction of a tax of between 10% and 20%, along with a crackdown on the advertising of sugary products aimed at children, but that did not find overall favour. As we consider today's amendment in relation to here, there is an issue concerning taxation and who would enforce it. If we take the same approach as the countries that I mentioned, it would require a change in VAT. Of course, that is outwith our control; it is a reserved matter. There are other issues that need to be considered, such as the impact that such a tax could have on the local economy and on local businesses, and they must be given thorough consideration.

The SDLP is open to the concept of having a consultation and is content enough with amendment No 4, but we

believe that a more holistic approach is required to tackle all the issues around childhood and other obesity.

**Mrs Dobson:** I support the amendment. We should first be clear about what the amendment means or, rather, what it does not mean. It does not mean that a sugar tax will be inevitable, and it does not mean that every item of confectionery will suddenly cost more. I am glad that those who tabled the amendment have decided to restrict it for the time being to sugar-sweetened beverages or SSBs. There is no doubt, however, that the regular or excessive consumption of sweetened soft drinks is directly linked to weight gain and obesity and a raft of other health conditions, such as diabetes and heart disease. A fairly recent study found that —

**Mr Ross:** I thank the Member for giving way. This might seem like a very technical matter, but two Members have referred to diabetes being affected by sugar. Of course, there is type 1 diabetes and type 2 diabetes. It is important to put it on record that type 1 diabetes has nothing to do with the intake of sugar.

**Mrs Dobson:** I thank the Member for clarifying that. I am very aware of that.

A fairly recent study found that 24% of children living in Northern Ireland were obese, and our obesity figures for children aged 11 years were higher than England, Scotland or Wales. It is in that young age group that the consumption of excessive SSBs can have the biggest impact. The average child obtains one tenth of their daily calorie intake from SSBs. Of course, that is only the average child: some will not consume them at all, and, at the other end of the scale, there will be children consuming wildly excessive amounts.

Soft drinks and other sweetened goods more generally are far more prominent now than they were 50 or 60 years ago. However, I believe that, in the last number of years, the tide has started to turn, with many parents actively trying not to put such items in lunch boxes or in kitchen cupboards. Nevertheless, through the sheer variety of items on display and the effectiveness of advertising, too much sugar is being consumed. It is time that we started looking at other measures to reduce the sugar intake of children, not only in Northern Ireland but across the British Isles. I am aware that a number of countries, including many states in the US, have introduced taxes, mainly on sugar-sweetened drinks.

I am very conscious of the fact that government should not usually interfere or introduce additional charges on something that many people consider to be entirely a matter of choice. However, like the banning of smoking in cars in which there are children, sometimes, if there is clear and solid evidence and a foundation for doing so, difficult options need to be explored. This is why I believe that, if a levy were to be introduced in Northern Ireland, its primary motivation should be to influence consumption levels rather than simply to raise revenue. I expect that any money raised would be invested directly in public health campaigns. It has been estimated that a 20% duty on SSBs would reduce the number of obese adults in the UK by 180,000 or 1.3% of all obese adults and would raise around £1 billion in taxation revenue.

## 8.00 pm

Whilst we support the amendment, we would have much preferred to see it being brought forward as part of a wider UK package. It would, however, be right to have concerns about the capacity of a relatively small country like ours to adopt such a scheme on our own. How, for example, would it be administered without placing a major bureaucratic burden on whatever Department would ultimately be responsible? Also, major care would need to be taken to assess properly the differing impacts on families from different socio-economic backgrounds. Whilst I want average consumption reduced, I do not want the occasional can of Coke to be priced out of reach of young people or their families.

I support the amendment; it is only right that we have a consultation and start to open up a public conversation on the issue, but, in reality, I suspect that we are still some time away from being able to make an informed decision as to whether or not to introduce such a scheme.

**Mr McCarthy:** Very briefly, our party can concur with the content of the amendment. Obesity, as was said, is a major public health issue. It can limit life opportunities and lifespan, it brings a range of economic and social consequences, and it is responsible for considerable expense in an overstretched health service. We can, of course, sympathise with constituents who have an obesity problem. The amendment is unusual in that it is mandating that a public consultation occur. I would have thought that that could take place at any stage without public consultation. That said, the Alliance Party has no objection to the amendment if it is the view of the Assembly that it wants a watertight guarantee that a consultation would occur. Nevertheless, a consultation does not in itself entail follow-up action, and I am interested in the Minister's thoughts regarding any action that his Department might take on the issue.

**Mr Hamilton:** In this job, I have often had occasion, when discussing the need to reform, change and remodel our health and social care system, to talk about the many challenges that face it as well as the broader societal challenges that we face now and into the future. Among those sorts of challenges that I often refer to, there is one that I have described as the “ticking time bomb” of unhealthy lifestyles. In their contributions this evening, many Members talked about the ticking time bomb of obesity in our society. It is not just in Northern Ireland; it is in the Western World, and many countries and states in this part of the world are suffering and experiencing the same problems as us, with growing levels of obesity and, particularly worryingly, childhood obesity.

The Royal College of Paediatrics and Child Health recently estimated that nearly 20% — one in five — children in Northern Ireland are now overweight or obese before they start primary school. We often bandy figures and statistics about, and we have done so in the debate so far and will continue to do so, but a statistic that says that one in five children, before they start primary school — not when they end primary school or move from primary school to secondary school — is obese or overweight is evidence of a deeply worrying trend that is not getting any better.

A recent health survey of Northern Ireland showed that there has been a 5% rise in the rate of obesity in adults since 1997. As many Members said, poor diet is also linked

to the prevalence of many conditions such as cancer, stroke, heart disease and type 2 diabetes. I accept that these are, in many respects, arguments for action, which is why my Department published 'Making Life Better 2012-2023', which is our 10-year public health strategic framework. The framework provides direction for policies and actions to improve the health and well-being of people in Northern Ireland, and it builds on the Investing for Health strategy, which ran from 2002 to 2012, and retains a focus on the broad range of social, economic and environmental factors that influence health and well-being.

It brings together actions at government level and provides direction for implementation at regional and local level. The Making Life Better framework seeks to reduce inequalities in health and create the conditions for individuals and communities to take control of their lives and move towards a vision of a Northern Ireland where all people are enabled and supported in achieving their full health and well-being potential.

I am not convinced that we should act to introduce a so-called sugar tax at this time, and I urge caution on the amendment for several reasons. First, it is still unclear whether the Assembly has the power to implement a sugar-sweetened drinks levy or tax independently in Northern Ireland. This is an important issue because a decision to proceed is likely to come under very significant challenge. Therefore, we need to be very sure of our legal position before we proceed. Otherwise, we could create expectations that this is an area that we can take action in, when that might not be the case. The Department is seeking further advice on the issue, but it remains crucial to the entire debate, and we simply may not have the powers to implement such a levy in Northern Ireland.

Secondly, it is unclear from the current evidence that such a tax would have the desired effect of improving health outcomes. To date, studies have simply shown changes in purchasing behaviours. At Second Stage, I referred to an article that appeared in 'The Times' a number of weeks ago, and I think that its points are worth repeating this evening. The report contained comments from Catherine Collins of the British Dietetic Association (BDA). On reading the report, I initially thought that, if any organisation was going to be in favour of a sugar tax, it was probably the BDA, but her comments were also cautionary. She warned against becoming "fixated" on a tax, saying that it was wrong to single out sugar when a bit of everything and not too much of anything remained the best advice. She went on to question whether it would make people lose weight, and her view was that it would not.

She said that there was no evidence that reducing sugar-sweetened beverages in adults reduced body weight. It might be logical that any reduction in the purchasing of sugary drinks might improve health, but food consumption and diet are very complex, and people may well substitute sugar with other unhealthy products, such as those that are high in fat or salt, which would beg another question: should we tax those products as well or tax them further? Some in the House may welcome that. Should we tax a lack of exercise, which is another contributory factor to the rise in our obesity levels? A sugar tax might simply displace rather than solve the problem, and we would need to undertake very complex economic modelling of its impact. This could take time to complete and would

be a waste of resources if we do not have the power to implement such a tax.

Thirdly, such a tax could well be, as Mr Ross said, regressive and have the biggest impact on the poorest families, potentially exacerbating food poverty.

Fourthly, we have no understanding of what the impact might be on businesses, especially small businesses here in Northern Ireland.

Fifthly, we do not yet have any analysis of the level at which a sugar tax should be set. If it was a few pence, would that really dissuade people? I suspect that it would not. If it was higher, what effect would that have on less well-off families and, indeed, businesses? We have no analysis either of the cross-border implications that Mr McKinney rightly pointed out.

Finally, on the argument for caution moving forward, I do not believe that this issue has yet to receive the attention that other public health issues have had over the years: for example, smoking, which we have been debating this evening. I do not believe that the impact that sugary drinks or sugary products have on health, and particularly obesity, have been properly discussed and debated in public in the way that other issues have.

**Ms Maeve McLaughlin:** I thank the Minister for giving way. Does the Minister agree that the amendment tabled today does exactly what it says on the tin? He mentioned some of the issues to do with consultation and the definition of sugary, sweetened drinks. What sugary, sweetened drinks should we subject to a levy? What factors need to be considered? What rate should a financial levy be set at? What are the anticipated health and economic impacts? Does the Minister not agree that consultation is exactly what we are calling for?

**Mr Hamilton:** I am not sure that that is what is being called for in a consultation, and I will come to that in my concluding remarks. The point that I am making is that I do not think that this issue has had the degree of attention in the media or public discourse that, say, the public health impact of smoking or even the consumption of alcohol has had. I defy anybody in the House to say the contrary. I think that we need to be careful of moving ahead of that public debate and discourse. We have not had TV adverts or warnings on packaging that we have seen, say, with smoking or other public health campaigns. I do not think that people know how much sugar there is in various products and I am not sure that it is as widely known as the impact that smoking has on our health.

An interesting point on this issue was made in a BBC 'Question Time' debate by the leader of the United Kingdom Independence Party, Mr Farage. Why is it so obvious that Mr Farage would drink something like ginger beer? It is so quintessentially British. He said:

*"Whether my can of ginger beer that I like costs 65p or 75p, it makes no difference, but learning in the last year that it contains 12 teaspoons of sugar has shocked the life out of me and I'm not buying it any more. Education, not tax, is the answer."*

I agree with him on that argument. At least for now, I agree that we need to seek to educate and inform people much better about the impact of sugary drinks and products.

As I predicted in advance, the proposers of the amendment, Ms McLaughlin and others, may well suggest that these are all issues that could be examined as part of their proposed consultation. I am not convinced that we should ever legislate for consultations. Notwithstanding that point, consultation is, in my belief, better suited to a scenario where you have a much clearer view about the ultimate direction of travel in which you want to go. In this case, that would be when we had determined that a sugar tax is a good idea. We have dealt with all the various questions that Ms McLaughlin raised in her intervention. You determine that a sugar tax is a good idea and something that you want to introduce, and you then consult on the details and specifics of how any tax or levy might operate.

What is perhaps more appropriate at this point, in this set of circumstances where we are still at the very early stages of our thinking on this and understanding of the issue, is a study as opposed to a consultation. I have consistently said that I am open to debate and discussion on this issue. However, given the concerns that I have set out — there are probably others that I have not touched on or which have not been thought about yet — I do not think that this Bill is the most appropriate place to have this discussion. I believe that a study, maybe one conducted by the Public Health Agency in Northern Ireland, would, in the first instance, be a far better first step than committing to a consultation. If the proposers of the amendment agree not to move it today, I will discuss the possibility of beginning a study later this year with the PHA. I therefore think that the amendment should be rejected at this stage and that discussions on taxing sugar-sweetened drinks should be taken forward separately.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. Amendment No 4 does not introduce a levy on sugary drinks; it merely asks that a consultation be carried out. It is an opportunity, at this very early stage of the conversation and debate, for the Assembly to lead on an issue that will have a positive outcome in terms of improving levels of public health.

Only last week, I listened to a vox pop on the radio about the high level of sugar in some coffee drinks in some of our well-known coffee establishments in Belfast. A number of members of the public in Belfast were interviewed, and most of them were extremely shocked at the vast amounts of sugar in their drinks. This is not restricted to fizzy drinks in the fridge. Sugar in hot drinks is perhaps another area that can be looked at.

It is very surprising too, because the calories are listed on the menu in a lot of those establishments. The information may be there, but you are relying on those who go into the coffee shop reading it and taking it in while they are choosing what to purchase. I think that the message there is to mind your frappuccinos.

### 8.15 pm

The proposer of the amendment, Rosie McCorley, referred to the fact that our diet is changing. There are greater levels of obesity and diabetes, at a cost of £92 million a year — £92 million that could be better spent elsewhere in our health service. Obesity also leads to increased rates of cancer.

It is interesting — and Mr McKinney referred to this — that there was a reduction in the sale of sugary drinks in

Mexico after the sugar tax was introduced. So it works in some circumstances, and we need to take the time to look at the case studies as to where it failed and tailor our approach accordingly.

The argument was made that low-income households suffer most regarding health. This needs to override any other argument citing the low-income buyer.

Alex Easton was short and sweet. He said that it was, perhaps, a Westminster issue, and he was not sure that we could legislate. He said that it was regressive and that the poor would suffer. I disagree with that point. The same argument was made when we brought forward proposals for a carrier bag levy. At that time, we were told that, if the taxation measure was not already in place at Westminster — that is, that it was a novel tax — we could legislate for it. So this is certainly worth exploring further.

Fearghal McKinney referred to the fact that one in four is obese by the age of 11. He referred to the fact that the rate of child obesity is 24%, or one in four.

Jo-Anne Dobson referred to the fact that soft drinks are more prominent than they were 50 or 60 years ago. That is absolutely true. I know many young people who have a bottle of coke for breakfast, even though they are told not to do so. These products are available, and there is so much choice, between Red Bull, Diet Red Bull, Diet Coke, Coca Cola, Fanta, Sprite. There is so much more choice than there ever was. Then, there is the issue of where many shops place these products. Quite often, when you are standing in a queue to buy something healthy, you are surrounded by sweets, crisps and fizzy drinks. You can see quite clearly, from that example, how the choice of something that is not good for you is staring you in the face. This is also an area that is in need of further consideration. It is something that was introduced in some US states, but I agree with Mrs Dobson that we need to look at it carefully. She said that it was right that we had a conversation.

Kieran McCarthy stated that obesity is putting pressure on an overstretched health service, and he wants more than consultation; he wants to hear about action. I agree with him absolutely.

The Minister, in responding to the debate, referred to the ticking time bomb of our lifestyles and the fact that the strategic framework has been put in place. He also referred to the fact that there is no understanding of the impacts on business and on lower-income families and said that they should be considered. We would like them to be considered as part of any consultation or conversation.

Of course, you always hear the argument — and it applied to the carrier bag tax as well — that low-income households will suffer more from a levy. If there were no tax on cigarettes or alcohol, you would get the same argument. However, the fact of the matter is that these things do damage. They are very bad for our health. They kill people. Cancer caused by smoking kills people. Alcoholism kills people. Obesity and diabetes kill people as well. So, we need to take measures to prevent this spreading.

It is not the only thing that we need to do. We need to exercise more. As a society, we do not exercise enough. We spend too much time in our cars, whether there is smoke in them or not, and that is not good for us either. Equally, we need more investment in a walking strategy. I met Outdoor Recreation NI earlier this week. There is a walking strategy in

Scotland. Why could we not have the same here? Of course, we need a greater cycling infrastructure to ensure that people make those choices in Belfast as well as in our rural areas.

To conclude, this is an idea whose time has come. It will be a good start.

*Amendment No 4 agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 5 made:*

*After clause 5 insert*

#### ***“Review***

**5A.—***(1) The Department must not later than 3 years after the commencement of this Act review and publish a report on the implementation of Part one.*

*(2) Regulations under this section shall set out the terms of the review.”— [Mr McKinney.]*

*New clause ordered to stand part of the Bill.*

*Clauses 6 to 11 ordered to stand part of the Bill.*

### **New Clause**

**Mr Speaker:** We now come to the third group of amendments for debate. With amendment No 6, it will be convenient to debate amendment Nos 7 and 8. These amendments deal with a duty to promote information and awareness on human transplantation. Amendment Nos 7 and 8 are consequential to amendment No 6. I call Ms Maeve McLaughlin to move amendment No 6 and to address the other amendments in the group.

**Ms Maeve McLaughlin:** I beg to move amendment No 6:  
*After clause 11 insert*

#### ***“PART 3***

#### ***HUMAN TRANSPLANTATION AND ORGAN DONATION***

#### ***Duty to promote transplantation***

**11A.—***(1) The Department of Health, Social Services and Public Safety (“the Department”) must—*

*(a) promote transplantation, and*

*(b) provide information and increase awareness about transplantation.*

*(2) The duty under subsection (1)(a) includes in particular a duty to promote a campaign informing the public at least once a year.”— [Ms Maeve McLaughlin.]*

*The following amendments stood on the Marshalled List:*

*No 7: After clause 11 insert*

#### ***“Annual report on transplantation***

**11B.—***(1) The Department must lay before the Assembly, in each financial year, a report about transplantation activities in that year.*

*(2) The report must include—*

*(a) the steps taken by the Department to fulfil the duties set out in section 11A, and*

*(b) the number and nature of transplantation activities carried.*

*(3) At least once every five financial years, the report must include—*

*(a) the opinion of the Department as to whether this Act has been effective in promoting transplantation activities, and*

*(b) any recommendations the Department considers appropriate for amending the law so as to promote transplantation activities.”— [Ms Maeve McLaughlin.]*

*No 8: In the long title, after “care” insert*

*“, to raise awareness of human transplantation”.— [Ms Maeve McLaughlin.]*

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I will speak in support of amendment Nos 6, 7 and 8. There has been much public debate about the need to promote organ donation and transplantation over the last number of years and in recent times, centring around the former private Member's Bill. There has been much debate about the need to place a duty on the Department to promote organ donation and transplantation. We need to reflect on the facts and look at the information. For example, the British Heart Foundation highlights, very starkly, that the current system is failing to meet the demand for donor hearts and points to the fact that there are currently eight people in the North waiting on a life-saving heart. There is much expectation and indeed a very human cost to this particular debate.

It is good that the public conversation has developed and become very vocal. However, it has to be said that the private Member's Bill that came before us in recent times was complex and confusing. Expert evidence, medical and otherwise, highlighted that huge sections of the Bill were inadequate. Experts, from clinicians to charities, all heavily criticised the Bill. It needs to be said that, in the context of these amendments, they were particularly critical of the then clause 4 on the deemed-consent issue. Indeed, Joe Brolly, in his own formidable style, stated that the Bill was “gobbledygook”.

The Bill was flawed, in our view. The majority of evidence heavily criticised it on the issue of deemed consent. That was a consistent approach from clinicians to charities, including Opt for Life, which stated, “deemed consent under no circumstances”. I say that because it is important to lay out the context. There was simply no evidence anywhere in the consultation —

**Mrs Dobson:** I thank the Member for giving way. I thought that it would be useful, in the context of the debate tonight, to quote from the Opt for Life proposed legislative change in Northern Ireland. The proposal clearly sets out a three-pronged strategy for organ donation: putting in place new legislation, putting the required infrastructure in place and creating good public awareness during and after the proposed legislation.

**Ms Maeve McLaughlin:** I thank the Member for her intervention. There was absolute unity across all the sectors on public awareness and education. However, it is a matter of formal record that, when Opt for Life and many others came before the Committee, they stated clearly that what we were ending up with was not the journey that they had set out on. We need to be mindful of that.

It is important to point out that there was absolutely no evidence to suggest that the notion of opting out impacts either positively or negatively on organ donation rates. There was simply no evidence that the Committee could find. Often, Spain is heralded as the success, but evidence has shown us that the rates stayed exactly the same for 10 years. The only time that the situation in Spain changed was when the infrastructure was addressed, in terms of issues like specialist nurses. However, there was — I am coming to the point of the amendments — unity on promoting organ donation. Amendment No 6 before us tonight, which was consulted on in the private Member's Bill, does exactly what it says on the tin: it places a duty on the Department of Health, Social Services and Public Safety to promote and raise public awareness of organ donation. There was overwhelming support for that duty on the Department to promote organ donation by way of a public awareness campaign.

**Mr Ross:** I thank the Member for giving way. I find it amusing that she is making all the arguments that I made at Second Stage of the private Member's Bill. Members of Sinn Féin argued against me at the time, and I remember some Members promoting the virtues of deemed and presumed consent at the time. I am glad that they have now examined the evidence, as I asked them to do.

I have no difficulty with what the Members are trying to do with their amendment, but perhaps they will look at it again in terms of the difference between promoting transplantation and promoting organ donation. It is organ donation that we need to promote; transplantation, obviously, comes afterwards. Obviously, you need to get the organs donated in the first place before you can do that. Perhaps the Member will consider that.

**Ms Maeve McLaughlin:** I thank the Member for his intervention. That is certainly one of the virtues of the democratic process and the role of the House in scrutiny. I think that all of us went on a journey in relation to the issue, and I do not expect that we are out the other side of it yet. I take the Member's point about language. It is certainly something that the clinicians have raised. Part of what we propose today is the inclusion of both organ donation and transplantation. I am happy to look at how we can strengthen that or even provide clarity. We will be guided by the Minister and the Department's sense on that as well.

There is overwhelming support for the duty. It was highlighted by many in their evidence that the public awareness campaign will need to motivate every family. We have heard much about the work that the Public Health Agency and other sectors have done. Each family needs to start to discuss organ donation and understand what their responsibilities would be, should a member of the family be in the position to save a life.

Amendment No 6 is clear and concise. It places a statutory duty on the Department to promote transplantation. Amendment No 7 sets up a mechanism that requires annual reporting by the Department on transplantation activities. That, again, has been an important feature throughout the debate. It would include the number and nature of such activities. It would require the Department, once every five years, to indicate how effective it has been in promoting transplantation activities and any potential ways in which the law could be amended to increase transplantation. That is an important point as well, because we have heard much about the legislation that has been

implemented in Wales. This provides us with a space to find the learning, positive and negative, that comes from that process.

### 8.30 pm

A number of organisations referred to the reporting requirements and suggested that any report should highlight successes and challenges. They said that, if there was a change in the number of organs donated, steps should be taken rapidly to understand the root cause. Again, those are all important pointers for us as we move forward.

I also suggest that the amendments provide us with an opportunity to develop an all-Ireland network for the sharing of learning that happens in Dublin and Belfast. I know that, recently, the Minister alluded to exploring something on a Belfast-Dublin corridor for that issue.

I am pleased to be able to take forward the amendments. They are clear and concise, and they provide us with a clear statutory framework to address the very core issues that have been raised with us by stakeholders from clinicians to charities in evidence and in the wider public debate. I urge the House to support the amendments.

**Mr Easton:** I will speak to the group 3 amendments, which are on the duty to promote information and awareness of human transplantation, and on amendment Nos 6, 7 and 8, which I support. I will wholeheartedly support all those amendments, although I will say that it was a wee bit cheeky for the party opposite to lift somebody else's Bill. However, I recognise that the contents of the amendments are far too important to be just let go. I agree that they must be taken forward, especially after the evidence brought to the Committee by clinicians and experts. While, like I said, it was a wee bit cheeky, it probably is the right thing to do. I agree with the Chair that the Committee and the experts, the Churches and charity groups that gave evidence agreed unanimously — this was the only thing that we could all agree on — that education and promoting public awareness was the way to do this. That is where all the evidence pointed us, and that is why I support that.

Amendment No 6 proposes placing a duty on the Department to promote organ transplantation in a campaign that informs the public at least once a year. That was echoed to the Committee by the experts and was seen as the best way to increase organ donation. The clinicians and medical experts all supported that. I trust the experts, because I believe they are the ones to advise us and that that is the way we have to go.

Amendment No 7 places a duty on the Department to report on an annual basis on organ transplantation, on how successful the strategy is and on awareness activities that take place to promote and highlight the issue in local communities. It also ensures that the Department will report its opinion every five years on whether the provisions have been effective in promoting the transplantation activities and on any recommendations the Department considers.

Amendment No 8 is the long title, and there is really not a lot to say on that.

**Mr McKinney:** I welcome the opportunity to contribute to tonight's debate on the group 3 amendments. We should remember that what we have here was never intended

to be part of the Health (Miscellaneous Provisions) Bill. What we have is the skeleton of a Bill that was proposed by Jo-Anne Dobson and largely rejected by the two larger parties. The SDLP attempted to amend it, and that was largely rejected by the two larger parties. What we now have are measures that appear to be tagged on to the end of the Health (Miscellaneous Provisions) Bill. That was done without even giving Mrs Dobson the courtesy of telling her what was coming down the track.

Given the effort that was put into this, and in recognition of what Mr Ross says about how people have travelled in the debate, I think that she deserved that courtesy. I understand where you are coming from, Mr Easton, but I think that “cheeky” is an understatement. Earlier, somebody mentioned a journey. I think that Mrs Dobson has had her luggage taken by those who have jumped on the other carriage. I say that in the context of what has happened here. A lot of effort was put into this, and we still need to consider the issue much more fully than in the process that is being proposed tonight, but I will get to that later.

It is important to remind the Chamber that around 200 people here are waiting for an organ transplant and that, sadly, 17 died last year, long before being offered the opportunity for a transplant. A few weeks ago, I visited the renal unit at Belfast City Hospital and met clinicians who, frankly, are performing nothing short of miracles. They explained the detrimental impact that long-term dialysis has on patients and the importance of receiving a kidney as soon as possible. This is a startling thing, but, last year, seven people came to the centre and donated a kidney, not, as many might expect, for a spouse or other family member, but for a stranger. I think that all of us here tonight should applaud those people for that generosity.

One issue raised during the visit surrounded the potential to increase cross-border living donations. Clinicians stated that progress has stalled on a service agreement between both jurisdictions. I would like the Minister to reflect on that and to detail what work his Department is engaged in to make cross-border donation a reality. I think that that request for information speaks to the broader context of where the debate should be. There is a great potential to share resources, to collaborate on increasing donation rates on an all-island basis, and, ultimately, to save more lives, because it is my understanding that there are even more people in the Republic willing to donate anonymously. That is nothing short of marvellous, and it is preparation for even more miracles.

So, it is against that wider backdrop that it is important that the Chamber does everything that it can to promote organ donation to ensure that people on waiting lists have the best chance of receiving a life-changing organ. It is important, and the Chamber should acknowledge the amount of work that Jo-Anne Dobson has done in bringing forward her Human Transplantation Bill. It is with regret that she will not be moving forward with her Bill, due to a lack of consensus, but, as I said, I hope there will be a return to the issue in the new mandate.

The SDLP has always called for more debate on organ donation and has lobbied for an increase in the number of organ donors to improve the networks for sourcing and sharing donor organs and transplant services throughout these islands for those seriously ill people who are on long waiting lists and whose lives are dependent on the gift of organ donation. The SDLP believes that today's Bill does not

resolve the outstanding issues surrounding organ donation; it also believes that the issues surrounding increasing donor rates need much wider consideration. I cannot emphasise that enough. However, due to the fact that we are coming to the end of a mandate, the SDLP will not object to the proposals made in group 3, which call for greater awareness raising and an annual review of organ donation.

**Mrs Dobson:** I welcome the opportunity to speak on the third group of amendments. It will come as little surprise to Members that I am prepared to accept my own wording in relation to organ donation, as contained in amendment Nos 6 and 7, which are a direct lift from my private Member's Bill, the Human Transplantation Bill. However, for the record, Members will be aware that, having been presented with the opportunity through a private Member's Bill to change the law to a soft opt-out system, parties and Committee joined together to oppose the system that they had both previously supported.

Whilst I support the amendments in the Bill, public awareness is just one part of the soft opt-out system and will not allow us to avail ourselves of the changes brought into being to the organ donor register last July, namely the ability for those who have an issue with donation to opt out. I do not, however, wish the Health Department to kick the can down the road by stating that, if these amendments are passed today, we must wait for the legislative changes to kick in before we can ever look at adopting a soft opt-out system in the future. Given the public will for change, I challenge the Health Minister to ensure that organ donation is given prominent billing in the ongoing discussions regarding the next Programme for Government.

I also noted the concern that was expressed during the Second Stage debate on the Human Transplantation Bill about the cost of my proposal for a public awareness scheme. I wonder whether those same Members hold those concerns tonight.

I strongly support all measures that will increase the number of organ donations. There are few more selfless acts a person can do than to sign up to become a donor. We must remember that many transplantations take place after the loss of a loved one, yet, for the recipient, that organ represents the chance of a new life. It is a second chance to live a long and healthy life, which is why the issue should be treated with sensitivity. There are countless examples of people who were desperately ill and are now living perfectly healthy lives. Members will be aware that my son Mark is only one of those people.

The fundamental point is that increasing the rate of organ donation will allow us to save more lives, especially given the ageing population, when need will only increase in five, 10 or 15 years' time. As long as Northern Ireland continues to look on from the sidelines, especially as other regions of the UK introduce or consider the introduction of their own soft opt-out systems, lives will continue to be needlessly lost. It is a tragedy that, last year alone, 17 people passed away while waiting on an organ. In addition, many other people on the transplant list, such as those who require a kidney transplant, are being confined to a lifetime on dialysis, and they and their families are suffering as a result.

Whilst I accept that good work is being done and that the amendments may go some way to help, the brutal reality is that, despite many years of trying and public support for organ donation standing consistently at around 90%,

the number of local people signing up to the organ donor register has not risen beyond around 35%.

**Mr McCallister:** I commend Mrs Dobson's work in introducing and progressing her private Member's Bill and the Committee's work in scrutinising and shaping it. It is probably slightly bittersweet for her. Whilst the wording of the amendments is similar to the Bill, they probably fall short of what Mrs Dobson would like to have pushed onto her agenda for organ donation. At least it lays down an important marker. We may have found agreement in the Chamber as to how we progress something and, as the Chair said, put some of the structure in place on how to improve organ donation and availability.

Much of the debate on organ donation is about how to continue to ensure that families have those important conversations long before they are confronted with a set of tragic circumstances and that families know about their loved ones' expectations and wishes and what they wanted. That is very important in dealing with the blockages and issues at times of organ donation that seem to be presented to the Department. People may be on the organ register, but their family objects to donation.

It is a set of circumstances that one would never want to be confronted with. Imagine the difficulties of such a traumatic event and having to make those decisions. However, that is the important point about these amendments, which are about promotion and putting some structure in place to make sure that we can maximise donation so that, from now, the number of lives that were not saved — 17 people — falls, year on year. We can ensure that people who wish to donate have their wishes respected in the end and are not overruled by their family. All of that has to be done through very sensitive conversations that must be had at a difficult time.

**8.45 pm**

I support the amendments on organ donation. They do not go as far as I would have liked, but I will certainly support them.

**Mr Speaker:** I think that we owe Mr Kieran McCarthy an apology. His name should have been included on our list, so he will be the final Member to speak before the Minister.

**Mr McCarthy:** Apology accepted, Mr Speaker. I assure Members that I will be brief. On behalf of the Alliance Party, I support the amendments. However, the amendments come in the context of the recent de facto demise of Jo-Anne Dobson's private Member's Bill. I must express my astonishment about the opposition at the Health Committee meeting where Jo-Anne Dobson's excellent work and efforts were annihilated by the two bigger parties. That was unfortunate, to say the least.

While we do not yet have the basis or consensus to move towards a workable form of soft opt-out option, we have, nevertheless, had a much wider-ranging debate around human transplantation. There is clearly a need to encourage a greater volume of transplant organs, and I therefore support these amendments. Anything that the Assembly can do to provide organs for desperately ill people must be welcomed. We commend those who have given their organs to save the life of someone else, be they a family member or a stranger. Organ donation must be encouraged, and we support all measures to increase the number of donations available to be provided throughout Northern Ireland.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I note that amendment No 6, which appears in the names of Rosaleen McCorley, Daithí McKay and Maeve McLaughlin, mirrors the amendment to clause 1 of the Human Transplantation Bill recommended by the Committee for Health, Social Services and Public Safety in its report on the Bill. Members will be aware that the Human Transplantation Bill, as has been mentioned during the debate, was withdrawn by the Bill's sponsor, Mrs Dobson, following the Committee's report. That report proposed significant amendment of the Human Transplantation Bill, given the almost unanimous views expressed by clinicians that the system of statutory soft opt-out from organ donation, as proposed by the Bill, would potentially undermine the significant achievements of our organ donor programme over the last 20 years. I believe that the Committee was brave in doing what it did and should be commended for listening to the clear and unequivocal evidence that came from clinicians who work in the fields of intensive care and transplant surgery. I believe that the private Member's Bill was designed with the best of intentions but, in its drafting, it had the potential to damage our organ donation system; a system that is among the best in the world for live donor rates.

The work undertaken by the team at Belfast City Hospital was mentioned by Mr McKinney. I concur with his remarks entirely, and I am glad that he had the opportunity to visit the unit. I met clinicians and visited the same unit in the summer of 2015.

**Mrs Dobson:** I thank the Minister for giving way. Just for clarity, as you know, Minister, I met your senior officials on three occasions about departmental amendments. Why, despite repeated requests from the Committee Chair and me, did you not bring forward those amendments?

**Mr Hamilton:** I am happy to take that point now, but I will come to it in more detail later in my contribution. It became clear to me, as it became clear to others and, indeed, to the majority of the Committee that, when you have public evidence such as we had before the Committee during its deliberations and evidence sessions from clinicians saying that they were deeply concerned about the Bill as it was drafted and that any move to soft opt-out or deemed consent — whatever one might want to refer to it as — could damage our system, it was only right and proper not to move forward with any amendments and to take a different approach. Again, I commend the Committee and its members for taking the approach that they did.

I noticed in some evidence sessions that the Member said that she had possession of various amendments that would have altered the Bill and perhaps made it more workable. She was at perfect liberty, if she had those amendments, to bring them forward at Consideration Stage when she brought the Bill back to the House. Perhaps she can explain why she did not do that if she was in possession of those amendments.

We have a system that is amongst the best in the world. I concur with what Mr McKinney said. The team is quite extraordinary. As I may have said at Second Stage, it is refreshing when you meet a team of clinicians in any field and they say to you quite openly — it is not something that we are very good at in this part of the world or that we are known for — that they want to be the best in the world. They are amongst the best in the world, if, indeed, not the best in the world, at what they do. We should be

rightly proud of what they do. It is a team that has equalled the UK record for the number of transplants by one unit in one day. We should put on record again our thanks for everything that they do and our support for all the endeavours that they make. The fact that they are amongst the best in the world is a reason why we should listen to them when they speak.

The work undertaken by that team has seen live organ donation rates in Northern Ireland rise and rise to a level that is absolutely definitely the best in Europe and is one of the best in the world. That is amazing. We tamper with a system that is working well at our peril.

I will pick up on another point that a couple of Members spoke about. Cross-border organ donation opportunities was a point that I mentioned in my North/South Ministerial Council sectoral format statement last week. I think that there are opportunities to open up a cross-border Belfast/Dublin corridor for organ donation. When you talk to our clinicians at Belfast City Hospital, they will tell you about how there are two teams doing very similar work in two jurisdictions but who have not really spoken to each other properly, formally or consistently over 20, 30 or more years. Clearly, there are opportunities for them to learn from each other, as, indeed, there are opportunities to learn from teams around the world. However, there are particular opportunities to develop a service on a cross-border basis, which would be to the benefit of people on both sides of the border.

It is notable that, in 2014, the Republic of Ireland reported a dip — it was more than a dip; it was a drop — of a quarter in their organ donation levels. They are experiencing a very different problem from us. We have seen an increase in our organ donations in recent years. We have a far superior live organ donor rate. I recall media reports earlier this year that their figure was much lower than ours in Northern Ireland. To answer the questions that have been raised, I understand that discussions have started between clinicians. It is something that I raised proactively at the recent North/South Ministerial Council meeting, and I am keen for officials to take forward and explore the opportunities that there might well be.

We do kidney transplantation here but we do not do other transplantation in Northern Ireland. Many people, including some I know very well, have had to travel to Great Britain to get their transplant. Many of them would say to you that they are very grateful for the service that they get, but, on many occasions, they have to travel and it is unsuccessful and then they have to return home. They have to make several journeys before they get a successful match and a transplant.

That travelling is nearly more stressful than the fact that they are waiting for a transplant. Therefore, anything that we can do on a cross-border basis is to be welcomed.

We tamper with a system that is amongst the best in the world at our absolute peril. That is the message of clinicians such as Tim Brown and Aisling Courtney. Aisling Courtney said to the media recently that the clinicians are:

*“concerned it might make things worse and what we all want ... is to make things better.”*

Doing damage to our organ donation system was a genuine fear, and Dr John Trinder, a consultant in intensive care medicine who gave evidence to the Committee during

its deliberations, described the Bill as being “unhelpful and potentially harmful.”

A one-time cheerleader for the Bill, Mr Joe Brolly, whom the Chair of the Committee referred to earlier, said that the Bill was “total gobbledygook” and “very confusing”. When leading clinicians and organ donation advocates were freely expressing their concerns about the possible negative impact of deemed consent, the Committee was right to listen and to act as it did.

Since coming into this job, I have been pressed by many inside and outside this House to make my decisions as Minister of Health on the basis of the available scientific and medical evidence. I have made it crystal clear that I will always be guided by the scientific evidence and that I will listen to our clinicians. In circumstances in which virtually every transplant surgeon, nephrologist and intensive care consultant expressed deep concern that the original private Member's Bill could damage our world-leading organ donation system, we were all wise to sit up and listen.

I listened to comments from some Members, including those of the previous Member to speak, who suggested that decisions were taken on the basis of party politics. To suggest that is completely and utterly inaccurate. I stress again that transplant surgeons, nephrologists, intensive care consultants, with one voice, urged caution and expressed their worry that the Bill would damage our system and possibly deter people from donating organs. When that sort of evidence comes forward, it affirms the views of many in the House, and I am glad that it convinced others to change their mind as well. Caution, as we were urged to take, was the right thing to do in the circumstances.

To return to the amendment, it proposes placing a duty on my Department to promote organ transplantation in a campaign informing the public at least once a year. Although my Department believes that our record on promoting the organ donor register speaks for itself in raising awareness, I have decided to support the amendment, especially given that it has emerged from an informed and comprehensive review of the matter by the Committee. Furthermore, the very same clinicians that I mentioned earlier have encouraged us all publicly to enhance our efforts to educate the public about organ donation and, in so doing, raise societal awareness of the subject to a new level. I therefore support amendment No 6.

Amendment No 7 broadly mirrors the amendment to clause 14 of the Human Transplantation Bill, which was also recommended by the Committee in its report. The amendment proposes placing a duty on my Department to report annually on organ transplantation and awareness activities. It also proposes that, every five years, the Department should report its opinion as to whether the proposed provisions have been effective in promoting transplantation activities and any recommendations that the Department considers appropriate for amending the law so as to promote transplantation activities.

The proposed five-year interval for examining the need for any new legislation is, in my view, a responsible and sensible proposition. It is responsible because it should provide the clinicians with the space to get on with their job without any further short-term distractions of legislative proposals for soft opt-out or deemed consent. It is sensible

because it would provide the Assembly with sufficient time to assess and reflect on the impact of the soft opt-out system introduced in Wales last year.

Although I have decided to support the amendment, my Department will seek to bring forward a technical amendment at Further Consideration Stage on the operation of the annual reporting cycle to clarify that, if the proposed report is to cover activities in a year fully, it can be finalised only after the year has ended. That having been said, I support all the amendments in the group.

#### 9.00 pm

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. First, it is important to clarify that I do not share the same position as Mr Alastair Ross in this debate.

It has been a good debate. I came onto the Health Committee relatively recently. This has been a good Committee Stage. We all came at this from the perspective that we needed to secure the best outcome for organ donation rates. Many of us have been on a journey. I still think that soft opt-out, and all options, should remain options and should be given full consideration in the new mandate. However, a mixture of views were presented to the Committee. There were views given on some of the proposals to the Committee that I did not expect, and I think that the right decision was to hold off on this. The system we have is one of the best in the world and, given that mounting evidence and those mounting presentations, we need to be very careful about what we do next. As we were coming into the new year, concluding our evidence, and only had a number of weeks to take a decision that could have massive ramifications, I felt that the proper decision was to ensure that we take more time to look at this. Many made the point that we should wait and see how Wales does. I think that the Department should consider soft opt-out, keep that under review, and see the experiences elsewhere, but, on the basis of the evidence given to the Committee and the many differing views that we held, I felt that this was not the time to move forward with soft opt-out and that it certainly was not right to do it in a rushed manner given that the clock was ticking down to the end of the mandate.

On the other hand, credit has to be given to the proposer of the private Member's Bill, Jo-Anne Dobson. As a proposer of private Member's legislation, I know that there is a lot of work, a lot of effort and lot of grief. We have all seen the energy and commitment that Mrs Dobson put into that. It has generated great debate over the past year, and I have no doubt that that debate has, in itself, contributed to more people signing up for organ donation. I think that all Members agree that Mrs Dobson has done a great public service in bringing the private Member's Bill forward. As Mr Easton said, we felt that we needed to hold on to aspects of that Bill and put them forward. It may look messy as part of a miscellaneous Bill, but, given the impact that those amendments could have on organ donation rates, we believe that it is the right thing to do to improve the world-class system that we have. I congratulate Mrs Dobson on the work she has done, and I have no doubt that this issue will come back to the Chamber in the new mandate. We will need to give it full consideration again then.

One of those who is urging people to consider organ donation is Lucia Quinney Mee, a student at Cross and

Passion College in Ballycastle in north Antrim. She has had three liver transplants in her life and has campaigned vigorously to find ways to improve the organ donation system. She has set up a Facebook page called Live Loudly Donate Proudly, and I am sure that some Members are probably sitting on Facebook at the minute and could check that out, like it and share it. A lot of people out there are campaigning to improve the organ donation system, and they all deserve much credit for the immense work they have done on that in recent months. Public awareness is the big issue and is a huge factor in ensuring that we get more names on that list, and I have no doubt that the success stories of Lucia Quinney Mee, Joe Brolly, Shane Finnegan and others have helped contribute to the higher donation rate that we have.

Maevae McLaughlin opened the debate and said that there had been much debate about organ donation promotion. She referred to the different views of the original PMB but stated that there was now unity on promoting organ donation and that it was important that we moved forward on that. Alastair Ross made a useful intervention, saying that the amendments needed to be tweaked. That is what Further Consideration Stage is for, and we will be open to agreeing those amendments.

Alex Easton said that the amendments were cheeky and the contents too important to let go. Fearghal McKinney took a counter view, saying that this was a skeleton of a Bill and that "cheeky" was an understatement. However, he made a good point about the good work of our clinicians. They perform nothing short of miracles. I spoke to someone recently who was with a close friend as they were carrying out work, and they worked from night until morning with hardly any rest. The service was absolutely fantastic. He certainly respected the fact that they could act under such pressure, given that what they were doing was life-saving work.

Jo-Anne Dobson accepted the wording of the Human Transplantation Bill. We need to do more to improve organ donation rates. That needs to continue to be a priority for the Assembly in the new mandate. John McCallister welcomed the fact that consensus to some degree had been met. Kieran McCarthy was also a supporter of the private Member's Bill.

The Minister referred to the fact that our system and our transplant team are amongst the best in the world and at the moment compare quite favourably with the South, which has seen a dip in figures recently. He made the point that this was not about party politics, and I think it is important to say that again. The debate about organ donation is a matter of life or death. We all have different views and are quite passionate about it. From our perspective, in our contribution at Committee Stage we always had an open mind and a focus on an outcome that was the best for all the people we represent. Tinkering with a system that leads to a better outcome is brilliant, but making a decision that could undo some of the great work that has already been put in place to ensure that we have a high organ donation rate is something that you cannot undo at short notice.

It is important that we keep a watchful eye on the issue. It needs to be a focus for the Assembly and the Department in the new mandate. We believe quite passionately in this and that these amendments will lead to greater organ donation rates. Again, I thank the sponsor of the private

Member's Bill. She has put a lot of effort into the issue, and it is only right that credit is given to her. I hope that the Assembly will now agree and unite in ensuring that we change the law in regard to organ donation.

*Amendment No 6 agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 7 made:*

After clause 11 insert

#### ***"Annual report on transplantation***

**11B.**—(1) *The Department must lay before the Assembly, in each financial year, a report about transplantation activities in that year.*

(2) *The report must include—*

(a) *the steps taken by the Department to fulfil the duties set out in section 11A, and*

(b) *the number and nature of transplantation activities carried.*

(3) *At least once every five financial years, the report must include—*

(a) *the opinion of the Department as to whether this Act has been effective in promoting transplantation activities, and*

(b) *any recommendations the Department considers appropriate for amending the law so as to promote transplantation activities.*"— [Ms Maeve McLaughlin.]

*New clause ordered to stand part of the Bill.*

*Clauses 12 to 16 ordered to stand part of the Bill.*

*Schedules 1 and 2 agreed to.*

### **Long Title**

*Amendment No 8 made:*

In the long title, after "care" insert

*", to raise awareness of human transplantation".—*  
[Ms Maeve McLaughlin.]

*Long title, as amended, agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Health (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker. Thank you very much.

## **Addressing Bullying in Schools Bill: Consideration Stage**

**Mr Speaker:** I call the Minister of Education, Mr John O'Dowd, to move the Bill.

*Moved. — [Mr O'Dowd (The Minister of Education).]*

**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 is a single group of amendments. It contains amendment Nos 1 to 14, which deal with a definition of bullying, reporting requirements and cyberbullying. I remind Members intending to speak that, during the debate, they should address all the amendments in the group on which they wish to comment. Once the debate on the group has been 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.

### **Clause 1 (Definition of "bullying")**

**Mr Speaker:** With amendment No 1, it will be convenient to debate amendment Nos 2 to 14. The amendments deal with a definition of bullying, reporting requirements and cyberbullying. Amendment No 2 is an amendment to amendment No 1. Amendment Nos 7 and 8 are mutually exclusive. Amendment No 14 is consequential to amendment No 12. I call the Minister of Education to move amendment No 1 and address the other amendments in the group.

**Mr O'Dowd (The Minister of Education):** I beg to move amendment No 1: In page 1, line 2, leave out from beginning to end of line 8 and insert

*"In this Act 'bullying' includes (but is not limited to) the repeated use of—*

(a) *any verbal, written or electronic communication,*

(b) *any other act, or*

(c) *any combination of those,*

*by a pupil or a group of pupils against another pupil or group of pupils, with the intention of causing physical or emotional harm to that pupil or group of pupils."*

*The following amendments stood on the Marshalled List:*

No 2: As an amendment to amendment No 1, at end insert

*"and where there is an imbalance of power".—*  
[Mrs Overend.]

No 3: In clause 2, page 1, line 12, leave out from "among pupils registered" and insert "involving a registered pupil".— [Mr O'Dowd (The Minister of Education).]

No 4: In clause 2, page 1, line 16, leave out "registered pupils" and insert "a registered pupil".— [Mr O'Dowd (The Minister of Education).]

No 5: In clause 2, page 1, line 20, at end insert

*"or*

*(iv) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school."— [Mr O'Dowd (The Minister of Education).]*

No 6: In clause 2, page 1, line 22, leave out sub-paragraph (i) and insert

*“(i) at intervals of no more than 4 years; and”.—  
[Mr Weir (The Chairperson of the Committee for Education).]*

No 7: In clause 2, page 2, line 16, at end insert

*“(1A) The Board of Governors of a grant-aided school may, to such extent as it thinks reasonable, consider measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying involving a registered pupil at the school which—  
(a) involves the use of electronic communication;  
(b) takes place in circumstances other than those listed in subsection (1)(b); and  
(c) is likely to have a detrimental effect on that pupil’s education at the school.”.— [Mr O’Dowd (The Minister of Education).]*

No 8: In clause 2, page 2, line 16, at end insert

*“(1A) The Board of Governors of a grant-aided school may, to such an extent as is reasonable, consider measures to be taken by the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying by means of electronic communication, in circumstances other than those listed in section 2(1)(b), where that bullying is likely to have a detrimental effect on a registered pupil’s education.”.— [Mr Weir (The Chairperson of the Committee for Education).]*

No 9: In clause 3, page 2, line 26, leave out “or alleged incidents of” and insert “of bullying or alleged”.— [Mr O’Dowd (The Minister of Education).]

No 10: In clause 3, page 2, line 31, at end insert

*“or  
(d) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.”.— [Mr O’Dowd (The Minister of Education).]*

No 11: In clause 3, page 2, line 34, at end insert

*“(aa) state the methods of bullying, as defined by section 1;”.— [Mrs Overend.]*

No 12: In clause 3, page 2, line 36, leave out from “may” to end of line 4 on page 3 and insert

*“may, for example, relate to—  
(a) differences of religious belief, political opinion, racial group, age, sex, sexual orientation or marital status;  
(b) differences between persons with a disability and persons without;  
(c) differences between persons with dependants and persons without;  
(d) differences between persons based on gender reassignment;  
(e) differences between persons based on pregnancy.”.— [Mr O’Dowd (The Minister of Education).]*

No 13: In clause 3, page 3, line 4, at end insert

*“(3A) The Department may by order subject to negative resolution amend subsection (3).”— [Mr Weir (The Chairperson of the Committee for Education).]*

No 14: In clause 3, page 3, line 9, leave out subsection (5).— [Mr O’Dowd (The Minister of Education).]

**Mr O’Dowd:** Go raibh maith agat, a Cheann Comhairle. I am pleased to bring the Addressing Bullying in Schools Bill before the Assembly this evening. I am particularly heartened by the fact that the passage of the Bill has to date been supported by all parties. I believe that sends a clear message that the Assembly is united in its desire to act on this problem.

The Bill was drafted to create a clear and consistent framework for schools to follow and as a means of ensuring that all pupils are protected to the same best practice standards. In providing an inclusive definition of bullying, introducing a duty on schools to record all allegations of bullying and strengthening the role of boards of governors in ensuring that effective policies are in place at their school, we can provide that framework while still allowing schools the flexibility to adopt policies that are reflective of their individual needs.

I have carefully considered the issues that Members have raised in their amendments and the concerns identified by the Committee during its scrutiny of the Bill. I have sought to address several of those issues in the amendments that the Department has brought forward this evening. I am keen that we continue to engage constructively to make the Bill as effective as it can be, and, in that spirit of constructive engagement, I emphasise that, where I speak to oppose any amendments, it will be because I feel that they either detract from the consistency we seek to build or will unnecessarily add to the complexity of the duties that we will place on schools and school governors.

Given that all the amendments have been placed in a single group for today’s debate, I will now address them each in turn. Amendment No 1 is largely technical, using language that is more consistent with best practice in legislative drafting and serves to make the definition more straightforward for readers to understand. In its scrutiny, the Education Committee had reservations about the use of the word “includes” to convey that the definition was intended to be open and non-exhaustive and was not sufficiently clear. To address that concern, the amendment inserts in brackets the phrase “but is not limited to” to provide a clear additional emphasis that schools will have the discretion to identify and treat as bullying incidents that do not meet the specification in clause 1 but that the school considers would justify such recognition.

### 9.15 pm

The definition set out in the initial draft of the Bill used the term “physical act”. Specific advice from the Office of Legislative Counsel has highlighted that that terminology is not used in any other statute and is, in legislative terms, unnecessary. The drafting preference is simply to refer to “act”, which is broader in scope and includes physical or non-physical acts or omissions. The term “physical act” has therefore been removed, and the definition has been refined further to provide greater clarity and less scope for misinterpretation. I urge the House to accept amendment No 1.

I now turn to amendment No 2, which proposes to include “an imbalance of power” in the definition of bullying. I

understand why Members have moved the amendment for inclusion and fully appreciate that “an imbalance of power” is a recognised characteristic of bullying. However, my preference is for it not to be included in the Bill. If the Bill referenced “an imbalance of power”, it would need to specify what that actually means in a watertight but practicable, workable way. Advice received from both the Departmental Solicitor’s Office and the Office of Legislative Counsel recommended against the inclusion of “an imbalance of power”. It was highlighted that the characteristic was not commonly referenced in anti-bullying legislation in other jurisdictions.

The absence of the imbalance of power wording has no adverse impact on the identification, actioning or recording of bullying incidents where an imbalance of power exists, as the proposed definition will inherently pick up all incidents of bullying: those where an imbalance of power exists; and those where it does not it. Lastly, I have a concern that putting a particular focus on an imbalance of power in the Bill could be interpreted by some schools as justification for not addressing and recording some incidents as bullying because, in the school’s view, there was not an obvious imbalance of power between the victim and the perpetrator. I therefore urge the House to oppose amendment No 2.

Amendment Nos 3 and 4 are of a minor technical nature to bring drafting consistency to the rest of the Bill regarding the use of the term “registered pupil”. Amendment No 4 will also clarify that the duty on governors to determine measures to be taken at school to prevent bullying also covers those instances where only one of their pupils is involved in a bullying incident.

Amendment No 5 addresses a query raised by the Education Committee regarding what action will be expected of schools in relation to incidents occurring when their pupils are attending lessons in other schools or external settings as part of the delivery of the entitlement framework. All post-primary schools are members of area-learning communities that work together to provide a broader and balanced curriculum to young people, which helps schools to deliver the requirements of the entitlement framework.

Through collaboration, schools offer courses not necessarily delivered on their school premises but through other schools, further education colleges or other training providers. That gives pupils access to a wider selection of courses. Therefore, subjects may be delivered in schools or educational facilities other than where the pupil is registered. This addition clarifies that schools and governors will be required to address the circumstances in their anti-bullying policies. The school where the pupil is registered will be responsible for taking any action in respect of disciplining or supporting their pupil. However, I will expect schools and institutions to work together, with a view to preventing or addressing any incidents of bullying involving their pupils. I therefore urge the House to accept amendment Nos 3, 4 and 5.

I now turn to amendment No 6. The Committee has proposed that a board of governors should be required to review its anti-bullying measures:

*“at intervals of no more than four years”,*

rather than “from time to time”. I can confirm that I am happy to support that amendment.

I now turn to amendment Nos 7 and 8. I brought forward amendment No 7 to address strong concerns raised by the Education Committee that clear and more explicit recognition needed to be given to the problem of cyberbullying. While the Committee accepted that clearly defined boundaries for schools’ responsibilities were an essential part of the Bill, it felt that cyberbullying occurring outside school hours often had an impact that carried across into the school day. The Committee was also particularly anxious that schools would have some legal cover to address cyberbullying incidents, which often have imprecise boundaries in terms of when and where they arise but which clearly have a detrimental impact on a pupil’s education.

While I have some concerns about the imposition of additional, wide-ended legal duties on schools, I accept the merit of providing a clear enabling power, allowing schools to act in such circumstances should they wish to do so. The Committee has proposed its own amendment on the issue: amendment No 8. My amendment No 7 is a slight rewording of that to make it clear that a school’s responsibilities are to act to support its own pupils if they are victims of cyberbullying or to take action against their own pupils if they are found to be undertaking cyberbullying. I believe that my amendment maintains the clear boundaries of responsibility that we have established elsewhere in the Bill while addressing the Committee’s concerns. I urge Members, therefore, to support amendment No 7.

Amendment No 9 is, in essence, a technical amendment that would replace the words “or alleged incidents of bullying” in clause 3(1) with “of bullying or alleged bullying”. That will clarify that bullying incidents and allegations of bullying must be recorded by a school. I again urge Members to support that amendment.

Amendment No 10 mirrors the changes that we considered under amendment No 5. It clarifies that schools would still be under a duty to record and respond to incidents that occur outside of school premises when those occurred in connection with registered pupils participating in shared lessons, for example, under the entitlement framework or other sharing engagements organised by a school. I should emphasise that, when such incidents involve pupils from the two schools, each school will be responsible for taking appropriate action to support or sanction its pupils in line with its own agreed policies. I again urge Members to support that amendment.

I oppose amendment No 11 to clause 3, which would require a record of bullying to state the methods of bullying. I consider the requirement to record each incident already adequately covers that point. A standard recording format that does not capture the nature and wider circumstances of an incident would be of very limited value to schools in monitoring their own performance or providing supporting evidence of those actions should they ever be challenged. The Department will issue guidance to support schools, governors, parents and pupils in understanding the Bill and its implications for them. That guidance will be developed in consultation with all the key stakeholders involved and will provide recommendations on all the details that schools should aim to capture when recording an incident. We believe that to be the correct place to offer that additional clarification rather than as an addition to the Bill.

Amendment No 12 is a technical amendment to the list of motivating factors set out in the original wording of clause 3. The purpose of that clause has always been to provide an illustrative list of the possible motivations for bullying behaviour that we would expect schools to record. That list was deliberately chosen to highlight relevant section 75 groups and other legislatively protected groups. The Education Committee expressed concerns that the original wording was unclear and could be interpreted as providing an exhaustive list of motivations. The amendment more closely mirrors the language that is used in other relevant legislation and identifies that motivation will arise from differences in relative circumstances rather than an exclusive characteristic of either the pupil being bullied or undertaking the bullying. I also believe that, by replacing the introductory comment "motivation may include" with:

*"motivation may, for example, relate to",*

will remove any scope for confusion over the inclusive and non-exhaustive nature of the list.

I do not believe that amendment No 13 is required. As I outlined, the Bill provides a non-exhaustive list of the types of motivations that a school would be required to record. Amendment No 12 will provide sufficient clarification of our intentions in that regard and will, therefore, negate the need for a power to amend a list that, by its very nature, is designed to be illustrative and non-exhaustive. Making that a matter for amendment by order would go entirely in the opposite direction and suggest that the list is somehow exhaustive and that inclusion on it confers greater weight or legitimacy to those motivations, which is simply not the case. The departmental guidance that will accompany the legislation will provide additional clarification on the non-exhaustive nature of the list and will elaborate on a much wider range of factors that can lie behind bullying.

Amendment No 14 is a final technical amendment. By removing clause 3(5), the meaning of the terms "gender reassignment" and "disability" will revert to their commonly used meanings, rather than requiring readers to cross-reference through the complex legal definitions of each set of their own respective orders. I urge Members to support amendment No 14.

**Mr Weir (The Chairperson of the Committee for Education):**

I will speak initially on behalf of the Committee. During Committee Stage, members considered written evidence from around 16 organisations and undertook six oral evidence briefings and six formal meetings. I would like to take this opportunity to thank the many stakeholders who wrote to the Committee or gave oral evidence. Owing to the time pressures associated with the legislative programme, it was not possible to receive oral evidence from every organisation that made a submission, but I can assure stakeholders that we studied every submission, whether written or oral, and greatly valued their input into Committee Stage. I would also like to thank the Department for attending a number of oral evidence sessions and providing written responses and clarifications to the Committee in such a short timescale.

At Second Stage, and on behalf of the Committee, I addressed some remarks to children and young people who have been the victims of bullying at school. I promised them that we would take bullying in schools very seriously. I indicated that we understood that bullying can have a very substantial impact on its victims, and, sadly, it

has even led to the death of some young people. I also promised that we would listen to their concerns and, with the Minister, do something about it.

To help with the listening process, the Committee undertook a series of focus groups involving children and young people from schools representing each sector from across Northern Ireland. Those were organised by the Assembly's Research and Education Service. The moderators for the sessions included Committee staff members. I would like to thank the contributors to and facilitators of that important work. The findings from the focus groups are summarised in our report on the Bill and helped us greatly in developing the amendments that I will discuss shortly.

The Committee generally takes the view that this is a good Bill and that the Committee's amendments, and some or all of those proposed by the Minister, will make it better. There was a suggestion, at one stage, that we change the title of the Bill to "Eradicating bullying". Will the Bill eradicate all bullying in schools? Sadly, it will not, and I do not think that anybody will make that false claim. However, I think that an amended Bill would support and promote good anti-bullying practice in schools; clarify the scope of schools' responsibility; inform future policy development through consistent record-keeping; and boost the confidence of boards of governors who want to take action on all forms of bullying, particularly cyberbullying. I suggest that, by passing an amended version of the Bill, we will be keeping the promise, which I mentioned earlier, to do something about bullying in schools.

I will now turn to the amendments that the Committee agreed to table or support. Clause 1 provides a definition of bullying. In general, all witnesses at Committee Stage supported the clause but wanted to change it. Some wanted to include wording that identified bullying targeted at specific groups. Others took issue with the apparent restriction of the definition to repeated acts. Still others wanted an explicit reference — this is taken forward in one of the other amendments — to the "imbalance of power" between the bully and their victim.

The Committee wanted the Bill to support good practice in schools and, therefore, listened carefully to the considered responses from the representatives of teachers and school principals. These teaching professionals were generally supportive of many of the proposed changes to the clause, but they also called for discretion that would permit schools to treat serious, one-off incidents as bullying.

Members felt that bullying was quite difficult to define exactly. It was therefore agreed that some space should be left in the Bill to allow schools the flexibility to include serious, unwanted behaviour that might not precisely conform to the definition as drafted. The Committee felt that the simplest and most effective way to do this was through the inclusion of the words "but is not limited to" in the definition. To be fair to the Department, while it initially raised concerns about that form of words, there was a common objective between the Department and the Committee on this, and I am pleased, therefore, that the Minister has incorporated this into his technical amendment — amendment No 1 to clause 1.

I am also pleased by the departmental assurances that, before provisions are commenced, guidance is to be issued on addressing the treatment of one-off events;

bullying that is targeted at section 75 groups; and bullying by omission.

At this stage, I should also mention the feedback from representatives of special schools. They expressed concerns about the application of these provisions to their sector and to mainstream schools with a high number of children with special educational needs (SEN). It was suggested that the Bill might wrongly classify as bullying unacceptable conduct that may be associated with behavioural conditions linked to SEN or to a significant non-school-related trauma.

### 9.30 pm

Members were quite exercised about this issue. The majority of members accepted the Department's assurances that the intention provisions would provide suitable protections for special schools and for children with SEN who were experiencing trauma. That said, the Committee felt strongly that the Department should consult widely with the SEN sector, including special schools and learning support units, in the development of appropriate guidance for teachers and principals regarding the treatment of children with SEN and those in exceptional circumstances. I hope that, in his response, the Minister will provide that assurance.

On the issue of cyberbullying, the Bill generated two types of commentary. There were those, mainly teachers and professionals, who felt that the Bill had perhaps gone a little bit too far, and there were those, most of the other witnesses, who felt that it did not go far enough. The Committee noted extensive evidence from the school focus groups and other witnesses in respect of cyberbullying; that is to say bullying related to the use of electronic communication, social media or the Internet. These witnesses generally contended that this form of bullying could have a very substantive impact on its victims and was significantly under-reported in schools. It was asserted that the Bill did not go far enough to address this form of bullying and that cyberbullies could very easily evade the relevant provisions. Others made the argument that cyberbullying accounted for only a small fraction of all bullying incidents and was the subject of a disproportionate level of exposure by the news media.

The Committee felt that cyberbullying is an issue of significant importance that requires immediate action and support for schools. The Committee also noted the complexity presented by a wide-ranging legislative solution and the potential for conflict, for example between the rights of the victim and the rights of others to privacy. Additionally, members noted that other jurisdictions have yet fully to address these issues in legislation. That was the conundrum that the Committee faced. To help to resolve it, the Committee listened to the conflicting views of witnesses. We listened to the concerns of schoolchildren and to the good-practice examples of anti-bullying provided by schools. It was on that basis that the Committee decided to put down amendment No 8, which is before us today.

Members felt that boards of governors need our support and the backing of legislation. Amendment No 8 is designed to empower them and give them the confidence to bring forward anti-cyberbullying measures. The Committee wanted schools not to feel constrained by a requirement to determine that the cyberbullying occurred

during the school day, on the journey to and from school, or when under the lawful control of school staff. The amendment, which is permissive rather than obligatory — we take on board what the Minister said about imposing additional duties — is, we believe, the best possible compromise between the different sides.

I draw the House's attention, as has the Minister, to ministerial amendment No 7. While the Minister has indicated that it is slightly better drafted than amendment No 8, it is virtually identical. That being the case, I think that members of the Committee will be content to support amendment No 7 in place of amendment No 8.

The Committee could have gone further. We considered an amendment that would have dramatically altered the scope of school responsibility in providing protections from bullying. Attractive though such a proposition might be, the Committee was a little bit worried that it might lead to legal challenges and other undetermined consequences for schools, and might even promote unwelcome changes to the relationship between schools and parents. Members also noted the long-awaited anti-cyberbullying guidance. We should not always see a single piece of legislation as the silver bullet that will lead to all solutions; there are, indeed, other areas coming forward. That guidance, produced by the Anti-Bullying Forum, and the e-safety guidance which is to be produced by the Safeguarding Board this year, are very important documents that will inform schools' responses to this relatively new form of bullying.

I mentioned the scope of responsibility of schools and their boards of governors. Clause 2 of the Bill requires the latter to devise anti-bullying measures and to consult on them with children and parents. Like many witnesses at Committee Stage, the Committee strongly supported this aspect of the legislation. To further strengthen this obligation, the Committee agreed to put down amendment No 6, which requires the process to happen within a typical period of office of a board of governors, namely once every four years as a minimum period.

A key part of the Bill is the requirement to keep records of bullying incidents. This appears to be an inescapable requirement for schools, following fairly recent legal proceedings. The Bill provides some necessary clarity, which the Department has assured us will be followed by guidance designed to limit the bureaucratic burden on school principals and boards of governors. I think that the Committee accepted this assurance and, therefore, did not put down a related amendment to further specify that, although we appreciate amendment No 11, which has been put down by some members of the Committee.

Clause 3 also requires schools to record the motivation or perceived motivation underpinning bullying. All members of the Committee agreed that the list of motivations required some improvement. I think that there was some disagreement on how this should be done. Some wanted some limited changes; some wanted the list in the Bill to be removed and replaced with a regulation-making power; others — the majority — preferred amendment No 13. That is an order-making power that can amend the existing list of motivations. I note the ministerial amendment Nos 12 and 14, which would appear to closely align the motivations with section 75. I think that the majority of members felt that the nature of bullying is changing and that some flexibility will be needed if schools are to capture emerging trends.

The majority of Committee members, therefore, felt that Amendment No 13 will allow this to happen.

During Second Stage, I made reference to concerns about the misuse of bullying records kept by schools and the development of the risk of unofficial bullying league tables. The Department has clarified that records will be held at school level and that usual data protection controls will be applied to personal information. I also understand that the Department will make use of related, aggregated statistics to inform anti-bullying policy development.

The Committee agrees that bullying is an important issue and requires robust and coherent responses from schools. Good record-keeping underpins this. I think that we all feel that, on balance, addressing the real problem of bullying is more important than the possibility of reputational damage to schools. In any event, the Department has advised us that, whether the Bill passes or not, recent court decisions will oblige all schools to keep and retain better disciplinary and bullying incident records. It is hoped that the passage of this Bill, departmental guidance, review by the Education and Training Inspectorate (ETI), and the anticipated extension of the scope of the Northern Ireland Public Service Ombudsman to include schools will lead to more consistent record-keeping by all schools.

Finally, when the Committee was agreeing its report, a member asked an excellent question — it does occasionally happen at Committee. What happens if a pupil is attending another school, as part of the entitlement framework or a sharing activity, and engages in bullying activity at the other school? Indeed, as we are in the process of passing the Shared Education Bill, the frequency of children being at another school for some form of shared activity is likely to increase. The Bill, as drafted, would have placed no obligation on the pupil's home school to take action or keep a record. The Committee advised the Department of this, and I am pleased to note that ministerial amendment Nos 5 and 9 appear to be designed to deal with exactly this problem. The Committee has not taken a formal position on this. I imagine, however, that Members would be happy to support these sensible provisions, which oblige the home school to address bullying perpetrated in another school by one of its pupils, although I also note the comments of the Minister that, where this is happening in one school, a degree of cooperation is needed between the schools. I also suspect that the Committee would have no problem in supporting the technical drafting amendment Nos 3, 4 and 9.

Even if we have a couple of Divisions today, and we shall see how that turns out, it is fair to characterise the Committee Stage of the Bill and the interaction with the Department and the Minister as positive and cooperative. On behalf of the Committee, I wish to commend the Minister and his officials for the progress achieved to date on this Bill and the legislative programme generally.

At Second Stage, I described the Bill as a good beginning. I think that an amended Bill will be exactly that — a good beginning for the development of a consistent anti-bullying culture for all our schools. This, I believe, will be flexible enough to deal with the new challenges from things like cyberbullying and robust enough to give children the confidence to know that, when they are being bullied at school, something really will be done about it.

Now, turning briefly, because I do not want to reiterate all of that, to the position from a DUP perspective. I think that, as a party, we are happy with all the ministerial amendments and, indeed, all the Committee amendments.

Again, I do not want to go into a great deal of detail. When the issue in amendment No 1 was raised by the Committee, the Minister brought forward an amendment that encapsulated an almost identical position to that of the Committee, and I think it is quite sensible. It was raised with me on a number of occasions that the word "includes" could, by its definition, go beyond simply repeated bullying. I think that to have a specific reference in the Bill will give reassurance that very serious incidents will be taken seriously.

Similarly, I think that we find favour with amendment Nos 5 and 10, which have been mentioned, and which cover the shared education position. Similarly, with the technical amendment Nos 3, 4 and 9 proposed by the Minister, there is no particular problem.

I should also indicate that, with amendment Nos 7 and 8, we initially brought forward amendment No 8. It is virtually, word-for-word, what is in amendment No 7. From that point of view, therefore, we are happy with either amendment. Clearly, amendment No 7 will be put and, if, as I assume, the House is able to unite behind it, it will render amendment No 8 null and void. Again, we are giving power to governors to look at cyberbullying without going the further step of imposing a particular duty on them.

We support the Committee's amendment No 6, which, again, has a degree of cross-party consensus, to ensure that this is not something that is done as a one-off exercise and simply left to drift into the ether, but places an onus on the boards of governors to do this at intervals of no more than four years.

With amendment No 11, from the DUP perspective, there were issues raised in trying to ensure that boards of governors and schools, when recording these incidents, are not overburdened. However, amendment No 11 seems modest enough. The additional information may well be useful, and it is something that, I think, does not place any massive additional burden on schools. From that point of view, my party is happy to support amendment No 11.

I will return to amendment No 2 in a moment.

Amendment No 12, which is consequential to amendment No 14, is a better-drafted version of the requirements under clause 3 in covering all situations. I appreciate that the Minister expressed the view that amendment No 13 is not particularly necessary. However, as a party, we support the amendment. When this matter was looked at, by admission, the list was not got right initially and had to be corrected slightly. We are in a moving situation. It may well be that what is in amendment No 12 covers the situation at the moment adequately. However, we do not know what situation we are going to be in in a few years from now, and, if any amendment were required to clause 3, without amendment No 13, it would have to be done purely by way of primary legislation. We believe that there needs to be some level of adjustment to give the option of subordinate legislation subject to negative resolution. It gives that little bit of flexibility, and seems to be a relatively sensible amendment.

Finally, I turn to amendment No 2. I have some sympathy for the motivation behind the amendment, and it is

something that has been included in a number of other jurisdictions. However, I have concerns about it, both as to whether it is necessary and whether, from a practical point of view, it might be slightly counterproductive. What I mean by that is that we have a clear definition of bullying, and this would add an additional limb to that definition to show that there was an imbalance of power. That may well be implicit in all cases of bullying. However, what would concern me are the situations in which some level of assessment that either a teacher or a member of staff is making. If they felt a little bit unsure about that additional limb, we may see some incidents of bullying that do not get recorded because there is a feeling that they have not jumped that extra hurdle. So, to that extent, I do not believe that amendment No 2 adds anything to the Bill, and it runs a danger, in some cases, of excluding cases where there is bullying. So, from that point of view, while I am happy with the other amendments, the DUP will be opposing amendment No 2.

**Mrs Overend:** I thank the Committee Chair for giving way on this issue. Just to clarify, I challenge Members who do not want to support this particular amendment to provide an example of where, theoretically maybe, an imbalance of power cannot be identified?

9.45 pm

**Mr Weir:** I will give you an example that occurs to me. It strikes me that, without that, there is no incident of bullying that is excluded. There is at least a danger that that would be the case. An imbalance of power, to some extent, could be in a situation with a group of young people and it may well be that, physically, the person doing the bullying is a lot smaller than the person being bullied. A teacher looking at that may take the view that the meek but larger pupil — we will call him “Pupil O’Dowd” — is being grossly intimidated by a smaller but much fiercer pupil — we will call her “Pupil Overend”. In those circumstances, a teacher may say, “I see clearly where I believe there to be bullying”. However, is there an imbalance of power where a larger pupil is bullied by a smaller pupil? I am not sure that ticks the box. Most teachers, to be fair, will have the common sense to see the cowering, intimidated Pupil O’Dowd and recognise that as bullying. However, I do not want the guidance, whatever it is, to be misinterpreted and an act of bullying unnecessarily excluded. That is my concern. I fail to see what the reference in the amendment adds to the definition, but I can see where, in some cases of misinterpretation, it may exclude something. I hope that the Member will not seek to bully or intimidate us as she moves on with that. With that explanation, Mr Speaker —

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

**Mr Weir:** Yes.

**Mr Kennedy:** I am sure that I am not alone in the hope that, in any dispute between a pupil called O’Dowd and someone else called Overend, the teacher would not be called Weir.

**Mr Weir:** In those circumstances, it would be extremely unlucky for both pupils. *[Laughter.]* As in all things in life, we have to cover all eventualities. There may be a teacher out there called Weir who does not arbitrate well in a situation. There may be some, depending on their perspective, who would accuse a teacher called Weir of encouraging a bullying situation between pupils called

Overend and O’Dowd. There are others in the House who would, perhaps, accuse my party of being keen to facilitate a situation where Pupil O’Dowd was bullying Pupil Overend. It is a question of perspective in that regard.

Setting aside the broader situation, in those circumstances we want to ensure that no genuine incident of bullying does not get properly recorded. If it sows some level of doubt, creates an additional hurdle and means that, in a small number of cases, the bullying is overlooked because there is not perceived to be an imbalance of power, that would be wrong. That is why we are opposed to amendment No 2.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. The House will be glad to know that I was never taught by Mr Weir, so this should be short and relatively painless. The Chair of the Committee and the Minister before him covered a lot of the detail at great length, so I will provide the executive summary of my thoughts.

We will oppose amendment No 2. While we disagree with amendment Nos 11 and 13, we do not find enough in them to disagree to the same extent. A large part of this goes back to what the Chair said about good practice and consistency. That is the hallmark of the Bill; indeed, I think that it will be celebrated for providing a platform for good practice and consistency in and around policy development and disseminating that through schools. Amendment No 2 from Mrs Overend just goes too far by creating a grey area where the waters get muddied, and where I would feel for the teacher having to step outside. I understand the power imbalance in theory, but in the real world in schools it would be hard for teachers to apply that. Academically, we could debate all the stuff about power balances, but, in the classroom or wherever it may be, the teacher needs to be able to rely on good, sound legislation that will not have the school in courtrooms with difficulties. That is why we will have to divide on amendment No 2.

As the Chair said, amendment Nos 3, 4, 5, 9, 10 and 12 are very technical amendments, some of them on shared education, which was a good point raised about the extent of the entitlement framework. On that point, as the Chair also did, I congratulate the Department and the Minister for working with the Committee through various sittings to get a very robust Bill. I think that it will be celebrated by parents, schools and the various stakeholders whom we met. It provides a good platform to build consistent policy on tackling bullying in all our schools.

The same goes for amendment Nos 7 and 8. Amendment No 7 is the stronger. Were it not for amendment No 7, I would have thought that amendment No 8 was fine. However, having looked at the difference in amendment No 7 and the rationale behind it, I am happy to go with amendment No 7. It is right that amendment No 7 is the stronger.

We do not agree with amendment Nos 11 and 13, but we will not push it to a Division. To a certain extent, amendment No 11 is pointless and should not be in the Bill. The guidance to deal with this will be developed at later stage through consultation with parents and stakeholders. On amendment No 13, for me, the very point of the list is that it is not exhaustive. If we are suggesting that there needs to be a mechanism to amend it somehow, we nearly give expression to the perception that the list is there to be amended. For me, it is not an exhaustive list, but it is inclusive. However, we will not push it to a Division.

On the whole, this is good news for schools, parents and kids. It goes without saying that education can be great for empowering our young people, but a school can be a horrible place for a young person suffering bullying. Anywhere can be a horrible place to be if you are suffering bullying. This will go a long way. As the Chair asked, will it eradicate all forms of bullying everywhere? Unfortunately, it will not. However, it creates a great platform for schools and boards of governors to deal with it. I look forward to the further comments.

**Mrs D Kelly:** I am grateful for the guidance of my colleague Mr Seán Rogers, who served on the Committee throughout the passage of the Bill. I want to put on record our party's thanks to the Minister and the Department for the engagement that he and other stakeholders had with the Committee. The fact that the Minister has tabled so many amendments shows how he has listened during the passage of the Bill. The comments from around the House show that it is a Bill that all Members largely support. It should, I hope, lead to behavioural and attitudinal change amongst our schoolchildren. To that end, I am sure that the Minister will live up to the commitment that, I understand, he gave to the Committee on training and development opportunities for teaching staff on the implementation of the legislation. I also urge further debate with parents and with the children themselves to give an understanding of the implications of bullying in schools and how there will be zero tolerance.

As I read through many of the amendments, I saw that there seemed to be a reversion to the three Rs — only, in this case, it is reporting, recording and reviewing. We are somewhat disappointed that the review time frame is longer than we would have liked; we would have liked a much shorter one. On reporting, I do not think that it is onerous to add to the responsibilities of a teacher the task of recording the nature of an alleged bullying incident.

I will say for the record that we support amendment Nos 1, 3, 4 and 5. My earlier comment about a shorter time frame related to amendment No 6. I welcome the clarification from the Minister and the Committee Chair on amendment No 7 and appreciate that, if it is supported, amendment No 8 might not even be moved. We support amendment Nos 9, 10 and 11. On amendment No 12, we want to listen a bit more to some of the arguments about the list of motivations currently included in clause 3. At this stage, we do not believe that amendment No 12, which the Minister has tabled, is as strong as what was originally drafted in the Bill. However, before deciding and voting on it, we want to hear some of the arguments.

We support amendment No 13. However, we will not support amendment No 14 because we believe that it is beneficial to keep included in the Bill the definitions of disability as outlined in the Disability Discrimination Act 1995 and gender reassignment as outlined in the Sex Discrimination (Northern Ireland) Order 1976.

We are minded to support amendment No 2, although I have listened carefully to some of the arguments about the imbalance of power. I have some concerns about some of the scenarios outlined. I think that the Minister, who I thought maybe should be the bully in the relationship, should be named. I hope that he can assure his wife that he was not, at any stage, referring to her and how she can handle him.

This is a good piece of work by the Assembly. We all know about this issue, if not from our own years at school then from constituents who have come to us because of the different approaches to bullying in many schools and the sense of powerlessness not only among the families of the victims of bullying but among boards of governors. I hope that this sets a new standard in Northern Ireland and that, when we teach our young people, it will hopefully be something that they live by and endorse as they enter adult life.

**Mrs Overend:** I welcome the opportunity, as Ulster Unionist education spokesperson, to speak to these amendments. I welcome the progression of the Bill, which aims to address bullying in schools. Of course, as Members have said, it cannot realistically be completely eliminated, but it is something that school principals, staff and parents take very seriously, as they must. Appropriate steps must be taken to reduce bullying and to stop it once it has been identified. I add my thanks to the officials who appeared at Committee and to the Committee staff for all their work on the Bill.

I recognise that much good work is already ongoing in many schools across Northern Ireland. This legislation will tie down the obligation on all schools to take action on bullying and create uniformity of shared good practice across all schools. Of course, the legislation must not be seen as stand-alone; schools are already very well aware of other obligations in pastoral care, behaviour and discipline, as well as adhering to specific school codes of conduct.

As a mother of three children and as a past child, I am well aware of the behaviours that go on in school. I have watched my own children develop, mature and change how they deal with the other little personalities in their class and in their school year. Fortunately, I have not had any of my children suffer at the hands of a bully at school, but, as an MLA, I have helped other parents to deal with the after-effects of bullying incidents and ensure that the various authorities adhere to their appropriate responsibilities.

I will refer first to clause 1. Amendment No 1 refers to the definition of bullying; indeed, that created much debate in the Committee. It amends the wording to:

*"includes (but is not limited to)".*

That is a good amendment and means that incidents, whether an individual incident or a repeated act, are included in the definition. I therefore support amendment No 1.

Amendment No 2 was tabled by me and my colleague Danny Kennedy. It proposes to include in the definition "an imbalance of power". As I have said, there are policies in schools that deal with behaviour and discipline, as well as such things as adhering to the school code of conduct and so on. Therefore, I think that it is important that we identify bullying where there is an imbalance of power. That clearly states that there is a victim who finds it difficult to defend himself or herself.

Members will agree that there can be numerous and various forms of aggressive behaviour in schools that will not be defined as bullying. Think of two boys who regularly fight in the playground or the school bus, where there is no clear victim of bullying and they both seem to enjoy the fight. That type of aggressive behaviour is not to be condoned but must be dealt with under the school's disciplinary policy rather than an anti-bullying policy.

**10.00 pm**

Research in Norway by Dr Dan Olweus states:

*"It must be stressed that the term bullying is not (or should not be) used when two students of approximately the same strength (physical or psychological) are fighting or quarrelling. In order to use the term bullying, there should be an imbalance in strength (an asymmetric power relationship): The student who is exposed to the negative actions has difficulty defending him/herself and is somewhat helpless against the student or students who harass".*

Furthermore, Professor Peter K Smith from Goldsmiths, University of London, said:

*"there is some consensus, at least in the western research tradition, that bullying refers to repeated aggressive acts against someone who cannot easily defend themselves".*

Professor Smith has also confirmed in personal correspondence that the new European Anti-bullying Network decided in December 2015 to include "imbalance of power" in its definition of bullying.

In Ontario in Canada, which seems to be leading in legislation in the area, in its Accepting Schools Act 2012, the definition of bullying states:

*"the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender".*

The National Association of Head Teachers, in its presentation to the Committee, also supported the idea that the definition should include a power imbalance as international best practice. Its representatives said that schools and teachers:

*"possess a great deal of experience and expertise with regard to pupil relations and are capable of distinguishing between bullying, where there is an imbalance of power, and deliberate repeated aggressive behaviour between equals".*

I am concerned that leaving out "imbalance of power" from the definition might result in a weaker definition, and that this legislation, which is written to address bullying in schools, may try to address all aggressive behaviour and indiscipline. Those issues are dealt with in other legislation, and if there is a feeling in that regard, surely it should be addressed in that legislation rather than in this Bill. There could also be an unfair and inaccurate inflation of bullying incidents due to a weaker definition.

As a parent, I am aware of the system in schools, which has reports on each pupil's behaviour. Believe you me, I regularly log into the school information management system (SIMS) database to read about instances when my children's behaviour has not been what it should be have, whether they have been late to class or forgotten homework books. From what I understand, that is where the reporting of indiscipline or bullying incidents would be recorded. As I said, I ask those Members who do not

support amendment No 2 to provide an example of where it is difficult to define an imbalance of power.

Moving on to the clause 2 amendments, it is important that, in working to address bullying in schools, not only do we clearly define what bullying is but that the Department also provides clear and unambiguous guidelines to schools.

Amendment No 6, which has been brought forward by the Committee, put the onus on schools to review their measures at least every four years. It is important to examine their recording to analyse the need to change ways of dealing with particular behaviour or bullying and update them, especially considering changes in technology and the need to address its dangers. The period of four years was chosen as that was the term of a board of governors, and I was pleased that the measures can be reviewed more often than that if necessary.

There was much debate at Committee Stage with regard to cyberbullying and whether to include a responsibility on schools to deal with incidents that happen outside school. I am minded to support amendment No 7 rather than amendment No 8. Amendment No 8 does not provide an obligation and instead acts as encouragement. There are many issues that should be included as part of a school's pastoral care policy in a similar way, yet they are not included in the Bill. I have concerns that amendment No 8 may create a lack of uniformity across schools when the Bill is attempting to create uniformity in how schools address bullying.

Putting in that amendment gives an option, but it does not create uniformity across schools, so I have concerns with that.

I move now to amendments to clause 3, which relates to the duty to keep records of bullying incidents. We are minded to support amendment Nos 9 and 10.

Amendment No 11, which the Ulster Unionist Party tabled, proposes that the method of bullying must be included in the recording of incidents. That is our belief. We believe that it is important to provide the ability to look back and analyse the most common form or type of bullying, whether that is verbal, physical, cyber, social exclusion, material or indirect. Good analysis will provide for the possibility for specific needs to be identified in order to change or improve guidelines in an area. Proper recording allows proper analysis. A method may be recorded, but I feel that it should be in the Bill. That may require definition at Further Consideration Stage, and I am open to that.

The final three amendments relate to the motivation of a bullying incident, which also created debate in the Committee. I am content with amendment No 12, tabled by the Minister, but I feel that amendment No 13 should be supported to provide the ability to amend the list of motivations.

Mr Speaker, I will draw my remarks to a close. I look forward to the further progression of the Bill.

**Mr Lunn:** It is surprising that a Bill with only five clauses should generate so much discussion, but it has been constructive. The Committee took a lot of evidence, and I think that we have arrived at the point at which there is great consensus. That is credit to the Committee, the Minister and the Department because it did not look that way six weeks ago, and I thought that other amendments might come through, but we are where we are.

The point is that we all know — Members referred to it — the destructive effect that bullying can have. The Bill now refers to “a detrimental effect”, but it is the same thing. We could all quote an anecdote or two. I saw a situation in which two children were removed from a primary school because it would not acknowledge that there had been a problem. The parents had to take the matter into their own hands. The fact that the school had “zero tolerance of bullying” posters on every wall in every classroom made it all the more ironic that the parents had to do that, but it does happen. The effect on a child’s well-being, mental health, concentration and ability to work also come into play.

I do not have very much to say about any of the amendments. I agree with them, except for one. Amendment No 1 is a very good tidying up of the wordings that we have gone through. By implication, I take it that:

*“bullying” includes (but is not limited to) the repeated use”*

means that it includes single acts, or has the potential to include single acts, which was a bone of contention for the Committee for a while. I am perfectly happy with the rest of amendment No 1.

I may as well deal with amendment No 2 straightaway. Mrs Overend said that the notion of an imbalance of power came from Ontario. I had the Ontario version on my phone, but I do not need it now because Mrs Overend read it out. It is too hard to define, is it not? Is it physical? Is it mental? Is it strength of character? The Ontario wording is quite lengthy, but, as far as I can tell from the Ontario information, it is guidance, not legislation. I may be wrong about that, but, be that as it may, it seems to me that it is still possible to identify an act of bullying without being able to identify an imbalance of power. We have a pretty clear definition, so I do not think that we need —

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

**Mr Lunn:** Certainly.

**Mrs Overend:** Just to clarify, from what I can understand, it is legislation. It is the Accepting Schools Act 2012. I quoted the part about imbalance of power from that legislation.

**Mr Lunn:** We may have to disagree about that, or agree to differ; let us put it that way because we are such good friends. I still say that it is not really necessary. It is adding another condition to what is already a good set of conditions. It is supplementary to them. It appears to me that you have to satisfy the original meaning of the Bill plus an imbalance of power, so I do not think that we will accept that.

The Minister referred to amendment Nos 3 and 4 as minor and technical amendments, and so they are, but they are actually quite significant because we are moving from a plural situation to a singular situation. That is significant. Instead of “registered pupils”, we have “a registered pupil”. Any possible ambiguity there has been ruled out by that simple turn of phrase.

Amendment Nos 5 and 10 are to be welcomed. They extend the lawful custody of the school:

*“while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.”*

That is good wording.

With regard to amendment No 6, I really do think that that interval of “no more than 4 years” is probably a better effort than “from time to time”, which does not sound very legalistic when you look back at it. We have no problem with amendment No 6.

As for amendment Nos 7 and 8, it appears that we will all go with amendment No 7. On the basis that it would have been the first one that we vote on, I suppose that it would have happened anyway. There is not much difference between them. There are just very slight differences. One says, “as it thinks reasonable” and the other says, “as is reasonable”, and, “taken at the school”, rather than, “taken by the school”. I do not think that there is any big significance in that. The point about it is that it is an attempt to deal with the problem of cyberbullying. We heard different interpretations and assessments of what that meant at the Committee. I think that one figure that was quoted was that around 16% of all bullying was, in fact, cyberbullying in some form or other. Anecdotally, having spoken to heads, principals and so on, I think that the scale of the problem is miles in excess of that; much, much more. This is an attempt to deal with it. It involves the use of electronic communication that:

*“is likely to have a detrimental effect on that pupil’s education at the school.”*

That is probably as far as we can go. It does, at least, set some ground rules for it.

Amendment No 9 is technical as well. It leaves out, “or alleged incidents of” and inserts, “of bullying or alleged”. Amendment No 10 relates back to amendment No 5. We are happy to support amendment No 11. I think that it is a useful addition to the clause.

Clause 3 says, “motivation may include”. We originally wanted something along the lines of “may, but not be restricted to” — something like that. I think that the Minister has got it pretty much right with amendment No 12, which says, “may, for example, relate to”. There are subtle differences even in the descriptions of what it could relate to. For example, “religion or belief” is being changed to “differences of religious belief”, and, “race” becomes “racial group”, which seems far more correct to me. “Marriage” becomes “marital status”. Again, that is probably a better description for what we are trying to achieve, so I am quite happy with amendment No 12.

#### 10.15 pm

The Minister says that we do not need amendment No 13, but the Committee feels it is useful, and I cannot see any harm in it. It is one of those things, “You pays your money; you takes your chance.” On balance, we will probably support it. As it is a Committee amendment, we probably supported it in Committee. *[Laughter.]* As for amendment No 14, I know that the Minister referred to it in his opening remarks, but it is not always easy to hear down here sometimes, and I am not quite clear as to why he wants to remove the definitions. Perhaps, if he sums up the debate tonight, he could explain that to me.

Having said all that, I do not need to say any more about this. It is a good Bill. It has almost total consensus. We have one more stage to go, and I hope that there will not be any surprises when we come to it. I am happy

to support the amendments, subject to dismissing amendment No 2.

**Mr B McCrea:** I must say that, when I borrowed the notes from Mr Rogers, he gave them to me with a warning that I was not to speak for too long. I will try to honour the commitment.

I made a special point of being here to talk about the Bill because I mentioned during a previous debate that I was particularly concerned with cyberbullying. When I raised the issue, the Minister said that he thought it was one for the criminal justice system and a justice Bill. I remain of the opinion that there is great danger in giving people responsibility without giving them the tools to deal with the matter. Although I will mention a number of amendments, my key concern is cyberbullying. Mr Lunn, I think, mentioned that the estimated amount of cyberbullying is probably understating the really serious situation that exists out there. Whilst I welcome the fact that we have put bullying on the agenda and indicated that we will deal with it, we will have to return to the subject at another time, presumably in another mandate, for those of us who will be here.

Let me deal with amendment No 1. Mr Lunn helpfully identified for me that the change includes:

*“(but is not limited to) the repeated use of—”*

Actually, when I read it, I understood it to be the other way round. However, I am happy that it is a more general stance and is not limited to single acts.

As regards amendment No 2, I approached the concept in a sympathetic manner, but I am not convinced that we can properly define an imbalance of power. I remember, when I was on the Education Committee, that I was introduced to a nursery school, where one of the learning experiences was that teachers would put objects in a sand pit and you could rummage around to see what you could find. That was very educational for the children until one of them picked up a brick and managed to hit another child with it. I wonder whether that was an imbalance of power or what was going on. You get into the issue of some people having verbal skills where others have physical skills. I just think that it is a pretty complicated interaction, particularly as people go through the changes in life that they will experience in school.

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

**Mr B McCrea:** I will indeed.

**Mrs Overend:** I think that the example that the Member provides to the Floor is similar to incidents that may happen in special schools, and the Chair referred to that. I think that there is flexibility in the Bill, and in the guidelines that will come after it, to provide for schools to be flexible and to understand different behaviours of children at different stages in their life. However, the imbalance of power might be easier to understand if I say that the child being bullied feels a level of intimidation. They feel lesser, to an extent. Maybe that is easier for the Member to understand.

**Mr B McCrea:** I am grateful to the Member for the explanation, and I have no doubt that her efforts to draft the amendment were well-intentioned. Maybe she can help me on this, if it has come up in the discussions. One of the real concerns that I have about bullying is that the old idea

of it being a one-on-one experience, where one person was having a go at another person, seems to me not to reflect what happens in real life. Quite often what you get, particularly in cyberbullying, is that multiple people will pick on an individual. So, one individual may or may not be strong, but they are, in effect, set upon by a group of people. That is a very serious issue, and one that we have to look at. As I said, I will consider what the Member has said about her amendment. It is difficult to see how we would actually organise that, but I will think about it.

I struggled to find out the exact difference between amendment Nos 7 and 8. I guess, from the comments of others, that if we go with amendment No 7, so be it. Once again, I point out that the issue should be how we deal with cyberbullying. I know that in legislation, when we consider these issues, there is a determination to keep within the areas that are in locus — in other words, within the school. The problem that I see about bullying is that it does not confine itself to time or space. An awful lot of bullying that goes on amongst pupils takes place outside school hours, but the effects are, indeed, felt in the educational achievement of the person affected and their mental and physical well-being. I think that there is an issue in that and that schools have to play a part, whether it takes place in the school premises or school time.

I move on to the last amendment that I want to talk about, amendment No 12, which seeks to give examples of motivation. I have to say that the ones listed are not, in my experience, the core causes of bullying. Most of the issues that I experience or am aware of come from a power for supremacy. It is the jungle of the playground; it is people trying to assert themselves in what might be a throwback to former times. It is not for any of the more objective reasons that we list there. Whilst I can accept the fact that the amendment says “may”, I will put on the record that I do not think that this really gets to the core of why people are bullied. I think that it is a much more fundamental issue than that.

My conclusion on this is that my reason for speaking tonight, at this late hour, is just to make sure that, in the future when I bring up the issue of cyberbullying with the Justice Department, no one can say to me, “You did not deal with it during the education debate”. It is a wide-ranging issue. It is something that schools are fully involved in. It is not exclusively for them. I think that, in the fullness of time, we will have to tackle this particular issue with many more powers than we are currently looking at.

**Mr O’Dowd:** Thank you, a Cheann Comhairle. In conclusion, I say that bullying remains all too common an experience for young people in our schools, and that has been reflected in Members’ contributions about their experiences as elected representatives and as parents. In responding to all the amendments proposed today, I have taken my position based on what I firmly believe will best serve the needs of those young people. I am confident that the Bill will provide a framework that schools, parents and pupils will welcome. The duties that it introduces reflect best practices, and many schools will find that it endorses what they are already doing.

I will also use the opportunity to offer some final words of reassurance on some of the issues that were raised during the scrutiny of the Bill or which have been touched on directly this evening. There have been repeated references to the

need for supporting guidance to be provided before the commencement of the new duties that the Bill will introduce.

The Department has committed itself to engaging with school staff, governors, parents' groups and other key stakeholders, including young people, in both the development of the guidance and the identification of any associated training needs.

During the Committee Stage, and as mentioned by the Chair and Deputy Chair of the Committee, concerns were expressed that the Bill introduced an unfair burden on special schools, unreasonably asking their principals and staff to hold their pupils to account against the same standards as children in mainstream schools. I fully appreciate that young people in special schools will have significant social, emotional and behavioural difficulties and will face other challenges, so issues such as intent to cause harm may be difficult for staff to determine. I believe, however, that there is sufficient flexibility in the proposed arrangements to adapt to the unique nature of special schools and, indeed, to allow all schools to develop policies that fully reflect the needs, special needs and wider circumstances impacting on their pupils. Nonetheless, I acknowledge his concern, and I can assure Members that the Department will specifically engage with special schools in the development of our guidance.

Concerns were also raised that further clarification was needed to ensure that all schools understood how they should treat serious, one-off events and what data schools would need to include in their record of an incident; and that the list of motivating factors cited at clause 3 should be wider. It has also been suggested that we need to specifically clarify what would constitute bullying by omission. We recognise the validity of all those points. Those are all issues that we intend to explore fully, working with stakeholders, as we develop our guidance. The passage of the Bill will put the right legislative bones in place and maximise the value, and guidance will be key.

I turn to specific points around a number of the amendments. Amendment No 2 continues to cause debate. Indeed, I have debated the issue with the Anti-Bullying Forum, which has provided excellent work and guidance in relation to the development of the policy and the Bill. Indeed, I used a similar example to the one that Mr Weir used, though I did not include Mrs Overend in it. I used the example of me — 6 feet 6 inches and heavier than I should be — presenting myself in the principal's office along with someone who may be smaller in stature, though I may be the victim of bullying. How does the school define that? The imagery says that it cannot be the case. How do you prove that someone is psychologically as strong as, or stronger than, the other person? I think that it puts too much of a demand or responsibility on our schools within a legislative framework to overcome. I accept that jurisdictions have legislated for that, though the question that I posed at the time was that we do not know how effective the legislation has been in those other jurisdictions. We are all familiar as legislators that well-intended legislation may not become effective legislation moving forward.

**Mrs Overend:** Will the Minister give way?

**Mr O'Dowd:** I will in one moment.

I accept that the amendment has been brought forward in good faith, but I do not believe that it will make good

legislation, because I do not believe that it can be defined properly or that we could even give guidance to schools to define it properly.

**Mrs Overend:** I thank the Minister for giving way on the issue. First of all, if the Member is tall and whatever and is being bullied, the feeling that he is being intimidated surely is sufficient to say that there is an imbalance of power. That may be easier to define than to say that someone small is being overbearing.

**Mr O'Dowd:** There are valid arguments on either side of the point. Let us say that there are two individuals of a similar build, the same age, from the same socio-economic background and have the same abilities in school. How does the school decide where the balance of power is? That may be a better example, with so many similarities rather than a difference. It just places an unnecessary burden on the schools at this time.

Mrs Kelly and Mr Lunn touched on amendment No 14. For the record, Mr Lunn, what I said during the introduction was that this is a technical amendment to the Bill. By removing clause 3(5), the meaning of the terms "gender reassignment" and "disability" revert to their common use meanings rather than requiring readers to cross-reference to the complex legal definitions of each as set out in their respective orders.

There is no attempt being made here to undermine the definition of either "disability" or "gender reassignment", but I propose to not move the amendment this evening. I want to have further consultation with my officials on the matter. I may table it again at Further Consideration Stage, but I want to take on board your comments this evening.

**10.30 pm**

**Mr Speaker:** Amendment No 2 is an amendment to amendment No 1, so we need to dispose of amendment No 2 before I put the Question on amendment No 1.

*Amendment No 2, as an amendment to amendment No 1, proposed:*

At end insert

*"and where there is an imbalance of power".—*  
[Mrs Overend.]

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 19; Noes 62.*

**AYES**

*Mr Allen, Mr Attwood, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr McCrossan, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.*

*Tellers for the Ayes: Mr Kennedy and Mr Patterson.*

**NOES**

*Mr Agnew, Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lunn, Mr Lynch, Mr Lyons,*

Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes:

Mr Hazzard and Ms Maeve McLaughlin.

Question accordingly negated.

**Mr Speaker:** We now return to amendment No 1.

Amendment No 1 agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

**Clause 2 (Duty of Board of Governors to secure measures to prevent bullying)**

Amendment No 3 made:

In page 1, line 12, leave out from “among pupils registered” and insert “involving a registered pupil”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 4 made:

In page 1, line 16, leave out “registered pupils” and insert “a registered pupil”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 5 made:

In page 1, line 20, at end insert

“or

(iv) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 6 made:

In page 1, line 22, leave out sub-paragraph (i) and insert

“(i) at intervals of no more than 4 years; and”.— [Mr Weir (The Chairperson of the Committee for Education).]

Amendment No 7 made:

In page 2, line 16, at end insert

“(1A) The Board of Governors of a grant-aided school may, to such extent as it thinks reasonable, consider measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying involving a registered pupil at the school which—

(a) involves the use of electronic communication;

(b) takes place in circumstances other than those listed in subsection (1)(b); and

(c) is likely to have a detrimental effect on that pupil's education at the school.”.— [Mr O'Dowd (The Minister of Education).]

**Mr Speaker:** I will not call amendment No 8, as it is mutually exclusive with amendment No 7, which was made.

Clause 2, as amended, ordered to stand part of the Bill.

**Clause 3 (Duty to keep a record of incidents of bullying)**

Amendment No 9 made:

In page 2, line 26, leave out “or alleged incidents of” and insert “of bullying or alleged”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 10 made:

In page 2, line 31, at end insert

“or

(d) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 11 made:

In page 2, line 34, at end insert

“(aa) state the methods of bullying, as defined by section 1;”.— [Mrs Overend.]

Amendment No 12 made:

In page 2, line 36, leave out from “may” to end of line 4 on page 3 and insert

“may, for example, relate to—

(a) differences of religious belief, political opinion, racial group, age, sex, sexual orientation or marital status;

(b) differences between persons with a disability and persons without;

(c) differences between persons with dependants and persons without;

(d) differences between persons based on gender reassignment;

(e) differences between persons based on pregnancy.”.— [Mr O'Dowd (The Minister of Education).]

Amendment No 13 made:

In page 3, line 4, at end insert

“(3A) The Department may by order subject to negative resolution amend subsection (3).”— [Mr Weir (The Chairperson of the Committee for Education).]

Amendment No 14 not moved.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Long title agreed to.

**Mr Speaker:** That concludes the Consideration Stage of the Addressing Bullying in Schools Bill. The Bill stands referred to the Speaker.

The next item of business — [Interruption.] If Members are leaving the Chamber, they should do so quietly. The Minister of Finance and Personnel needs a lot of attention and order.

## Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016

**Mr Storey (The Minister of Finance and Personnel):** I beg to move

*That the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016 be affirmed.*

The scheme was initially introduced in 2007 for a fixed period of three years with the objective of encouraging and sustaining the provision of ATMs in rural areas. It has been extended three times following evaluation. The latest order provides for a further one-year extension for the 2016-17 Budget period until the end of March 2017. It is not a big policy, but, next year, it is expected to provide rates exemption to 82 ATMs that would otherwise be liable for a separate rates bill of slightly less than £2,000 a year.

Although it is hard to assess its effectiveness as a measure, there are three good policy reasons for its continuation. First, evaluations have shown that, whilst the scheme is not a factor that encourages financial institutions to invest in new stand-alone ATMs, it is a factor in retaining existing ones, particularly those that are borderline viable. Secondly, despite the first assertion, the number of ATMs in rural areas has more than doubled in the eight years since the scheme started. Thirdly, in the context of the loss of many of our rural bank branches, the ATMs become even more of a lifeline for our rural communities, an issue that I know was raised during last week's Finance Committee session.

It will be helpful to Members if I provide them with a brief outline of what the scheme does. The exemption is provided for stand-alone ATMs in designated rural areas that are individually valued in the valuation list; for example, those located outside petrol stations or on high streets. It does not apply to those located in banks or building societies, which tend to be valued as part of that property. The current financial cost of the scheme is around £150,000 in revenue forgone in 2016-17, which I consider to be an affordable and modest sum given the benefits that it can bring. ATMs play an important role in the sustainability of rural economies; indeed, previous evaluations of the scheme have demonstrated that almost two thirds of every £10 withdrawn from one of the cash machines is likely to be spent locally.

The eligible rural wards are currently designated by my Department through the Rates (Automatic Telling Machines) (Designation of Rural Areas) Order (Northern Ireland) 2006. The recent reorganisation of local government that came into operation last year altered both district council and ward boundaries in Northern Ireland, and, as a result of that process, it was necessary for my Department to formally designate new rural wards for use in the scheme. New multipurpose and cross-departmental rural, urban and mixed wards have not yet been centrally redesignated by DARD or by any interdepartmental working group. It was, therefore, necessary for my Department to ask the Northern Ireland Statistics and Research Agency (NISRA) to conduct specific analysis to meet our specifications to determine wards as rural. The list of the new rural wards for the purposes of the scheme was arrived at by NISRA on the basis of the specifications given by the rating policy

division and through analysis of the 2011 census, the 2015 settlement definition and the 2014 ward boundary files. The rural wards are designated through subordinate legislation that is subject to the negative resolution procedure, and the Committee cleared that policy.

My Executive colleagues and members of the Finance and Personnel Committee have already been advised on the detail of the statutory rule. The Committee indicated that it was content for individual separately valued ATMs in designated rural areas to continue to be exempt from rates, particularly given the modest cost of the scheme.

Article 1 sets out the citation, commencement and interpretation provisions. Article 2 provides for the extension of the relevant date before which the scheme must end, which is the end of the forthcoming financial year.

I look forward to Members' comments and commend the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016 to the House.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle. On 1 December 2015, the Department wrote to the Committee to highlight its proposal to make this draft rule to help sustain ATMs in rural areas. The Committee was aware that, in 2009, DFP undertook a policy evaluation that noted a 16% increase in the number of ATMs in rural areas. That was very welcome, and the extension of the measure was supported. It has also been noted that recent figures from Land and Property Services (LPS) show that there are now approximately 70 ATMs covered by the scheme. Moreover, the regulatory impact assessment stated that it was unlikely to have any detrimental effect on small businesses but might actually assist small rural businesses.

The Committee considered the proposal to make the order at its meeting on 13 January and had no objection to the policy proposals at that time. The formal SR was considered by the Committee, together with the report from the Assembly's Examiner of Statutory Rules. The Examiner raised no issues by way of technical scrutiny, and the Committee agreed to recommend that the order be affirmed by the Assembly. This is a very good initiative, it has been successful for a number of years now, and, hopefully, it will stay in place for many years to come. I support the motion.

**Mr Cree:** Thank you very much, Mr Speaker. I was pleased to support this in Committee, and I am pleased to support it in the House this evening.

**Mr Storey:** Thank you Mr Speaker. I thank the Chair of the Committee and the member of the Committee for their comments. In particular, I thank the Committee for its help on the order. I, therefore, ask that Members support the measure and commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016 be affirmed.*

## Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016

**Mr Storey (The Minister of Finance and Personnel):** I beg to move

*That the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016 be affirmed.*

Before dealing with the statutory rule, I will set out some background to the measure. The purpose of the legislation is to extend the empty shops rates concession. It was introduced in April 2012 and subsequently extended for a further two years in April 2013 and again for a further year in April 2015. The concession was first introduced as an amendment to the Rates (Amendment) Bill of 2012. At that time, a package of measures was introduced to help rebalance the rating system, assist ailing businesses and improve the appearance of our town and city centres. The empty shops rates concession provides a one-year subsidy for new ventures occupying properties that have been vacant for a year or more.

The current legislative provision under article 31D of the Rates (Northern Ireland) Order 1977 as inserted by the Rates (Amendment) Act (Northern Ireland) 2012 permits applications for the concession until 31 March 2016. The window for applications will close soon, and, following the success of this scheme, I have decided to extend the application period for a further 12 months to 31 March 2017. Unfortunately, there remains a need to provide whatever assistance we can to counteract the many shop closures and the effect that then has on the viability of our towns and cities. The extension of the concession will allow Land and Property Services (LPS) to continue to receive applications for the scheme until the end of the forthcoming financial year.

Where outcomes are concerned, I have to say that my assessment is that the scheme is a good scheme. So far, it has seen over 530 new ventures get up and running across Northern Ireland, and that is to be welcomed by all Members. A recent survey by Springboard Services on behalf of the Northern Ireland Retail Consortium shows that vacancy rates in Northern Ireland are at a four-year low. However, we cannot be complacent about the issue; I know all too well from my constituency and my home town of the difficulties and challenges that are caused by the issue of vacancies.

**11.00 pm**

This is a good news story, although I am not claiming that the scheme is the reason that things have improved. That needs a stronger economy and action by many parts of the Executive. There is still a need for a scheme of this type, and I say that informed by responses to the recent consultation on the review of the rating system; indeed, some have asked for it to be enhanced by relaxing the rules. My Department will consider that in due course. In doing so, we must balance the interests of established businesses in an area and avoid this becoming a rates avoidance mechanism.

In the coming weeks, my Department will do what it can to publicise the current scheme with those involved in letting or moving into property. The scheme is open to all commercial uses and has, as a result, provided new jobs for local people in a wide range of businesses. This is a

policy that makes a real difference to new business start-ups, particularly in our town centres and on our arterial routes. Furthermore, it is a sensible measure in terms of cost. In all likelihood, the Executive would not have been getting any more revenue from these units through rates if they had continued to be empty, so this is, effectively, a cost-neutral policy.

Beyond that, after an initial period of reduced liability, these businesses will end up paying full rates after the difficult first year of trading is over. In the longer term, it is likely to bring in more money than it costs. This policy was made and developed in Northern Ireland through engagement with business and was deemed effective enough to be adopted in every other part of the United Kingdom. That in itself is a testament to the strengths behind the policy logic for such a scheme at this time.

My Executive colleagues and members of the Finance and Personnel Committee have already been advised on the detail of the statutory rule. The Committee indicated that it was content for applications to be received for the empty shops rates concession until 31 March 2017. Article 1 of the order sets out the citation and commencement. Article 2 provides for the amendment of article 31D of the Rates (Northern Ireland) Order 1977, substituting the new end date of 31 March 2017.

I look forward to Members' comments and I commend the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016 to the House.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle. The Committee was mindful that the current legislation came about in 2012 as a result of proposals by respondents to a consultation on rebalancing the rating system during the economic downturn. In response, legislation was introduced for one year with the aim of reducing unwanted displacement, minimising any advantage over established traders and creating a time frame to allow the Department to review the success of the initiative.

The Committee noted that the review of the scheme in 2013 highlighted the number of successful applicants throughout the North. The Department has also advised that there has been no evidence to suggest any significant displacement caused by people moving premises in order to avail themselves of the scheme. The scheme does not come with any significant cost, as the Department has pointed out that many of the properties involved would have remained empty in the absence of the policy. Revenue lost, then, could be measured only against a proven case of displacement from a previously occupied property. As has been indicated, there is no tangible evidence at this stage that that is occurring.

Following evidence, the Committee agreed to support the extension of the empty properties rates concession for a further period and agreed that it had no objection to the policy proposals. The Committee formally considered the statutory rule at its meeting on 10 February, along with the report from the Examiner of Statutory Rules, who had no points to raise. The Committee agreed to recommend that the order be affirmed by the Assembly. I support the motion.

**Mr Storey:** I thank the Committee Chair and members for their help on the order. I ask Members to support the measure, and I commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016 be affirmed.*

## **Rates (Regional Rates) Order (Northern Ireland) 2016**

**Mr Storey (The Minister of Finance and Personnel):** I beg to move

*That the Rates (Regional Rates) Order (Northern Ireland) 2016 be affirmed.*

As Members will be aware, this order, which is brought forward annually, stems from the Executive's Budget, which was agreed on 26 January. The regional rate helps to supplement Northern Ireland's share of national taxation allocated through the Barnett formula for public expenditure. As members will know, it provides a supplement to our share of national taxation through Barnett of between 5% and 6%, helping to fund departmental expenditure on hospitals, roads, schools and other essential public services and investment. The rating system provides significant revenue for Northern Ireland, with well over £1 billion now collected in rates — regional and district, domestic and non-domestic. Taken together, the domestic and commercial regional rate is forecast, as part of the Budget, to raise in the region of £678 million in the forthcoming financial year.

In terms of the specific breakdown of rates bills, the regional rate represents just over half of the typical bill, the other half being made up of the district rates, which were set independently by the new local councils. The district rates this year range from a 0·49% cut to a 2·98% increase. Household bills remain the lowest, by some considerable margin, in the UK. The economic outlook is continuing to improve. However, many challenges lie ahead, as we are all too aware from last week's disheartening news about Bombardier. Such news only stiffens the resolve of my Executive colleagues to do whatever we can to make sure that the conditions for economic recovery and growth are in place in Northern Ireland.

The real-terms freeze in the regional rate is adjusted at the time of the Executive's Budget for the effect of inflation, in line with the long-established measure used. This is the Treasury gross domestic product (GDP) deflator, as used more widely within the 2016-17 Budget. The legislation before you this evening for approval is simply the mathematical outworking of that important Budget decision. It will fix two regional rates in the pound for 2016-17, one for households and the other for business ratepayers.

The new rates in the pound represent a small increase of 1·7% in the regional rate for the 2016-17 rating year both for households and businesses. This continues the inflation-capping practice adopted each year by this Assembly since 2007. A few of the Members may remember the whopping 19% increase in the domestic regional rate imposed by direct rule Ministers in their last year in office. We continue to do this in very difficult times for our public finances.

Keeping the lid on rate increases is something else that we can be proud of, but it is not something that is appreciated by everyone. Indeed, inflation capping comes on top of other mitigating measures adopted by this Executive to protect businesses and households. This includes two multi-million-pound shortfalls that we are absorbing. The first of these is the £30 million that the Executive set aside last year to fully fund the district rates convergence scheme to help the many ratepayers who otherwise

would have been badly affected by local government reorganisation. The second is the cost of the housing benefit rates, or the rate rebate, which is now funded out of our departmental expenditure limit (DEL), but with a 10% cut. That carries a price tag of £11 million this year, and rising next year.

Finally, it is worth noting that the Executive delivered on their promise last year to make the revaluation a genuinely revenue-neutral exercise for this Assembly by actually reducing the non-domestic regional rate by a couple of pence, which was not reciprocated by local government when the various district rates were struck last year. All of this carries a real cost. Every pound forgone in rates is a pound less for public expenditure, but it is the right approach in my view.

This order — alongside the extension of the small business rate relief (SBRR), industrial derating, the empty shops rates concession, the retention of relief for rural ATMs, all brought forward this year by my Department and the Executive through the Budget, as well as the continuation of the district rates convergence scheme — represents the best that we can do to balance the interests of ratepayers and the demands of public expenditure.

Allow me to move on, then, in more technical terms, to what is covered in the order. Its main purpose is to give effect to the decisions already made during the Budget 2016-17. Article 1 sets out the title of the order and gives the operational date as the day after it is affirmed by the Assembly. Article 2 provides that the order will apply for the 2016-17 rating year through to 31 March 2017. Article 3 specifies 32·40 pence in the pound as the commercial regional poundage, and 0·4111 pence in the pound as the domestic regional rate poundage. That represents a clear and technical outworking of the difficult decisions made by the Executive as part of the Budget agreement.

I look forward to hearing the comments that Members make in relation to the order, and I commend it to the Assembly.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle.

The Committee is aware that the Rates (Regional Rates) Order represents the technical outworking of the Budget process and is a key element of the annual financial planning cycle. The level of the regional rate rise therefore reflects the final uplift that was agreed as part of the Executive's Budget.

The policy proposals contained in the statutory rule (SR) were considered by the Committee, and we had no issues in respect of them. The Committee formally considered the SR before the Assembly this evening at its meeting on 10 February, along with the accompanying report from the Examiner of Statutory Rules, who had no points to raise in his technical scrutiny of it. As the Minister said with regard to rates, they can be very challenging at both council and central level. The Executive have done well to ensure that a cap has remained on the rates in recent years; that is a challenge that has been met.

The Minister is right. People and businesses out there perhaps do not know the detail of it, but I hope that the new Executive can continue to ensure that that burden is not put on our businesses or householders. I suppose

there is also a challenge to local government. We all have to be very prudent with the taxpayers' money. We need to continue to follow through in that vein in the Executive and Assembly, but it is always a balancing act. We need to balance that with the delivery of public services. It is a challenge that the Executive have met until now, and I hope that they continue to be up to it.

To summarise, the Committee agreed to recommend that the order be affirmed by the Assembly. I therefore support the motion.

**Mr Storey:** I thank the Chair and Committee again for the work that they have done on this issue and on the items that we have brought to the Floor of the Assembly this evening.

As I have already stated, the Rates (Regional Rates) Order (Northern Ireland) 2016 gives effect to decisions made as part of the 2016-17 Budget. The Executive have aimed to strike a balance between meeting the needs of ratepayers, following the challenging economic times that we have been through, and ensuring that public finances are sufficient to cover the priorities that we have set ourselves. No one likes to have to pay more, but the minimal increase in the regional rates will be welcomed by households and businesses alike. It clearly demonstrates that all ratepayers have benefited from the decisions taken by the Executive.

I therefore commend the order to the Assembly and thank Members for their support.

**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 Rates (Regional Rates) Order (Northern Ireland) 2016 be affirmed.*

*Adjourned at 11.14 pm.*



# Northern Ireland Assembly

Tuesday 23 February 2016

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

*Members observed two minutes' silence.*

## Executive Committee Business

### Employment Bill: Further Consideration Stage

*Debate [suspended on 22 February 2016] resumed.*

#### Clause 26 (Commencement)

**Mr Speaker:** The first item of business is the consideration of business not concluded on Monday 22 February.

Yesterday, a valid petition of concern was tabled to amendment Nos 26 and 27 during the Further Consideration Stage of the Employment Bill. That means that, under Standing Order 28, the Question on amendment Nos 26 and 27 could not be taken yesterday and requires to be taken on a cross-community basis.

*Amendment No 26 proposed:*

In page 16, line 14, at end insert

*“(1A) The repeal of Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 as set out in Schedule 3 comes into operation one year after this Act receives Royal Assent.”— [Mrs Overend.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 45; Noes 32.*

#### AYES

##### Unionist:

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Lyons, Mr McCallister, Mr I McCrea, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

##### Other

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Ms Lo, Mr McCarthy.*

*Tellers for the Ayes: Mrs Overend and Mr Patterson.*

#### NOES

##### Nationalist

*Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan and Ms McGahan.*

<i>Total Votes</i>	<i>77</i>	<i>Total Ayes</i>	<i>45</i>	<i>[58.4%]</i>
<i>Nationalist Votes</i>	<i>32</i>	<i>Nationalist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>39</i>	<i>[100.0%]</i>
<i>Other Votes</i>	<i>6</i>	<i>Other Ayes</i>	<i>6</i>	<i>[100.0%]</i>

*Question accordingly negatived (cross-community vote).*

#### Schedule 3 (Repeals)

*Amendment No 27 proposed:*

In page 25, line 23, column 2, at end insert

*“*

<i>_____</i>	
<i>_____</i>	<i>Article 71.</i>
<i>_____</i>	

*“.— [Mrs Overend.]*

**Mr Speaker:** Before I put the Question, I remind Members that amendment No 27 requires cross-community support due to a valid petition of concern.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 46; Noes 33.*

#### AYES

##### Unionist:

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Lyons, Mr McCallister, Mr I McCrea, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson,*

*Mrs Pengelly, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

#### Other

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

*Tellers for the Ayes: Mrs Overend and Mr Patterson.*

#### NOES

##### Nationalist

*Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan and Mr F McCann.*

Total Votes	79	Total Ayes	46	[58.2%]
Nationalist Votes	33	Nationalist Ayes	0	[0.0%]
Unionist Votes	39	Unionist Ayes	39	[100.0%]
Other Votes	7	Other Ayes	7	[100.0%]

*Question accordingly negated (cross-community vote).*

#### Long Title

*Amendment No 28 made:*

After "disclosure;" insert

*"to make provision for disclosure of gender pay information;"— [Mr Flanagan.]*

*Amendment No 29 made:*

After "disclosure;" insert

*"to make provision for zero hours contracts;"— [Mr Flanagan.]*

**Mr Speaker:** That concludes the Further Consideration Stage of the Employment Bill. The Bill stands referred to the Speaker.

## Fisheries Bill: Consideration Stage

**Mr Speaker:** I call the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, to move the Consideration Stage of the Fisheries Bill.

*Moved. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**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 is a single group of amendments. The debate will be on amendment Nos 1 to 3, which deal with technical amendments to clause 6, and opposition to clauses 1 to 5 and clauses 7 to 18 stand part. Once the debate is completed, any 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 parts of the Bill. If that is clear, we shall proceed.

#### Clause 1 (Sea-fishing)

**Mr Speaker:** The Minister has signalled her intention to oppose the Question that clause 1 stand part of the Bill. With that Question, it will be convenient to debate amendment Nos 1, 2 and 3, which are technical amendments to clause 6, and the opposition to clauses 2 to 5 and 7 to 18 stand part.

*Question proposed, That the clause stand part of the Bill.*

*The following amendments stood on the Marshalled List:*

No 1: In clause 6, page 8, line 17, leave out second "boat" and insert "vessel".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 2: In clause 6, page 8, line 18, leave out "United Kingdom under Part 2" and insert "register maintained under section 8".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 3: In clause 6, page 8, line 20, leave out "boat" and insert "vessel".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. Before I speak on the Bill in general and on my opposition to clause 1 and other clauses, as well as on the amendments that I have tabled to clause 6, I will take the opportunity to thank the Chairperson and members of the Agriculture and Rural Development Committee for their scrutiny of the Bill.

The amendments that I propose to clause 6 are minor and technical, but the fact that we have a Bill to consider is a result of the Committee's agreement to consider the most urgent and important aspect of the Bill, as well as the efforts of the Office of the Legislative Counsel, legal advisers and officials in my Department.

I am, of course, disappointed that the ARD Committee did not have time to consider more of the provisions included in the Bill that was introduced, but I recognise the clear time constraints as a result of the Bill's late introduction in the Assembly and the finite time left for the Assembly to consider the Bill in sufficient detail. It is for that reason

that I have tabled my intention to oppose all the clauses besides clauses 6 and 19.

I am, however, pleased to have worked with the Committee to retain clause 6 on the enforcement of EU rules. That clause will allow us to directly enforce most EU common fisheries legislation as is expected by the European Commission. Given that such measures are directly applicable here, there is little or no discretion available in the implementation by the Department, bound as we are to operate in a way that is fully compatible with EU law. The Commission had asked why such legislation was not already directly enforceable and had threatened to take action as a result of our inability to directly enforce legislation. Thus, the change is essential at this point. I am, therefore, pleased that the ARD Committee has recognised the importance of supporting the clause.

As I said, the amendments that I have tabled to clause 6 are minor and will amend the definition of a relevant fishing boat so that it follows the definition in paragraph 19 of schedule 2 to the 1998 Act and in article 2(2) of the Sea Fisheries Order 2002. This is simply more consistent with other legislation in the North.

11.00 am

**Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):** I will take a few moments to describe the Bill and the work that the Committee did on it. I will then describe the Committee's approach and why we took the step of placing notice of intent to oppose all of the clauses, except 6 and 19, standing part of the Bill.

The Fisheries Bill was referred to the Committee on completion of its Second Stage on 11 January 2016. The Bill, as introduced, contains 19 clauses. The stated purpose is to make provisions regarding the regulation of sea and inland fisheries. It includes powers to allow fisheries offences to be dealt with through fixed administrative penalties and to align sea fisheries enforcement powers with those already in place in England, Scotland and Wales. The Fisheries Bill amends the Sea Fish (Conservation) Act 1967, the Fisheries Act 1981 and the Fisheries Act (Northern Ireland) 1966. It has two distinct remits, namely inland fisheries and sea fisheries. Four clauses are specific to inland fisheries.

The main concern of the Committee was that the Bill was introduced to the Assembly so late in the parliamentary cycle, on 7 December 2015. Easter recess will begin on 19 March 2016, and the current mandate is due to end on 29 March 2016. The Standing Orders of the Northern Ireland Assembly allow the Committee 30 working days from the date of referral to consider and take evidence on the provisions of the Bill. Before the end of the 30 days, the Committee may table a motion to extend that period to a date specified in the motion. However, in this instance, had the Committee taken 30 days, it would not have produced a report until 22 February 2016. Given the current provision in the Assembly for the passage of legislation, such a timescale would not have allowed the Bill to complete its legislative stages before the Easter recess and the subsequent dissolution for Assembly elections. Therefore, the Bill would be likely to fall. To allow the Bill a reasonable chance to complete its passage to Final Stage before the Easter recess, the Committee would need to

have completed its scrutiny and report by 15 February 2016, in less than 25 working days.

The Committee also took it into account that a section of the Bill dealt with issues around inland fisheries. Those matters currently fall under the remit of the Committee for Culture, Arts and Leisure. The Committee for Agriculture and Rural Development therefore requested that that Committee consider and report on those clauses as per Standing Order 64A. However, in order to consider and incorporate the findings of the Committee for Culture, Arts and Leisure into its report, the Committee would have needed to report in a much shorter time frame, probably in and around 20 working days.

The Committee was aware that some issues in the Bill would be difficult to deal with. It was felt that time might be needed to bottom out those issues and get a solution that satisfied all. The Committee therefore had concerns that rushing the scrutiny of the Bill would result in poorer legislation. Ultimately, that would not be in the interest of the fishing industry or the communities that rely on it.

The Committee was also concerned at the urgency with which the Bill was being introduced. It wished to understand why the Minister was seeking to introduce it, given the high risk that it would fall due to lack of time. We were mindful that the Bill could be introduced in the next mandate; indeed, it would make more sense to do so as all the provisions, including those relating to inland fisheries, would fall to a single Committee, namely the new Committee for Agriculture, Environment and Rural Affairs. Additionally, the Minister omitted certain clauses on aquaculture when she introduced the Bill. We were all aware that they would prove difficult, so this was an attempt to allow the Bill a quicker and smoother passage. The Committee concluded that the clauses could also be included in any Fisheries Bill introduced in the new mandate.

The Committee recognised that some time had elapsed since the initial consultation on the policy provisions of the Bill in 2014. Members were aware that introducing the Bill in the new mandate would also allow the opportunity for the new Department to ensure that the fishing industry and other relevant stakeholders would have ample and proper consultation on the provisions of the Bill.

The Committee wrote to the Minister expressing those concerns and asking for an urgent reply. The Minister, in her response, indicated that the most urgent provision in the Bill was in clause 6. That clause concerns an amendment to section 30 of the Fisheries Act 1981 to allow the direct application of enforceable EU obligations as well as enforceable EU restrictions.

The letter indicated that there had been an inspection by EU auditors in January 2015 of procedures to enforce the EU fisheries control system. As a result, EU inspectors reported that there was no legislative provision to apply the EU fisheries control regulation directly as soon as it came into operation.

To address the concerns of the European auditors, the Department explained that a Fisheries Bill was being developed that would directly apply most EU fisheries regulations as soon as they came into operation. The EU Commission was informed that the Bill, subject to various approvals, might be passed by April 2016.

That correspondence with the Minister allowed the Committee to identify what was urgent in the Bill. However, it was a serious concern that, despite numerous briefings from fisheries officials, it was never made clear to the Committee that a pilot case had been opened against Northern Ireland. In fact, other than a vague line from officials in an evidence session earlier in 2015, the Committee was never formally informed of any problems with the EU Commission or the threat of infraction.

In Committee, members explored whether it was possible to resolve the urgent matter of clause 6 by means of subordinate legislation or in other ways. The Committee agreed to write to the Minister to ask her to consider her options for dealing with this matter. In her reply, the Minister proposed, with the consent of the Committee, to take forward at Consideration Stage only those clauses that the Committee was content that it had time to consider thoroughly. The Minister indicated that if only the provision in clause 6 was considered, she would be grateful to the Committee for having assisted in removing the threat of infraction. At its meeting on 14 December 2015, the Committee agreed that it would consider only clause 6 and clause 19, which is the short title. It arranged its work programme for the Bill accordingly.

The Committee wrote to the Committee for Culture, Arts and Leisure to inform it of that decision and to confirm whether it still wished to undertake scrutiny of the clauses relating to inland fisheries. That Committee met on Thursday 7 January 2016 and decided that it would be unfair to inland fisheries stakeholders to attempt to rush its scrutiny of the relevant clauses. The Committee and the Minister, as per a joint agreement, therefore tabled notice of intent that all clauses except 6 and 19 not stand part of the Bill.

Clause 6, "Enforcement of EU rules", amends section 30(1) of the Fisheries Act 1981 so that it applies to enforceable EU restrictions and obligations. The clause makes it an offence to catch fish in contravention of any such restriction or to fail to comply with any such obligation. It provides that those restrictions and obligations are directly applicable and enforceable against all relevant fishing boats and persons in Northern Ireland.

Clause 19 is the short title.

The Committee communicated its decision to focus only on clause 6 to those stakeholders who had responded to the initial consultation requesting written evidence on clause 6. It received two written responses, one from the Northern Ireland Fish Producers' Organisation and one from the Northern Ireland Marine Task Force. Neither indicated concerns with clause 6.

The Committee took oral evidence from the Department and the Anglo-North Irish Fish Producers Organisation on 12 January 2016. The Irish Federation of Sea Anglers was invited to provide oral evidence but had to cancel due to unforeseen circumstances. It provided a short written submission instead.

During oral evidence, the Department informed the Committee that there was little or no discretion available to implement EU fisheries rules and that clause 6 would bring Northern Ireland into line with England, Scotland and Wales. The Committee questioned the Department on the potential for gold-plating. Departmental officials indicated that clause 6 would reduce any risk of gold-plating and allow EU rules to be applied as they arrived. There was

nothing else that the Department could do without bringing separate subordinate legislation. Before it would do that, there would be consultation and new regulations. The Committee and the Assembly would have a chance to have a say on those regulations.

In connection with the Bill's general provisions at clauses 16 to 19, the Department clarified the point that, as only clause 6 was to be progressed, there is no need for clause 16, as none of the terms defined in it relate to clause 6. There is also no need for clause 17, as the Department could not envisage any consequential amendments being required to clause 6 or related to clause 6. The Department said that clause 18 is not needed, as the Act as a whole will commence on Royal Assent. Finally, regarding the short title at clause 19, the reduced Bill, with only that clause and clause 6 remaining, meant that the name of the Act could be changed, but there was no strong case to do so either way. The Committee therefore indicated that it was content to keep the short title as it is.

I therefore indicate Committee support for clauses 6 and 19. Likewise, the Committee is opposing clauses 1 to 5 and 7 to 18 standing part of the Bill. The Committee had sight of the three technical amendments to clause 6, but that happened after the Committee Stage was completed. The Committee therefore took no position on the amendments.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. One of the provisions in the Bill is that any fisheries infractions can now be dealt with through proper administrative penalties. The Bill will see the fishing powers here brought on a par with those already in place.

Given that the Bill was introduced late, it is worth noting how it was dealt with. I take the opportunity to thank Stella and her staff for all their diligent work, and I thank the Committee for its scrutiny of the Bill. Finally, I thank the Minister, Michelle O'Neill, for her support and help. The Bill will give protection to not only our fish stocks but our marine environment. We in Sinn Féin support the Minister taking forward the urgent parts of the Bill.

**Mr Rogers:** I welcome the opportunity to speak on the Bill, and I further commend the work of the Committee staff, the Committee and the Minister for bringing forth the alterations and amendments today and for the overall work that has been put into the Bill.

At Second Stage, I supported the broad principles of the Bill, as I believe that the fishing industry remains a crucial aspect of Northern Ireland's agrifood economy and one that is vital to my constituency of South Down. The Bill then at least sought to modernise enforcement powers to create a more coherent approach and to provide legal clarity to ensure a balance between the protection of our natural habitat and the development of our fishing industry. The Bill sought to enshrine the use of fixed administrative penalties for fisheries offences and to bring Northern Ireland more in line with Britain. I warned against not striking the proper balance between protecting our fish stocks and protecting our industry. I was also concerned about the potential for new legislation either to create a bureaucratic nightmare or to be overly zealous in the enforcement of fines. Those are concerns that I was happy to bring to the Committee's interrogation of the Bill.

Legislation is a bit like fishing. It is a tricky business, and, every so often, it will surprise you. During the Committee

process, it quickly became apparent that aspects of the Bill such as inland fisheries fall outside the remit of the Committee and that, as such, it would not be appropriate for the Committee to scrutinise related clauses. To make up for that, the Committee called on the Committee for Culture, Arts and Leisure to undertake scrutiny of the clauses on inland fisheries, which are clauses 10 to 13. Unfortunately, it became apparent that that Committee would not be able to complete proper scrutiny in such a limited time frame.

This highlighted another problem for the Committee, which was that, this late in the mandate, there was simply not be enough time for the Bill to pass through the Chamber with the necessary amount of scrutiny and that any further delay would cause the Bill to falter and fail entirely. Therefore, the loss of the Committee for Culture, Arts and Leisure scrutiny role left the Bill in a precarious position, and the Committee for Agriculture and Rural Development believed that a Bill on fisheries would be better served in the next mandate under the expanded remit of the new Department of Agriculture, Environment and Rural Affairs.

#### 11.15 am

The Minister, however, explained that the Fisheries Bill included one crucial aspect that needed to be passed as soon as possible and that a failure to do so would be detrimental to Northern Ireland as a whole. The Minister revealed that the Bill was not as robust as it could be, having omitted references to aquaculture entirely; she noted that that was to ensure a smooth passage. As the Bill faltered, it was revealed that the Bill was necessary to comply with EU procedures and to create a parallel legislative provision for Northern Ireland that would apply EU fishery control regulations as soon as they came into effect. Clause 6 brings such provisions to Northern Ireland.

Fortunately, it was determined by the Committee and the Minister that that aspect of the Bill must be passed and, as such, the Committee agreed to focus its scrutiny on clauses 6 and 19 and forgo that all other clauses stand part of the Bill. I believe that that was an appropriate decision when we consider that, following the departmental restructure in the new mandate, the Department of Agriculture, Environment and Rural Affairs (DAERA) and its subsequent Committee will have the appropriate remit to deal with all aspects of fisheries, both inland and at sea. I can only hope that I am part of the next Assembly and continue to speak for the people of South Down on this very important matter. Regardless, the Committee determined that it would oppose the Question that clauses 1 to 5 stand part of the Bill. Clauses 1 to 5 relate to sea fishing, the size of fish, the provision of licences and joint enforcement procedures.

The Committee determined that it would support the Question that clause 6 stand part of the Bill, while not specifically taking a position on the amendments. As noted, the clause relates to the enforcement of EU rules and amends section 30(1) of Fisheries Act 1981 so that it applies both to the enforcement of EU restrictions and enforceable EU obligations. The clause essentially makes it an offence to defy such restrictions or obligations. The amendments to clause 6 clear up the language and create a new clarity. In particular, amendment Nos 1 to 3 expand the language of the Bill by moving from "boat" to "vessel", broadening the meaning of fishing vehicles.

The Committee agreed to oppose the Question that clauses 7 to 18 stand part of the Bill. Clauses 7 to 9 relate to penalties under other Acts — the Fisheries Act (Northern Ireland) 1966 and the Sea Fish (Conservation) Act 1967 — and offences. Clauses 10 to 13 relate to inland fisheries, which fall outside the Committee's remit. Clauses 14 and 15 relate to fixed penalty notices, and clauses 16 to 18 are general clauses related to the Bill. Finally, the Committee agreed that it would support clause 19, the short title, which is simply a requirement to ensure the Bill's progress.

Many may be surprised to see the Bill, which, if I may say so, seems to be thoroughly gutted, to the point that it now focuses entirely on EU obligations and enforcements. I believe that, in our current context, that was entirely appropriate in order to ensure that Northern Ireland is not punished for infractions. Furthermore, I believe that, while other aspects of the Bill remain entirely necessary, they must be scrutinised fully to allow for better legislation.

**Mrs Dobson:** I welcome this stage of the Fisheries Bill. After this morning, the Bill will be significantly smaller than that which was first proposed. Whilst I understand the reasons, I am disappointed that the Minister and her officials effectively forced the Committee into adopting this position by giving us so little time for proper scrutiny. It was not the case that the Department was hamstrung by delays with the consultation. Indeed, there was a full year between the end of the consultation in 2014 and the Bill's eventual introduction in the Assembly. In fact, I have still not really heard an explanation for that delay from the Department.

I know that the industry expressed a certain degree of concern about the gap between the consultation and the later progress of the Bill, so perhaps the Minister could explain DARD's reason for that gap. It is regrettable that the Department, with all its personnel and expertise, was unable to bring it forward any sooner. Instead, it waited until the very last opportunity, and that resulted in today's raft of joint opposition to clauses from the Minister and the Committee, which is effectively gutting the original Bill.

Whilst the legislation also sought to ensure adequate protection for our marine and inland aquatic environments, its main priority was, in fact, an apparent last-minute panic to ensure that we meet our European Union obligations and, therefore, avoid the risk of further major infractions. Of course, this is not the first time that DARD's inaction, incompetence or mismanagement — whatever the reality may be — has brought infraction fines to the door of the Executive. Indeed, the Department is still to tell us what recent communication it has had with Europe on that issue.

I am aware that the Commission was made aware in January 2015 that DARD was in the process of bringing forward legislation. However, I wonder whether the subsequent 12-month delay was noticed and whether that is why the Bill, or even just clause 6, could not wait until the start of the next Assembly mandate. Nevertheless, we are where we are, and the Department and Minister clearly think that this clause cannot wait. I, therefore, support the removal of all the other clauses, if only to ensure that the taxpayer is not left footing the bill of further incompetence from the heart of this Executive.

**Mr McCarthy:** On behalf of the Alliance Party, I will speak in favour of passing the amendments and in opposition to clauses in the Bill. I put on record my thanks to the

Committee staff for their help and support in getting us to the Consideration Stage of this very important Bill.

I go along with the comments that were made by the Chairman of the Agriculture and Rural Development Committee and other Members who outlined the Committee's attitude to the Bill in its original draft. I concur with the view that it would be much better to introduce a Bill of this scope after the election, when the new Committee will have adequate time to scrutinise it. That scrutiny is valuable because the Bill was a significant piece of work and the fishing industry is so important to us in Northern Ireland.

As someone from the Ards peninsula representing the fishing village of Portavogie, I am aware of the industry's economic value to all the small coastal communities around that area. Such legal reforms need consultation with the communities. As a result, I will vote to remove those clauses listed on the Marshalled List. I am confident that the new Committee will rapidly take to its scrutiny and development role on the Bill.

I am aware of the pressing reasons why clause 6 remains in the current legislative vehicle. There are timing and financial imperatives why it needs to be passed. As a result, I will support its retention.

The fishing industry is a vital component contributing to the economic prosperity of Northern Ireland, and I take this opportunity to thank all those fishermen who risk their lives day and daily and who have stuck with the industry through thick and thin, working in very dangerous conditions to support it. Despite the setbacks that have been endured over the years, there are signs of improvement, and it is vital that the Assembly supports the industry at every level.

I will also support the three amendments to clause 6, which are relatively technical and will improve the current wording.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank the Chair of the Agriculture and Rural Development Committee and all the other Members who contributed to the debate. The Chair rightly, I think, reflected the concern of the Committee about how late the legislation came to the Assembly. I absolutely understand that. Of course, the legislation had been in planning for some time. The Executive agreed the policy in March last year. At that time, it could not be envisaged how long the drafting might take and how long it would take to get all the necessary clearances. That said, I am grateful to the Committee for the work that has been undertaken in considering clause 6, despite the limited time available to it, and I hope that all the other outstanding matters will come forward in the near future.

On the issue of EU sanctions, my Department became aware of the problem of potential non-compliance with the common fisheries policy in 2014 and, therefore, included a remedy in a policy consultation for a new fisheries Bill at that time. My officials referred to the risk of Commission action in a presentation to the Agriculture and Rural Development Committee in April 2015 and formally set out the timetable to deal with that in the autumn, which the Commission has subsequently accepted.

As I said in my opening remarks, the amendments I tabled to clause 6 are minor and technical. The changes will simply align the definition of a fishing boat with wording already used elsewhere in legislation.

In closing, I again put on record my thanks to the Chairperson and other members of the Committee for their contribution to the debate. I call on Members to support the amendments.

**Mr Speaker:** Before I put the Question, I remind Members that the opposition of the Chairperson and the Minister to clauses 1 to 5 has already been debated. I propose, by leave of the Assembly, to group those clauses for the Question on stand part.

*Question, That the clause stand part of the Bill, put and negatived.*

*Clause 1 disagreed to.*

*Clauses 2 to 5 disagreed to.*

#### **Clause 6 (Enforcement of EU rules)**

*Amendment No 1 made:*

In page 8, line 17, leave out second "boat" and insert "vessel".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

*Amendment No 2 made:*

In page 8, line 18, leave out "United Kingdom under Part 2" and insert "register maintained under section 8".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

*Amendment No 3 made:*

In page 8, line 20, leave out "boat" and insert "vessel".— *[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clauses 7 to 18 disagreed to.*

*Clause 19 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Fisheries Bill. The Bill stands referred to the Speaker.

## Houses in Multiple Occupation Bill: Consideration Stage

**Mr Speaker:** I call the Minister for Social Development, the Lord Morrow of Clogher Valley, to move the Bill.

*Moved. — [Lord Morrow (The Minister for Social Development).]*

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments, which details the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 6, 8-10, 12, 16-26, 32, 38-43 and 46-51, which deal with the licensing of HMOs. The second debate will be on amendment Nos 7, 11, 13-15, 36, 37, 44, 45, 52 and 53 and the Minister for Social Development's opposition to clause 83 stand part. Those amendments deal with technical and drafting changes. The third debate will be on amendment Nos 27-31 and 33-35, which deal with the register and information.

I remind Members who intend to speak during the debates on the three 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 has been 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.

*Clauses 1 and 2 ordered to stand part of the Bill.*

11.30 am

### **Clause 3 (Cases where person is treated as occupying accommodation as only or main residence)**

**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 2-6, 8-10, 12, 16-26, 32, 38-43 and 46-51. These amendments deal with the licensing of houses in multiple occupation (HMOs). Members should note that amendment No 12 is consequential to amendment No 9. Amendment Nos 18 and 19 are consequential to amendment No 17. Amendment No 21 is consequential to amendment No 20. Amendment Nos 47, 48, 49, 50 and 51 are consequential to amendment No 46. I call the Minister for Social Development to move amendment No 1 and to address the other amendments in the group.

**Lord Morrow (The Minister for Social Development):** I beg to move amendment No 1: In page 2, line 35, after "residence" insert "there".

*The following amendments stood on the Marshalled List:*

Nos 2-6, 8-10, 12, 16-26, 32, 38-43 and 46-51.

**Lord Morrow:** I should explain at the outset that I intend to comment on the more significant substantive government amendments to address concerns that were raised during Committee Stage. I am also bringing forward a small number of consequential and technical amendments that have arisen. My amendments have been arranged in three groups and have been discussed in some detail during

the Social Development Committee's clause-by-clause scrutiny of the Bill, apart from amendments to clause 78, which have recently been copied to the Committee Clerk. I am pleased that the Committee was able to support the amendments, and I thank its Chair and members for their constructive scrutiny of the Bill.

The amendments that relate to group 1 are as follows. Two amendments to clause 3 will add seasonal workers to the list of people considered to be occupying a property as their only or main residence. This subsection is solely aimed at those who have some other address that might arguably be their only or main residence. This change will now provide protection for people engaged in seasonal work.

On and after the introduction of the licensing scheme, any properties pending or already registered under the Housing Executive registration scheme will be automatically passported to the licensing scheme for the purposes of regulation. As a result, a pre-existing HMO operating under the registration scheme will not be subject to the same planning controls as a new application. A series of amendments have been made to clauses 9, 20, 21 and 67 to reflect this.

I propose two amendments to clause 10. This clause sets out the matters that are relevant for deciding whether an owner or managing agent is a fit and proper person. My amendments concern the inclusion of the word "locality", because the original draft conflicted with the findings of the 2005 judicial review as landlords have no power to deal with inappropriate tenant behaviour outside the HMO. With the amendments, the word "locality" remains but is now specified in the Bill as extending only to the living accommodation and its associated surroundings. I should say at this stage that the Attorney General has raised one competence issue for clause 10. He would like the reference to immoral purposes removed from the definition of antisocial behaviour at clause 10(7)(b). As this was raised after the deadline for the tabling of amendments, it is my intention to bring this amendment forward at the next stage. I ask Members to note the current amendment on that basis.

I put forward a series of amendments to clause 28. A number of concerns were raised about the process for obtaining a new licence for a change of ownership that may put tenants at risk of homelessness. My amendments will now allow for greater flexibility on change of ownership of a property by building in a specified period of time to obtain a new licence. Following on from the changes to clause 28, a readjustment has been made to clause 29 to ensure that the same practical process for the transfer of a licence will be replicated on the death of an owner.

As a result of a change to the definition of managing agent, on which I will shortly expand further, a number of amendments are proposed for clause 33 to ensure that the full range of HMO management activities are captured.

I further propose a number of amendments to clause 88. My amendments make several changes to the previous draft, which inadvertently captured and required letting agents to be included on the licence application.

A letting agent's duties are limited to viewing and letting the property, which may include collecting the initial first month's rent and deposit, and therefore it is not essential for the letting agent to be listed on the licence application. Further clarification will be provided in regulations and guidance to assist councils in the operation of the scheme.

A further amendment to clause 88 removes the reference to cousin in relation to “relative” in clause 88(3)(c). It is my view that three student cousins living together may have the same risks as three unrelated students sharing. This will reduce the risk of some student HMOs being inappropriately excluded from regulation.

I also propose some amendments to schedule 2. Concerns were raised that having a process of publicly displaying planning notices at the accommodation would single out HMOs, which may have implications for the safety of future tenants. My amendments will remove paragraphs 2 to 6, which relate to the public display of a notice. An additional amendment provides a power for my Department to make regulations and the process to be used for the use of a notice procedure to the making of HMO applications. As this regulation contains a significant level of technical detail, and is aimed at the operational side of the licensing scheme, it is my view that the future process would benefit from further engagement with the councils before its introduction; hence, it is more appropriate for inclusion in regulations than within the Bill.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Cheann Comhairle. First of all, I thank the Minister for bringing the Houses in Multiple Occupation Bill to Consideration Stage. I am speaking on behalf of the Committee for Social Development.

As the Minister alluded to, the Bill was a long and complex one for consideration, with 91 clauses and eight schedules. It raised a wide range of issues, some of which were not directly related to the Bill. So, with your indulgence, Mr Speaker, it might be worth saying a few things up front on what the Bill is not about, because of the strength of feeling of a number of residents who have been impacted very negatively by their experiences, but it is not only residents.

The Bill is not about planning matters. In other words, it does not relate to the number of HMOs or any question of over-provision of HMOs in areas. Neither does the Bill seek to deal with antisocial behaviour of tenants in HMOs, although the Committee has made some recommendations relating to that issue in its report, and I will come to those in due course.

The Bill's purpose is to enable better regulation of houses in multiple occupation. It introduces a system of licensing and new provisions about standards in housing. It also streamlines the definition of a house in multiple occupation and clarifies existing law. The proposed licensing system will mean that a person is acting illegally if they are not licensed to operate a property as a house in multiple occupation. That is a fundamental change to the existing system of voluntary registration and one that, I think, we can and all do very much welcome.

Members will note the high number of amendments to the Bill: there are 54 in total. The Committee had been told that a significant number of the amendments would be consequential, but, at least technically speaking, that is not the case. However, a large majority of the amendments are not substantive, as the Minister said. I will, therefore, be directing my comments on behalf of the Committee to those amendments that are substantive issues.

I am glad to say that many of these amendments were proposed a result of the discussions the Committee had

with officials and stakeholders during the Committee Stage. I would like to thank the Department officials for their proactivity in that regard. Explanation and clarification often sufficed in respect of concerns raised by the Committee, and where this did not, the Committee was content with amendments proposed by the then Minister to address those concerns. These engagements were very positive and, in relation to the Department, reflect a mature, collaborative approach between the Committee and the Department to address a complex Bill in a relatively short time. Suffice it to say that the Committee was, therefore, content with the amendments presented by the Department during Committee Stage, and we support the amendments today in the House.

I would like to highlight a number of points that are of relevance to the Bill and to stakeholders by referring to some recommendations the Committee made in its report. I will then specifically address the amendments in group 1.

In addition to agreeing the amendments brought by the Department, the Committee made a number of recommendations in its report. A number of them relate directly or indirectly to addressing the antisocial behaviour of tenants and the responsibility of landlords to assist with that.

Obviously, we all know of, and have heard about, the antisocial behaviour perpetrated, often in the name of students, in houses of multiple occupation. Certainly, there is a strong public perception of it. Everyone has heard about the whole issue in the Holylands in the last number of years. Of course, having been a representative of that area for a number of years, I am very mindful of it. I am also equally struck by the fact that the vast majority of students in those houses are very well behaved and, not only that, are exemplars of good citizenship. Nevertheless, there has been an issue associated with HMOs, and residents have been very negatively impacted by it.

Therefore, to the Committee's mind, the development of purpose-built managed student accommodation has the potential to help address that problem. Well-managed properties, such as those with tenancy agreements that include behavioural standards for tenants, could alleviate the pressure on residential areas where there is currently over-provision of HMOs. Where these should be situated is, of course, a planning matter, although Belfast, for example, has a HMO subject plan which, at least, underpins such planning applications. The Committee believes that this approach should continue, even though such buildings will not be technically designated as HMOs when the Bill is in force.

The Committee also recommends that there should be robust arrangements in all HMO tenancy agreements to help address antisocial behaviour by tenants and seeks the Department's agreement that this should be included in the guidance to accompany the Bill. Indeed, we have also suggested that the Department should liaise directly with the PSNI and the Department of Justice to address this matter in the time ahead.

The Committee believes that the inclusion of behavioural standards in tenancy agreements must be mandatory to ensure consistency, and that breaching them would be, ultimately, grounds for eviction if the rules continued to be blatantly ignored. The Committee recommends that this proposal should be considered in a wider review of the private rented sector.

Landlords and managing agents should also be required to attend training on any code of practice developed, in order to raise professional standards in the sector. Indeed, the Committee recommends that an accreditation scheme should be developed for landlords and managing agents and that, once such a scheme is established, they must be accredited under it before they can apply for, or be named as, the managing agent on a licence.

Before moving on to the amendments, I point out that the Committee supported a system that was cost-neutral to councils. It would be helpful to get the Minister's up-to-date position on that matter.

We need to recognise that HMOs are an essential part of the housing sector. They provide comparatively cheap accommodation for people who cannot afford to rent their own place. However, a property that is rented to several unrelated individuals, perhaps for only part of the year, presents health and safety issues, as well those relating to standards. These are the issues that the Bill aims to address. They include, for example, the number of people that the property is suitable for, the facilities in the property, the size of room etc.

I am sure that the vast majority of HMO landlords aim to provide a high-quality, safe environment, with the number of tenants being appropriate to the size of the property, and with the appropriate quality and number of facilities. However, there is sufficient concern about the sector that suggests that a voluntary approach to regulation is far too light a touch and is not acceptable. There has been evidence of poor quality standards in some HMOs, which present health and safety risks to the tenants, and legislation is required to address those issues. I, and the Committee, believe that the Bill will help to address those issues.

I turn to the amendments in group 1, which relate mainly to licensing. There are 34 amendments in the group and the Committee is supportive of them all. As I said in my opening remarks, I intend to focus on the key amendments under our consideration.

Amendment Nos 1 and 2 relate to clause 3, which relates to:

*"Cases where person is treated as occupying accommodation as only or main residence".*

The Committee listened to concerns about the absence of seasonal and migrant workers from the clause, and raised that with the Department. The Department indicated that it was always its intent to capture these groups in the clause, based on an assumption that, due to their transient nature, any accommodation could be taken as being their main residence and, therefore, the groups did not need to be specified. However, because seasonal workers may have an address other than their main address — they may stay elsewhere while they are working away from home — the Department decided to amend clause 3 to specify seasonal workers. The Department did not include migrants, as it is assumed that they will have only one main residence. The Committee is content with that explanation and the amendments.

Amendment Nos 5 and 6 relate to clause 10, the "Fit and proper persons" test. The Committee welcomed the introduction of a fit-and-proper-person test to an owner or managing agent of a HMO under clause 10. There were originally some concerns regarding the inclusion of the word "locality" in the clause, which the Minister referred to

earlier, and which suggested to the Landlords' Association that landlords would be responsible for the antisocial behaviour of their tenants, even if that took place outside the curtilage of the property.

The Committee, however, was content that the word locality applies only to a definition of living accommodation as detailed in clauses 2(5)(a) and 2(5)(b). The amendment to clause 10 is a slight reworking of the original clause to refer to "relevant living accommodation". The Committee was content with those amendments, but it had quite a number of reservations. As I said, the incoming Minister will be asked to liaise directly with the Department of Justice and the PSNI to try to resolve these matters on a more satisfactory basis for local residents in particular.

#### 11.45 am

Amendment No 8 relates to clause 20, "Renewal of licence", and it is important. The renewal of licences in areas where there is already over-provision was raised in Committee. In other words, some residents wanted to try retrospectively to reduce the number of HMOs in any given area, and I can understand why. The Bill will allow councils to prevent new HMO licences being issued where there is already over-provision in an area. The argument was made, however, that the renewal of a licence in an area of existing over-provision should not be denied because of that. The Bill does not seek retrospectively to address over-provision of HMOs in areas by denying owners a licence purely because it is up for renewal. That appeared to the Committee to be simply unfair. The Committee was, therefore, content with this and other aspects of amendment No 8.

Amendment Nos 16, 17, 18 and 19 are substantive amendments to clause 26 to ensure that the changes brought about by amendments to clause 28 — "Change of ownership: effect on licence" — take into account all joint ownership cases. New subsection (5) reflects a situation in joint ownership in which a licence transfer occurs as a result of new ownership, and one person who was a licensee before the transfer continues to be an owner after the transfer has taken place. That gives councils the powers to vary a licence in such circumstances following an application to renew the licence by the existing licensee and the new owner. The Committee was content with the proposed amendments to clause 26.

Amendment Nos 20 and 21 relate to clause 28, "Change of ownership: effect on licence". The Bill as introduced did not allow for licences to be transferred when there is a change of ownership. The Committee recognised that that would cause uncertainty for tenants of such a HMO and the proposed new owner. Clause 28, as amended, allows for the transfer of a licence as long as the proposed new owner applies for a licence before the transfer takes effect. A council, of course, still has to consider an application in the normal way, and a transferred licence will cease to have effect at a particular date if a new licence is granted or if the application is refused. That approach, however, at least builds in more time for tenants and a proposed new landlord when there is a question over the licensing of a HMO. This is all about guaranteeing security.

Amendment Nos 22 and 23 relate to clause 29, "Death of sole licence holder: effect on licence". The Committee acknowledged stakeholders' concerns that the three months referred to in the clause may not be sufficient

to wind up a licence holder's estate. The amendment satisfied the Committee that it would afford councils greater flexibility to extend this period if necessary.

Amendment Nos 24, 25 and 26 relate to clause 33. The Committee was content with the amendment that clarifies that it is an offence for an owner to appoint someone to act as a managing agent if that person is not named on the licence and that it is an offence for a person to act as a managing agent if they are not named on the licence. That ensures that the licence must have a bona fide representative named as a managing agent, who will act in a legal capacity for a HMO. The agent must also be named on the register, which should bring greater transparency as to who the responsible parties are for each and every HMO. That is to do with accountability about who owns a property. The Committee, therefore, was content with the clause as amended.

Amendment Nos 40 to 43 relate to clause 88, "Interpretation". During discussions with the Department, officials noted that the original definition of a managing agent would also inadvertently include a letting agent, as a letting agent often accepts the first month's rent. Subsequently, a letting agent has nothing further to do with the management of a property. Amendment Nos 40, 41 and 43 clarify that issue.

The Committee was content with the amendments and the agreement from the Department to clarify in guidance the requirement to notify tenants who the managing agent is.

Amendment No 42 removes "cousins" from the definition of "relative", and the Minister has already dealt with that. The Committee was content with the amendment.

Amendment Nos 46 to 51 relate to schedule 2. Amendment No 46 makes a significant change to the schedule regarding the publication of an application for a HMO licence. That relates to the information required to be included in the HMO register under clause 62, the amendments to which will form part of the group 3 debate. The key issue in amendment No 46, however, is that the detail required in the giving of notice for making a HMO application will be included in regulation, and that may incorporate the level of information required to be published, how that is to be publicised, the role of the council in the process and the consequence of failing to comply with the requirements of the regulations.

The changes stem from landlords' concern about the level of detail to be included about them in the HMO register and the potential threat to their security. The Committee noted that the Department will consult councils and other stakeholders when drawing up the regulations, which will, of course, come before the Committee for Social Development, or, more appropriately, the Committee for Communities, for scrutiny in the time ahead. The Committee was content with the amendment.

Amendment Nos 47 to 51 are consequential to amendment No 46, and the Committee is content with those. That is all that I have to say as Chairperson on the amendments in the group.

I will now make a couple of brief comments as an MLA. The Committee was very conscious of and alive to the concerns raised by a range of stakeholders, not least the residents whose lives have been very negatively impacted on by the over-provision of HMOs in a number of areas.

The Committee listened to all their concerns. As local representatives, many of us have had direct experience of trying to intervene and intercede on people's behalf. Members of the Committee are satisfied with the good work done by the Committee, its officials, departmental officials and the Minister, who took on board if not all the concerns, certainly the vast majority.

We believe that this is a good Bill and, as I said in my opening remarks, a comprehensive one. It is about raising the standards for housing conditions; ensuring maximum accountability for tenants and landlords; and ensuring far greater health and safety for people who live in HMOs. The Bill does not deal with antisocial behaviour per se or the number and density of HMOs permitted in any street, so the Committee has made and will make very strong recommendations that those matters be taken forward with the relevant authorities by the incoming Department.

**Mr Douglas:** I will make a few comments as a member of the Social Development Committee. I thank the Minister for bringing the Bill to Consideration Stage, and I agree with the previous contributor that there was huge scrutiny at Committee Stage. As a result of that and the Chair's analysis of the amendments, I will keep my remarks to a minimum.

Our party supports the amendments tabled by the Minister and is pleased that, as a result, there will be better regulation of houses in multiple occupation.

I thank the Chair for his leadership and fellow members of the Social Development Committee for the way in which the Bill has progressed. Personally, I found it to be a very positive experience. I see that some of the DSD officials are here today, and they were more than helpful in directing and supporting us to get the Bill to this stage. I thank the Committee Clerk and officials who also guided us along the way.

In my East Belfast constituency, the ever-changing social demography has led to an increase in the demand for HMOs as an affordable housing option in the rented sector.

I certainly agree with the Chair that we come across situations where there are major difficulties. However, I hope that the Bill will provide major change as well as help and support for MLAs who deal with some of these difficult issues.

I want to say a few words about licensing. I am pleased to say that every house in multiple occupation must be licensed under the Bill. That is a huge change. I welcome the introduction of a system of licensing and new provisions on standards in housing that will mean that a person is acting illegally if they do not have a licence to manage a property as a house in multiple occupation.

I agree with the Minister on clause 10, which relates to the fit-and-proper-person test. Those people need to be fit and proper, because many of us have experience of fly-by-night landlords who are not licensed and cause huge problems in communities. I certainly agree with the Minister in relation to clause 10.

This licensing Bill brings fundamental change to the existing system of voluntary registration that I welcome. The Bill will introduce a new mandatory licensing scheme that will bring Northern Ireland into line with other UK jurisdictions. Again, I pay tribute to the Minister for the amendment to clause 88 in relation to relatives. There is the same risk for three cousins living in the same house as three unrelated people sharing the accommodation.

We met a number of residents' groups, including the Holylands residents' group, which raised many concerns. We have tried to take account of some of those concerns in these clauses. Again, I thank the Minister for bringing significant and substantive government amendments to address concerns raised by the Committee, reflecting those of residents. Some of those concerns were also raised by Housing Rights Northern Ireland. I believe — I hope I am right on this — that they raised a number of major issues, every one of which has been incorporated into the Bill.

I am pleased to support all the Minister's amendments. It is good legislation, and it will make a difference.

**Mrs D Kelly:** I join others in thanking the Committee and departmental staff for their assistance during the passage and consideration of the Bill. Like others, we think that the Bill will make landlords more accountable and protect tenants and the communities in which the HMOs are situated. I would like to put on record our thanks to Minister Morrow and his predecessor, Minister Storey, who tried to work alongside the Committee and have listened not only to the Committee's concerns but to those raised by stakeholders, who also played an important part in enabling us to better understand the impact of the legislation and, indeed, the reality of living in HMO areas.

Our party supports the Bill. We think that it has been a good piece of work. I will speak on one or two amendments in particular, but the Chair did an excellent job of detailing and explaining the Committee consideration of the amendments. We particularly welcome amendment Nos 1 and 2. Amendment No 1 is technical. We are also very supportive of amendment No 2, which is aimed at people who have another address that, arguably, is their main residence. That is particularly the case with seasonal and migrant workers, who are afforded much better protection. We also welcome the fit-and-proper-person test, which is critical. We all know, as representatives, how difficult it is to track down landlords at times. Both the registration of landlords and the additional accountability mechanisms in respect of HMOs will make our jobs and the jobs of others much easier when trying to secure property, and they will ensure that tenants work with the local community and are integrated well into it.

#### 12.00 noon

I also welcome some of the concerns that have been raised by landlords. They play an important role in providing a housing mix at a time when there are huge numbers of people on waiting lists. That does not, as others have said, apply just to students. We all know the high costs of accommodation, particularly in our cities. Therefore, we have to listen to the landlord fraternity as well to ensure that people will provide accommodation not only to students but to workers and professionals living in our city centres in particular.

On the other amendments in group 3, while there was significant concern from landlords about the amount of information on the HMO register linking them to their properties, the SDLP believes that access to such information is a matter of public interest, and we agree with the Committee's position that sufficient information should be made available to ensure that residents can address concerns regarding HMOs. The amendments seem to be a good middle ground in ensuring the safety of landlords

and their families whilst providing a suitable amount of information to those with a genuine interest in the property. I note as well that statutory bodies will still have access to the full register.

Amendment No 33 inserts a new clause relating to the sharing of information between councils. We believe that giving councils the power to share information amongst themselves for the purposes of carrying out statutory functions will prove to be beneficial to the smooth running of the new HMO system. We all know how the Data Protection Act has in some ways disabled the sharing of information amongst statutory agencies. I think this will give greater clarity about the responsibilities of councils in sharing information to have better safeguards for tenants and local communities.

Amendment Nos 34 and 35 are related to amendment No 33 and insert a new clause into the relevant —

**Mr Speaker:** Can I point out that those are group 3 amendments?

**Mrs D Kelly:** Sorry; I beg your pardon. I am ahead of myself.

**Mr Speaker:** I was trying to catch your eye. We are doing quite well, but you are doing even better. *[Laughter.]*

**Mrs D Kelly:** I will cut back later on then, Mr Speaker. Apologies for that. In conclusion — I need not draw this out needlessly — I very much welcome the legislation, the passage of the Bill, the scrutiny and the cooperation and collaboration between the Department, the Committee and, indeed, the stakeholders.

**Mr Beggs:** I, too, put on record my appreciation of the work of our Committee in helping to coordinate our scrutiny; the departmental officials, who were frequently there to answer many questions; and the range of people who came to give oral evidence and those who provided written evidence. There was a good balance to enable us to take account of all points of view.

Having considered the Bill in detail during the Committee's scrutiny and having received wide-ranging evidence, I continue to support it, its general thrust and the amendments that have been tabled by the Minister. They are largely a result of discussions with the Committee. Many of them are technical amendments that are consequential to some of the changes that have been agreed. There has been a useful engagement between the Committee and the current and preceding Ministers. That has been beneficial in trying to improve our legislation.

Bearing in mind that the legislation is designed to improve the lot of tenants and to recognise the additional risk that occurs with those living in houses of multiple occupation, it is important that there is licensing, which is the main aspect of the group 1 amendments. I agree with others that it is good that there is a fit-and-proper-person measurement to ensure that we have responsible landlords looking after their tenants. I will not comment on every amendment and clause but will just try to pick out some of the key changes.

I notice that amendment No 2 includes:

*"A person who occupies living accommodation for the purpose of engaging in seasonal work".*

Again, that could have been an area that would have been overlooked. Risks would have existed to seasonal workers

from poor, or even unsafe, accommodation. It is right that we include them in order that they have that degree of protection.

I note the Minister's comment about the Attorney General, and that he intends to leave one of the amendments to a latter stage because of some concerns. Hopefully, that issue can be resolved.

There are several amendments on the transfer of the licence — I am looking at amendment Nos 17 and 20 — which is an important aspect. I certainly view the changes that have been made regarding the transfer of the licence as being beneficial to everyone. It is not in the interests of the tenant or the landlord if a licence cannot be transferred. We have to remember that if it is not able to be transferred smoothly, there will not be permission for the house to remain as a house of multiple occupation. Potentially, some of the tenants would then lose their homes. It is important that, where change does occur for whatever reason — for example, as a result of financial changes with the landlord, or the landlord becoming deceased — there is a smooth mechanism of transferring ownership so that, ultimately, the tenants do not suffer.

Representation was also made to us that, should someone decide to sell the property, it was important that there was a degree of security and that the licence would transfer with that ownership. It is right that we have built that provision in through the amendments. Were that not the case, we might have found that some buildings had to be emptied before they were sold, or there might have been very limited interest in purchasing such buildings, given that there was a great deal of insecurity about what might follow the sale. Again, the new owner will have to pass a fit-and-proper-person test like everyone else.

Amendment No 43 in particular is worthwhile. There is often confusion as to who is responsible for managing an agent, and the Bill helps to clarify that. Amendment No 43 followed a representation being made by some of the letting agents who highlighted the fact — and this is something I was not fully aware of — that frequently a letting agent may just be responsible for the letting. In the past, the tenant might have assumed that the letting agent was also responsible for reporting ongoing maintenance issues to the landlord. This gives clarification that there is such a thing as a letting agent who simply lets the property, with all the maintenance and ongoing responsibility for managing that house still lying with the landlord or his managing agent, who may be a different person. That information will be available to the tenant so that there is clarity and no confusion. That will allow those who have engaged in the letting of properties to continue, but there will be clarity for tenants so that, if they have issues with their property, they must go either to the landlord or to those who have been appointed as his letting agent.

As others have said, we have reached a high level of consensus and a balanced viewpoint. That should bring about improvement in the standards of houses in multiple occupation. Also, it should bring about benefits for neighbours, because responsibility will fall to be managed within the property, very clearly, with regulations there. As others have rightly said, landlords cannot be expected to manage behaviour outside of the property that they own, and it is a reasonable balance that that was not included.

All in all, this is a good piece of legislation, and I hope and expect that it will improve the lot of tenants, bring about a greater degree of clarity and bring about improvement in the lives of tenants and their neighbours.

**Mr Dickson:** I, too, thank not only the current Minister but his predecessor, our Committee Clerk and officials, and officials from the Department for the work that they did as we prepared our report. I acknowledge the suggestions that were taken up by officials and the way in which the Minister has brought forward all of the amendments. Colleagues from the Committee have already spoken. The Chairperson and three other members have spoken on the value of the amendments, some of which are technical, and others propose changes that are important for the competence of the Bill. I do not intend to add further to that debate. Suffice it to say that the Alliance Party is supportive of the Bill at this Stage and will continue to support it to Final Stage.

**Mr F McCann:** Go raibh maith agat, a Cheann Comhairle. I also thank the former Minister and the current Minister for the work that they have done with the Department to bring the Bill to the House today. You will be happy to hear that I had a long-winded, drawn-out speech, but Alex threatened me at the start of the process and said, "Look. Just keep it as short as possible".

Legislation on houses in multiple occupation has been brought to the Assembly a number of times over the past number of years. It is a live issue out there. I think that many people have had concerns about the management, running and conditions that exist in such properties. I happen to believe that we could have dealt with a lot of this back then, but we adopted a light-touch approach when there should have been a more robust effort to try to tackle and deal with HMOs, as there has been with this Bill. I know of many communities, not only in this city but in other parts of the North, that have suffered as a result of mismanagement, poor conditions and being unable to get in touch with landlords.

I went through a number of the amendments, and some jumped out at me. The question of a fit-and-proper-person test is essential in trying to get to terms with some of the difficult problems that exist. The explanatory notes give a fairly detailed rundown on what would be expected or the types of people who would not be fit to be a landlord. The other issue that came across was the terms of the letting agencies and letting agents, and that came through, at times, during the questioning of people who came to the Committee to give evidence and the Department. I believe that this should encompass everybody, but it was explained to us that there may be letting agents whose only contact is the first month's rent and, after that, they have no control.

I had a concern, which I raised with the Department, in and around the private rented sector, because I had viewed them as two sides of the one coin: one may provide multiple lettings, but the other provides single lettings. In the past, both have led to the destruction of the residential nature of many communities in this city because of over-provision. I believe that both should have been tackled at the same time. No matter where you go, whether it is when canvassing or when you bump into people, one of the big concerns that people tell you about relates to how you deal with antisocial behaviour. Whilst the Bill may not deal entirely with antisocial behaviour, there are built-in

mechanisms that may allow tenants to go to landlords and expect a return by way of them dealing with the problem.

Sinn Féin obviously supports the Bill. We support the amendments, but we look forward to additional information and an additional Bill coming so that everything will be tightened up and life made easier for tenants and, at the end of the day, landlords.

#### 12.15 pm

**Lord Morrow:** It was interesting to note that everyone spoke on a positive note and was very complimentary. I was just saying to my colleague here that it is a pity that every day is not like this. I suspect that it will not be.

**Mr Speaker:** Van Morrison might write a song.

**Lord Morrow:** Yes.

I thank all those who have taken part. I have listened carefully to what they have said. As I said, most of it was complimentary and welcoming of the Bill and what it is trying to do. I believe that it will do all the things that it says and that, as a result, the situation will be better as we go forward.

The introduction of mandatory licensing of HMOs will ensure that higher physical and management standards are adopted before an HMO can be classed as licensed. The policy intention is to prevent new areas becoming overprovided with HMOs in future; it does not have the scope to reduce overprovision in existing areas with an already high number of HMOs, such as the Holylands. My Bill will give a council the discretionary power to refuse to grant an HMO licence if it considers that there is or that the granting of a licence would result in overprovision for the locality. As planning is now devolved to the 11 councils, the Department will liaise with them on the detail of how HMO overprovision can be prevented. The most straightforward way to achieve this is likely to be the inclusion by councils of thresholds similar to those in operation in the HMO subject plan for Belfast in local area development plans.

Turning to antisocial behaviour, which the last Member to speak mentioned, the Committee report recommended that guidance should be completed by the Department to address antisocial behaviour. I can confirm that the guidance for landlords will include model tenancy agreements that will specify and outline acceptable tenant behaviour and detail tenant activities or practices that a landlord would not consider tolerable. Landlords will be encouraged to ensure that tenants are aware of their responsibilities and any possible consequences should they breach the conditions. Antisocial behaviour is also being given further consideration in my wider private rented sector review, which is presently under way. That review will also explore initiatives to raise professional standards in the private rented sector.

In relation to funding, the Department has set up a stakeholder group to take forward the transfer and will work with councils on funding arrangements. A business case will be required to estimate the cost of the transfer of the HMO function to the 11 councils. Councillors will decide how best to deploy the budget as to whether they will each assume the service or agree a suitable shared service delivery model. I will ensure that sufficient resources are allocated to councils for them to operate the new licensing scheme effectively.

*Amendment No 1 agreed to.*

*Amendment No 2 made:*

In page 2, line 36, at end insert

*“(2A) A person who occupies living accommodation for the purpose of engaging in seasonal work is to be treated, at all times during that person’s residence there, as occupying that accommodation as the person’s only or main residence.”— [Lord Morrow (The Minister for Social Development).]*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 8 ordered to stand part of the Bill.*

#### **Clause 9 (Breach of planning control)**

*Amendment No 3 made:*

In page 6, line 37, leave out paragraph (b).— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 4 made:*

In page 6, line 39, leave out “and (i)”.— *[Lord Morrow (The Minister for Social Development).]*

*Clause 9, as amended, ordered to stand part of the Bill.*

#### **Clause 10 (Fit and proper persons)**

*Amendment No 5 made:*

In page 7, line 34, leave out from “living” to end of line 35 and insert

*“relevant living accommodation whilst in the accommodation, or”.— [Lord Morrow (The Minister for Social Development).]*

*Amendment No 6 made:*

In page 7, line 37, leave out subsection (7) and insert

*“(7) In subsection (6)—*

*‘anti-social behaviour’ means—*

*(i) acting or threatening to act in a manner causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises, or*

*(ii) using or threatening to use residential premises for immoral or illegal purposes;*

*‘relevant living accommodation’ means living accommodation of which P is or was the owner or managing agent.”— [Lord Morrow (The Minister for Social Development).]*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 17 ordered to stand part of the Bill.*

#### **Clause 18 (Revocation of temporary exemption notice)**

**Mr Speaker:** We now come to the second group of amendments for debate. With amendment No 7, it will be convenient to debate amendment Nos 11, 13 to 15, 36, 37, 44, 45, 52 and 53, and the Minister for Social Development’s opposition to clause 83 stand part. Members should note that amendment No 45 is consequential to amendment No 44, and that amendment Nos 52 and 53 are both consequential to amendment No

20. I call the Minister to move amendment No 7 and to address the other amendments in the group.

**Lord Morrow:** I beg to move amendment No 7: In page 12, line 11, leave out “under section 67” and insert “in accordance with section 67(4)”.— [Lord Morrow (The Minister for Social Development).]

*The following amendments stood on the Marshalled List:*

Nos 11, 13 to 15, 36, 37, 44, 45, 52 and 53.

**Lord Morrow:** Amendment No 7 and the others in the group provide the technical and drafting amendments for the Bill. In revisiting clause 28, as mentioned under group 1, it was noted that, in order for it to operate effectively, a technical alteration was also needed. That has resulted in the amendments to clause 26.

I propose two amendments to clause 78. The need for the amendments has been brought to my attention only recently and, hence, was not discussed at Committee Stage. The policy intent has always been that the power of entry with a warrant would extend to any property outside of the HMOs in question owned or operated by the owner or managing agent. The current drafting of clause 78 would not allow it to operate like that in practice. Two amendments, replacing the words “the” with “any” at lines 15 and 18 of clause 78 will ensure that the clause operates as originally intended.

I give notice of my intention to oppose the Question that clause 83 stand part of the Bill. During Committee Stage, members made it clear that they were uncomfortable with that provision, as it was their view that it might result in a tenant having to continue to pay rent for substandard accommodation. After further consideration, it was noted that the provision was not required as it would be covered under common law in Northern Ireland. The redraft of the Bill now reflects that change.

I have two amendments to schedule 1. I agree with the concerns raised by the Committee and am grateful to it for raising this important issue for buildings that would no longer be treated as HMOs with my officials. The amendments bring housing association and Housing Executive properties that are contracted out to voluntary bodies, such as a hostel or women’s refuge, back under HMO definition. All those types of property hold some of the most vulnerable members of society. It is my belief that they would continue to benefit from being regulated under the HMO regime.

**Mr Maskey:** I do not intend to say very much on the group 2 amendments. We have covered quite a lot of ground, and the Minister has already referred in some detail to aspects that the Committee raised because most of the amendments are technical and drafting amendments.

I will, however, draw attention to clause 83, as did the Minister, and the Minister’s opposition to the clause. The Committee had real concerns about clause 83, which would ensure that the tenancy agreement remains in place, and therefore that the tenant continues to pay rent, even in situations where landlords have not fulfilled their obligations under the legislation. The Committee was concerned that that potentially undermined the rights of the tenant in seeking redress for a landlord’s failure to address substandard accommodation. As a result of the Committee’s reservations and with reference to the view of the Attorney General that the clause was not required

as the provisions are covered under common law, the Department fortunately decided to remove clause 83. The Committee welcomes that and is also content with the remaining amendments in this group.

**Ms P Bradley:** Like the Chair, I do not intend to speak very long as these are technical and drafting amendments, but, as this is my first opportunity to speak at Consideration Stage, I join my Committee colleagues in thanking all those involved in the HMO Bill. I thank the Minister and, of course, his predecessor Minister Storey for the work that was done. I thank the Clerks, the Department and all those who gave oral and written evidence. It certainly went some way to helping us to form and shape this very important Bill, which we believe is there to protect tenants.

I want to draw attention to what the Minister said about schedule 1 in his opening speech. The amendment will help those with vulnerabilities, especially those in hostels or women’s refuges. I am sure that everyone will agree that we welcome that being brought back under HMO licensing, because we know that the HMO Bill is there to protect those tenants. Who do we need to protect more than the most vulnerable in our society? I welcome that amendment.

**Mrs D Kelly:** I will keep it even briefer, Mr Speaker, and just say that I welcome the Minister’s comments on clause 83. He has reflected on the Committee’s concerns.

**Mr Beggs:** On behalf of the Ulster Unionist Party, I want to put on record my support for the general technical and drafting amendments and briefly comment on amendment No 37. Whilst it is a very minor change of the word “the” to “any”, it can be quite significant. The change will enable a council to apply to a lay magistrate to issue a warrant. A significant amount of information will have to be provided to convince a magistrate that it warrants such an investigation, but we have to recall that the difficulty or the evidence may not just be in one premises, and widening that to any living accommodation will allow evidence to be collected that may be beneficial to tenants. Therefore, I support that amendment, which would widen court access. Again, it is with a suitable warrant should evidence be available to justify it. I am content with the technical and drafting amendments in this group.

**Mr Dickson:** I will try to be even briefer, Mr Speaker. I support the amendments.

**Mr Speaker:** That was very brief.

**Lord Morrow:** I thank all those who have spoken and been very positive. It makes my job very easy today and leaves me very little to say other than to thank the Chair, the Deputy Chair and all the Committee members again for their very constructive approach. They obviously see the merits in what we are trying to do. I will leave it at that.

*Amendment No 7 agreed to.*

*Clause 18, as amended, ordered to stand part of the Bill.*

**12.30 pm**

*Clause 19 ordered to stand part of the Bill.*

**Clause 20 (Renewal of licence)**

*Amendment No 8 made:*

In page 13, line 10, leave out from “sections” to end of line 11 and insert

*“the following provisions do not apply to applications to renew—*

*(a) sections 8(2)(a) and 9 and paragraphs 8 to 10 of Schedule 2 (breach of planning control);*

*(b) sections 8(2)(d) and 12 (overprovision).”— [Lord Morrow (The Minister for Social Development).]*

Clause 20, as amended, ordered to stand part of the Bill.

#### **Clause 21 (Application to renew: effect on existing licence)**

Amendment No 9 made:

In page 13, line 19, leave out paragraph (b).—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 10 made:

In page 13, line 25, leave out

*“if the council refuses the application on any other ground”*

and insert *“if the application is refused.”— [Lord Morrow (The Minister for Social Development).]*

Amendment No 11 made:

In page 13, line 28, leave out “under section 67” and insert *“in accordance with section 67(4).”— [Lord Morrow (The Minister for Social Development).]*

Amendment No 12 made:

In page 13, line 33, leave out subsection (3).—  
[Lord Morrow (The Minister for Social Development).]

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 25 ordered to stand part of the Bill.

#### **Clause 26 (Joint licence holders)**

Amendment No 13 made:

In page 15, line 21, leave out “(2)(b)” and insert “(2)”.—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 14 made:

In page 15, line 22, after second “the” insert “owner or”.—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 15 made:

In page 15, line 23, after “particular” insert

*“, in a case falling within subsection (2)(b).”— [Lord Morrow (The Minister for Social Development).]*

Amendment No 16 made:

In page 15, line 28, leave out from first “in” to end of line 32 and insert “(a) there is a transfer of ownership of a licensed HMO,

*(b) as a result of the transfer one or more joint licensees (but not all of them) cease to be an owner of the HMO.”— [Lord Morrow (The Minister for Social Development).]*

Amendment No 17 made:

In page 15, line 35, leave out subsection (5) and insert

*“(5) Where—*

*(a) there is a transfer of ownership of a licensed HMO,*  
*(b) as a result of the transfer there is a new owner (or more than one), and*

*(c) at least one person who was a licensee before the transfer continues to be an owner after it,*  
*the new owner (or any of them) may apply to the council to be added as a joint licensee.*

*(5A) The council must—*

*(a) treat an application under subsection (5) as an application to renew the licence made jointly by the existing licensee and the new owner, and*

*(b) if it decides to grant the application, vary the licence accordingly.”— [Lord Morrow (The Minister for Social Development).]*

Amendment No 18 made:

In page 15, line 41, after “subsection” insert “(5A) or”.—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 19 made:

In page 15, line 43, at end insert

*“(8) In this section—*

*‘transfer of ownership’ includes the creation of a new estate;*

*‘new owner’ means a person who is an owner after the transfer but was not an owner before it.”— [Lord Morrow (The Minister for Social Development).]*

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

#### **Clause 28 (Change of ownership: effect on licence)**

Amendment No 20 made:

In page 16, line 7, leave out subsections (1) and (2) and insert

*“28.—(1) A licence may be transferred to another person only in accordance with this section.*

*(2) Accordingly, except as set out in subsection (2A), where—*

*(a) there is a transfer of ownership of a licensed HMO,*  
*(b) as a result of the transfer there is a new owner (or more than one), and*

*(c) no person who was a licensee before the transfer continues to be an owner after it,*  
*the licence ceases to have effect on the date of the transfer.*

*(2A) If—*

*(a) there is a transfer of ownership of a licensed HMO, and*

*(b) before the date of the transfer, the proposed new owner (or any of them) applies for a licence in respect of the HMO (a “new licence”),*

*the licence which is already in effect in respect of the HMO (“the existing licence”) is to be treated as being held, from the date of the transfer, by the person or*

persons who made the application for the new licence ("the transferee").

(2B) But the existing licence ceases to have effect on the date mentioned in subsection (2C).

(2C) That date is—

(a) if the transferee's application is granted, the date from which the new licence has effect (determined in accordance with section 19(1) or (4)(a));

(b) if the transferee's application is refused—

(i) one month after the last date on which the decision to refuse the transferee's application may be appealed in accordance with section 67(4), or

(ii) if such an appeal is made, one month after the date on which the appeal is finally determined.

(2D) Subsection (2B) and (2C) are subject—

(a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and

(b) if the transferee dies, to section 29, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section."—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 21 made:

In page 16, line 12, leave out "subsection (2)" and insert "this section".— [Lord Morrow (The Minister for Social Development).]

Clause 28, as amended, ordered to stand part of the Bill.

#### **Clause 29 (Death of sole licence holder: effect on licence)**

Amendment No 22 made:

In page 16, line 22, after "period" insert

"for which the licence has effect beyond the date".—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 23 made:

In page 16, line 28, leave out subsection (5) and insert

"(5) Subsections (1)(b) and (2) are subject—

(a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and

(b) if the personal representatives of the licensee transfer ownership of the HMO, to section 28, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section."— [Lord Morrow (The Minister for Social Development).]

Clause 29, as amended, ordered to stand part of the Bill.

Clauses 30 to 32 ordered to stand part of the Bill.

#### **Clause 33 (Agents not named in licence)**

Amendment No 24 made:

In page 18, line 23, leave out from "do" to end of line 24 and insert

"act as a managing agent in relation to the HMO, and".— [Lord Morrow (The Minister for Social Development).]

Amendment No 25 made:

In page 18, line 28, leave out paragraph (a) and insert

"(a) A, on behalf of the owner of a licensed HMO, acts as a managing agent in relation to the HMO."—  
[Lord Morrow (The Minister for Social Development).]

Amendment No 26 made:

In page 18, line 32, at end insert

"(2A) For the purposes of this section, a person acts as a managing agent in relation to an HMO if the person—

(a) does, in relation to the HMO, any of the acts mentioned in paragraph (i), (ii) or (iv) of the definition of "managing agent" in section 88(1), or

(b) engages in any other activity or course of activity which constitutes, or assists in, the management of the HMO."— [Lord Morrow (The Minister for Social Development).]

Clause 33, as amended, ordered to stand part of the Bill.

Clauses 34 to 61 ordered to stand part of the Bill.

#### **Clause 62 (HMO register)**

**Mr Speaker:** We now come to the third group of amendments. With amendment No 27, it will be convenient to debate amendment Nos 28 to 31 and amendment Nos 33 to 35. Members should note that amendment No 30 is consequential to amendment No 29 and that amendment Nos 34 and 35 are both consequential to amendment No 33. I call the Minister to move amendment No 27 and to address the other amendments in the group.

**Lord Morrow:** I beg to move amendment No 27: In page 32, line 32, leave out "its register available for public inspection" and insert

"any entry relating to an HMO available for inspection, by any person who falls within subsection (8A) in relation to that entry,".

The following amendments stood on the Marshalled List:

Nos 28 to 31 and 33 to 35.

**Lord Morrow:** Group 3 provides the amendments to the clause relating to the HMO register and associated information. I am content that my amendments to clause 62 will ensure that an appropriate balance is struck between the public interest in the information publicly available and the safety and security of landlords and their families. The reference to an individual receiving a copy of the register is removed, leaving only access to an extract from the register, and the person making the request must have a genuine interest in the property. Those new amendments will take account of concerns raised, and the arrangements in the new Bill will now mirror that which is in place under the present HMO registration scheme.

My Department intends to provide further clarification in guidance for councils. When examining how councils would operate the HMO register in practice, it was felt that the Bill would benefit from some strengthening. A provision was drafted to ensure the adequate exchange

of information between councils for the purposes of HMO regulations. That has been achieved through the amendment that introduces clause 73A.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. Amendment Nos 27 to 31 relate to clause 62 on the HMO register. The Chartered Institute of Housing, the Landlords' Association NI and the Royal Institution of Chartered Surveyors all voiced concern about the potential threat to landlords' safety should their names, property addresses and contact details be included in the register and made available for public consultation. That obviously generated considerable debate in Committee. The Committee acknowledged the concerns that were expressed but took the clear view that it was a public interest matter and that sufficient information should be made available to ensure that residents can address their concerns regarding an HMO; for example, where there is antisocial behaviour of tenants to the landlord and/or managing agent.

Amendment Nos 27 to 31 seek to strike a balance between those two interests. Amendment No 27, for example, will allow access to an entry in the register, rather than to the entire register. The person must also have a genuine interest in the property, as defined in amendment No 29. Importantly for elected representatives who have regularly been involved in these matters and have to deal with complaints from constituents about HMO-related antisocial behaviour, the Department confirmed that it will also be able to access a relevant entry in the register. That, the Committee believes, strikes the appropriate balance between addressing the security concerns of landlords and providing access to a relevant entry in the register to a person who is concerned with the information in that entry. The Committee is, therefore, content with the amendments.

On amendment No 33, the Committee welcomes new clause 73A, which provides for the sharing of information between councils in respect of their functions under the Act. Amendment Nos 34 and 35 are consequential to amendment No 33.

With that, a Cheann Comhairle, I conclude my comments on behalf of the Committee on the group 3 amendments. We support the amendments.

**Ms P Bradley:** I will also be brief with my comments. On the new subsection proposed to clause 62, the Minister said that a balance had been struck, and I think that is exactly where we wanted to get to. As the Chair said, there were witnesses who threw up concerns about the clause and how it would affect them. We heard not only from landlords and those who represent landlords but from Housing Rights. Again, as I say, the balance most definitely has been struck. I support the amendments.

**Mrs D Kelly:** As I pointed out, there has been good collaborative working and a bit of listening has been done. I welcome that balance. This is the way to go to get good legislation. If there is a bit of compromise, everybody gets what they want. It is certainly very good legislation overall.

**Mr Beggs:** As others have said with regard to amendment Nos 27 to 29, it is difficult to get the balance right in providing information about a house in multiple occupation, such as who manages it and who owns it etc. The original wording was that it would simply be publicly available, but, as indicated by others, representations made to us indicated that there was genuine concern from some about their security. As a result, I am in agreement with

the amendments, which will ensure that all residents have straight access to it without any difficulty and others who can show that they are sufficiently concerned with the information in the entry will have access too.

It is a good balance. The information will be available to those who need it, and a degree of privacy will be afforded to landlords.

With regard to the new clause proposed in amendment No 33, I support sharing information between councils. It is a simple thing, but relevant information may be held by one council that would be useful to another. This seems to be starting, in a small way, to do joined-up government. I welcome the amendment and support the other technical and consequential amendments in the group.

**12.45 pm**

**Mr Dickson:** I wish to be brief on the matter, but I want to refer to the points that Mr Beggs made, particularly with regard to access to information about landlords. It is clear that we should strive to have maximum openness. However, it was reasonable for the Committee to listen to the concerns that were raised. At the end of the day, openness should not equate to nosiness, and it should be relevant to those who wish to have and require to have the appropriate information. We are content to support all the amendments.

**Lord Morrow:** It sounds like consensus has broken out again. It demonstrates what some have said: when there is collaboration with the Committee, it paves the way for a good end.

I am grateful to Members for their contributions and am pleased with the consensus of support for the Bill across the Assembly. I thank the Chair of the Committee and the Committee members for the positive way in which they have scrutinised the Bill and for, as I explained in my earlier remarks, agreeing to the proposed amendments.

As I indicated earlier, a stakeholder group has been formed to take forward the transfer and will work with councils on funding arrangements, including potential set-up costs. Future monitoring arrangements for HMOs will be discussed and agreed with councils. It is envisaged that a new reporting/governance framework for councils will be put in place. Subject to the successful passage of the Bill, district councils will thereafter need some time to complete the preparations necessary to administer the new licensing scheme. Therefore, the main provisions of the Bill will come into operation on a date appointed in an order made by my Department following liaison and agreement with councils.

That concludes on the government amendments. However, with your permission, Mr Speaker, I will briefly address some recommendations made in the Social Development Committee's report, particularly those linked to the guidance that my Department is preparing to assist councils with the new scheme implementation. The Committee recommended that the Department provide guidance to address antisocial behaviour in HMOs. I confirm that my Department intends to provide guidance for landlords that will include model tenancy agreements that will specify and outline acceptable tenant behaviour and detail tenant activities or practices that a landlord would not consider tolerable. Landlords will be encouraged to ensure that tenants are aware of their responsibilities and of any possible consequences should they breach the conditions.

Antisocial behaviour is also being given further consideration in my wider private rented sector review, which is under way. That review will also explore initiatives to raise professional standards in the private rented sector. A stakeholder group has been set up to take forward the transfer and will collaborate to publish an appropriate code of practice and guidance for councils, landlords and managing agents to help them meet the requirements of the regulations. I reassure members that my Department will provide the support and funding required for councils to operate the HMO function effectively.

*Amendment No 27 agreed to.*

*Amendment No 28 made:*

In page 32, line 35, leave out from second “a” to “who” on line 36 and insert

*“an entry relating to an HMO to any person who falls within subsection (8A) in relation to that entry and”.—  
[Lord Morrow (The Minister for Social Development).]*

*Amendment No 29 made:*

In page 32, line 36, at end insert

*“(8A) A person falls within this subsection in relation to an entry if the person appears to the council—*

*(a) to have an interest or prospective interest in the HMO,*

*(b) to be a resident of the HMO, or*

*(c) to be otherwise sufficiently concerned with the information contained in the entry.*

*(8B) In subsection (8A), an “interest” is—*

*(a) a freehold or leasehold estate;*

*(b) a mortgage, charge or lien.*

*(8C) The council must, on the request of any statutory authority—*

*(a) make its register available for inspection by the authority;*

*(b) supply a certified copy of its register, or of an extract from it, to the authority.”.— [Lord Morrow (The Minister for Social Development).]*

*Amendment No 30 made:*

In page 32, line 38, after “(8)” insert “or (8C)”.—  
*[Lord Morrow (The Minister for Social Development).]*

*Amendment No 31 made:*

In page 32, line 39, after “an” insert “entry in or other”.—  
*[Lord Morrow (The Minister for Social Development).]*

*Clause 62, as amended, ordered to stand part of the Bill.*

*Clauses 63 to 66 ordered to stand part of the Bill.*

### **Clause 67 (Appeals)**

*Amendment No 32 made:*

In page 36, line 14, leave out from “unless” to end of line 16.— *[Lord Morrow (The Minister for Social Development).]*

*Clause 67, as amended, ordered to stand part of the Bill.*

*Clauses 68 to 73 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 33 made:*

After clause 73 insert

#### **“Sharing of information between councils**

**73A.**—(1) *A council may provide to any other council any information held by the council in connection with its functions under this Act.*

*(2) Information may be provided under subsection (1) only on the request of the other council; and may be used by that council only in connection with its functions under this Act.*

*(3) This section—*

*(a) has effect notwithstanding any restriction on the disclosure of information imposed by any statutory provision or rule of law, and*

*(b) does not limit the circumstances in which information may be used or provided apart from this section.”.— [Lord Morrow (The Minister for Social Development).]*

*New clause ordered to stand part of the Bill.*

### **Clause 74 (Failure to comply with notice under section 71, 72 or 73)**

*Amendment No 34 made:*

In page 41, line 17, after “73” insert

*“or a request under section 73A”.— [Lord Morrow (The Minister for Social Development).]*

*Clause 74, as amended, ordered to stand part of the Bill.*

### **Clause 75 (Unauthorised disclosure of information obtained under section 73)**

*Amendment No 35 made:*

In page 41, line 31, after “73” insert “or 73A”.—  
*[Lord Morrow (The Minister for Social Development).]*

*Clause 75, as amended, ordered to stand part of the Bill.*

*Clauses 76 and 77 ordered to stand part of the Bill.*

### **Clause 78 (Powers of entry: with warrant)**

*Amendment No 36 made:*

In page 43, line 15, leave out “the” and insert “any”.—  
*[Lord Morrow (The Minister for Social Development).]*

*Amendment No 37 made:*

In page 43, line 18, leave out “the” and insert “any”.—  
*[Lord Morrow (The Minister for Social Development).]*

*Clause 78, as amended, ordered to stand part of the Bill.*

*Clauses 79 to 82 ordered to stand part of the Bill.*

### **Clause 83 (HMOs occupied in breach of Act)**

**Mr Speaker:** The Minister’s opposition to clause 83 has already been debated.

*Question, That the clause stand part of the Bill, put and negatived.*

*Clause 83 disagreed to.*

*Clauses 84 and 85 ordered to stand part of the Bill.*

**Clause 86 (Regulations and orders)**

*Amendment No 38 made:*

In page 47, line 8, after “14(3)” insert “or paragraph 2 of Schedule 2”.— *[Lord Morrow (The Minister for Social Development).]*

*Clause 86, as amended, ordered to stand part of the Bill.*

**Clause 87 (General notices)**

*Amendment No 39 made:*

In page 47, line 21, leave out “or paragraph 2(4)”.— *[Lord Morrow (The Minister for Social Development).]*

*Clause 87, as amended, ordered to stand part of the Bill.*

**Clause 88 (Interpretation)**

*Amendment No 40 made:*

In page 48, line 16, after “accommodation” insert

“(but this is subject to subsection (7))”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 41 made:*

In page 48, line 18, leave out sub-paragraph (iii).— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 42 made:*

In page 49, line 5, leave out “, niece or cousin” and insert “or niece”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 43 made:*

In page 49, line 26, at end insert

“(7) Where—

(a) a person (“the agent”) has introduced a prospective tenant or other occupier to the owner of accommodation,

(b) the prospective tenant or other occupier enters into a tenancy or other occupation agreement under which periodical payments are to be made in respect of the occupation, and

(c) the agent (acting on behalf of the owner) receives the first of those periodical payments,

then, for the purposes of the definition of “managing agent” in subsection (1), the receipt by the agent of that payment is not to be regarded as the receipt of rent or another payment from that occupier.”.— *[Lord Morrow (The Minister for Social Development).]*

*Clause 88, as amended, ordered to stand part of the Bill.*

*Clauses 89 to 91 ordered to stand part of the Bill.*

**Schedule 1 (Buildings or parts of buildings which are not houses in multiple occupation)**

*Amendment No 44 made:*

In page 50, line 12, leave out heads (a) and (b).— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 45 made:*

In page 50, line 18, at end insert

“(2) A building where the person managing it is—

(a) the Northern Ireland Housing Executive, or

(b) a housing association registered under Part 2 of the Housing (Northern Ireland) Order 1992.”.—

*[Lord Morrow (The Minister for Social Development).]*

*Schedule 1, as amended, agreed to.*

**1.00 pm**

**Schedule 2 (Applications for HMO licences: requirements and procedure)**

*Amendment No 46 made:*

In page 52, line 36, leave out paragraphs 2 to 6 and insert

“2.—(1) The Department must make regulations providing for the giving of notice of the making of HMO applications.

(2) Regulations under sub-paragraph (1) may in particular—

(a) require the applicant to cause notice of an application to be displayed on or near the HMO in question, or to cause such notice to be published in one or more newspapers circulating in the locality of the HMO;

(b) permit or require the council to cause such notice to be displayed or published, either at the council’s expense or at the applicant’s expense;

(c) specify information which must be displayed or published in or together with notice of an application, which may include notice of a right to make representations about the application and of the manner and period in which such representations must be made;

(d) specify requirements as to the form and manner of notice of an application, and the period for which it must be displayed or published;

(e) provide (subject to such conditions as may be specified in the regulations) for exceptions from any requirement to display or publish notice, in particular where the council is satisfied that displaying or publishing a notice would be likely to jeopardise the safety or welfare of any persons or the security of any premises;

(f) provide for the consequences of failing to comply with requirements imposed by the regulations (and such consequences may include permitting or requiring the council to cease to consider the application in question).

3. The council must send a copy of any application for an HMO licence to the statutory authorities.”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 47 made:*

In page 54, line 29, leave out “paragraph 2, 3 or 5” and insert “regulations under paragraph 2”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 48 made:*

In page 54, line 34, leave out from “is—” to end of line 39 and insert

*“is to be set out in, or determined under, regulations made by the Department”.— [Lord Morrow (The Minister for Social Development).]*

*Amendment No 49 made:*

In page 56, line 10, leave out “paragraph 2, 3 or 5” and insert “regulations under paragraph 2”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 50 made:*

In page 56, line 32, leave out “paragraph 2, 3 or 5” and insert “regulations under paragraph 2”.— *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 51 made:*

In page 57, line 1, leave out from “paragraph” to “5” on line 2 and insert “regulations under paragraph 2”.— *[Lord Morrow (The Minister for Social Development).]*

*Schedule 2, as amended, agreed to.*

*Schedule 3 agreed to.*

***Schedule 4 (Variation and revocation of HMO licences: procedure)***

*Amendment No 52 made:*

In schedule 4, page 64, line 37, leave out “under section 67” and insert “in accordance with section 67(4)”.— *[Lord Morrow (The Minister for Social Development).]*

*Schedule 4, as amended, agreed to.*

***Schedule 5 (Part 4 notices: further provision)***

*Amendment No 53 made:*

In schedule 5, page 67, line 12, leave out “under section 67” and insert “in accordance with section 67(4)”.— *[Lord Morrow (The Minister for Social Development).]*

*Schedule 5, as amended, agreed to.*

*Schedules 6 to 8 agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Houses in Multiple Occupation Bill, and the Bill stands referred to the Speaker. Thank you all very much.

The Business Committee agreed to meet five minutes ago, so I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 1.04 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Social Development

**Mr Deputy Speaker (Mr Beggs):** The following questions have been withdrawn: 7, 8, 13 and 14. Daniel McCrossan is not in his place to ask question 1.

#### Housing Benefit Award Notifications

2. **Mrs Dobson** asked the Minister for Social Development for an update on the changes made to improve and simplify housing benefit award notifications. (AQO 9695/11-16)

**Lord Morrow (The Minister for Social Development):** New housing benefit notifications were launched in September 2015 for new claims and change of circumstances. That followed consultation with tenants' groups and advice sector agencies, such as the Housing Rights Service. The new housing benefit notifications were improved and simplified with a number of modifications, including expanded notes to include illustrative examples of how charges are calculated and explanations of some of the terminology used; clearly showing the amount of rent, rates and housing benefit due to the top of the notification; a single housing benefit notification is now issued setting out the latest circumstances rather than multiple notifications, if changes have taken place; and claimants are reminded in the notes that they can request a formal decision notice or written statement of reason, if required.

**Mrs Dobson:** I thank the Minister for his answer. I have many elderly constituents who continue to struggle with letter after letter from the Housing Executive, which, despite recent changes, continue to be complex and confusing. That often leads elderly tenants into arrears through absolutely no fault of their own. What assurances can the Minister give that those letters will eventually be provided in plain English to help those who simply wish to live in their home and pay the correct amount each month?

**Lord Morrow:** I thank the Member for her question and for her supplementary question. I share her frustrations. We all have constituents who come to us confused because they get a lot of literature that is very difficult, at times, to interpret. I can tell the Member that a concentrated effort is being made to regularise and pull all this together into a single document, and I hope that, as a result, she and her constituents will see a marked improvement in the service and that tenants will receive a document that is easily understood. If the Member has a particular case that she wants to talk to me about, I am happy to do that.

**Mr Douglas:** I thank the Minister for his response. Will the Minister outline to the House the effects of the changes regarding the backdating of housing benefit?

**Lord Morrow:** I thank Mr Douglas for his question also. In his summer Budget, the Chancellor announced that from April 2016 housing benefit claims would be backdated for a maximum of one month. Under the existing provision,

claimants can request the backdating of housing benefit for six months. The decision to reduce the period to one month is in line with changes in GB. When universal credit is implemented later this year, it will provide for only one month's backdating of claims, provided that the claimant can demonstrate good cause.

### Liquor Licensing Legislation

**3. Mrs Cochrane** asked the Minister for Social Development, following his Department's consultation on the reform of liquor licensing legislation in 2012, whether he intends to implement the changes as outlined in the 'Proposed Changes to the Law Regulating the Sale and Supply of Alcohol in Northern Ireland - Way Forward' report of 2013. (AQO 9696/11-16)

**Lord Morrow:** I recognise that certain aspects of liquor licensing law in Northern Ireland are in need of reform. The proposals outlined in the 'Way Forward' report require changes to primary legislation. Since my appointment in January, I have focused on competing priorities such as welfare reform and two housing Bills, and, unfortunately, at this stage, there is insufficient time to progress a Bill to amend the law in the current mandate. Any changes to the law on liquor licensing will fall to the new Department for Communities to consider after the Assembly election in May.

**Mrs Cochrane:** I thank the Minister for his answer and for engaging with me recently on my private Member's Bill on licensing. During the Bill's legislative progress, it became clear that a number of issues were not consulted on in 2012, such as microbreweries, under-18s on licensed premises and so on. Will the Minister ask his Department to progress a much wider consultation process so that, in the next mandate, better, more modern legislation can be taken forward?

**Lord Morrow:** I thank the Member for her question. As a result of her work on the issue, a lot of matters have come to a head. There is no doubt that there is a strong case for taking a holistic look at licensing legislation in Northern Ireland. At the expense of repeating myself, however, I have said that that will not be done in this mandate. It will be an issue for whoever is here the other side of the election. I suspect that, in the new mandate, the matter will be given consideration, because it is somewhat overdue. No matter what stance you take, liquor licensing is important. I may not always agree with the Member or other Members on what is the best way forward, but we have to move forward in order to deal with the issue.

**Mr Maskey:** I do not expect the Minister to project into the next mandate and to speak for people in that mandate. Does he not agree, however, that it is regrettable that, notwithstanding his Department's previous consultations with wider sectors, we have not had a holistic review of licensing legislation in the current mandate, given its importance to tourism and local job sectors?

**Lord Morrow:** I hear what the Member says, but the House is often accused of not doing legislation. However, the very reason that that legislation is not going through in this mandate is the pressure on the legislative timetable. I am sure that the Member will agree that no Member would expect me to deal with in four and a half weeks what could not be achieved in four and a half years.

**Mr Easton:** Why has the Minister not brought forward a gambling reform Bill?

**Mr Deputy Speaker (Mr Beggs):** The Minister may or may not wish to answer that question.

**Lord Morrow:** I could give the short answer again — lack of time and the pressure on the legislative timetable — but, during the current mandate, my Department was faced with competing priorities, such as welfare reform, which is a very big issue, and two housing Bills, which I referred to. My predecessors and I were therefore unable to progress a gambling Bill as intended.

**Mr Dallat:** I offer no criticism whatsoever of the Minister, but he will realise that the Executive have had the issue of reform of the licensing laws on their table since 2012. As we speak today, tens of thousands of young people are being told that they have committed a criminal offence because they are on licensed premises after 9.00 pm, when, in fact, those premises are not selling alcohol, have a controlled environment and have staff trained in child abuse issues and all the other things. Will the Minister assure the House that that crazy situation will not last for much longer?

**Lord Morrow:** I hear what the Member says, and I hear the frustration in his voice. As a previous contributor said, however, I cannot give any guarantee of what the new Assembly will do following the election, because I do not know who will be here.

If someone could stand up today and tell me who all 108 Members will be, I would be interested in talking to them outside the Assembly. The point has been made, and well made, that there is an issue that needs to be addressed. I do not think that anyone, neither I nor previous Ministers, is trying to hide from that. Not least among the issues that need to be addressed is the very one that the Member raises, and there is a responsibility on the future House and Assembly to do so. Like him, I look forward to it being addressed.

**Mr McCallister:** I hear what the Minister says and am grateful to him for his replies outlining that his difficulty is that there is such a short period left.

I would like to draw his attention to the microbreweries that have grown up over the last number of years. In my South Down constituency, there are a number that really need legislation to make their business viable and make sampling days an attractive part of our tourist product. That really needs to be looked at and I urge the Minister to leave that with his Department and his successor. Will he pledge to do that?

**Lord Morrow:** I can give the Member one pledge: that I will leave it to whoever comes behind me. I have no bother giving that pledge. I am not quite sure that that is the answer that he wants, but, yes, he has my pledge that I will leave it to the next Minister. We can turn this round 101 times, but we will come back to the same situation, which is the time factor. The point is well made that the matter has to be addressed, and I do not think that anyone is shying away from or in denial about that.

### Terrorist Injuries: PIP Assessments

**4. Mr Allister** asked the Minister for Social Development to outline the rationale for his proposal that people injuring

themselves during terrorist activity would qualify for extra points in personal independence payment (PIP) assessments. (AQO 9697/11-16)

**Lord Morrow:** At the outset, it is important to state that we fully expect some existing disability living allowance (DLA) recipients who suffer from conflict-related injuries to migrate successfully from DLA to the personal independence payment, now known as PIP, and they will not need to avail themselves of the mitigation measure. I emphasise that the proposal referred to is not from my Department, nor is it mine; it was one of the many mitigation measures recommended by the working group led by Professor Evason, which published its report on 18 January. The report and its recommendations were endorsed at an Executive meeting on 21 January, and I have been asked by the Office of the First Minister and deputy First Minister to take forward the implementation of all the report's recommendations.

In her report and in more recent evidence to the Social Development Committee, Professor Evason explained that her rationale for including this in the package of mitigation measures was that it was intended to address a concern that the new personal independence payment assessment may not fully capture the consequences for claimants in Northern Ireland of conflict-related injury, particularly mental health issues. Professor Evason recommended that, in that scenario, existing DLA claimants who are refused the personal independence payment but score four points be awarded an additional four points to confer entitlement to a supplementary payment for one year only — it is not an entitlement to the personal independence payment.

**Mr Allister:** Whatever the obfuscation about the genesis of the proposal, the fact is that it has been adopted by the Executive and the Minister, and it is he who will bring forward the regulations to implement it. Is the Minister not ashamed that he intends to bring forward a proposal whereby a terrorist — a victim maker — who injured himself by his own hand in planting a bomb will possibly be in the position of benefiting from an extra four points in order to secure and maintain his benefits? If the Minister is not ashamed of that, he should be, because it is an obnoxious and obscene proposal.

**Mr Deputy Speaker (Mr Beggs):** The Member has asked his question.

2.15 pm

**Mr Allister:** Will the Minister undertake to exempt from the regulations he brings those terrorists with self-inflicted injuries?

**Lord Morrow:** Let me say to the Member that he may feel that he is the only person in Northern Ireland, and certainly, the only one in the House, who has any conscience on these issues. Let me say this: I suspect that, if you jag us brave and deep, you will find that my views are not much different from yours. However, I suspect the question has more to do with gaining some cheap political points than trying to deal with real issues. Unfortunately, as a Minister, I have to deal with real issues; I do not have the luxury of being critical of everything that comes across my desk. I wish sometimes that I did, but let me assure the Member that, whether there are inadequacies, it is my intention to do everything in my

power to ensure that those who are deserving of it, get it, and those who are not deserving of it, do not get it.

**Mr Attwood:** I ask the Minister to clarify a point he made in his opening answer, when he said, as I understand it, that it was anticipated that some people — some claimants — who had suffered conflict-related injuries would migrate across to PIP. It has always been the assumption, Minister, that the vast majority of people migrating across to PIP with conflict-related injuries would do so. Are you now sending a message to victims and survivors that it will be a smaller, rather than a larger, number of those with conflict-related injuries who will migrate to PIP than was believed to be the case heretofore?

**Lord Morrow:** Let me make this very clear to the Member: where those who have suffered — the innocent victims — are concerned, there is no attempt on my part or by my Department to deprive them of any benefit they are entitled to. What I want to say to the Member, who at one time sat in a similar seat as I, is this: if he has a case that he wants to talk to me about, let him come and talk to me. I will look forward to hearing about it, but I suspect I will not.

### Apartments: Mount Zion, Lurgan

5. **Mrs D Kelly** asked the Minister for Social Development for an update on the use of the apartments at Mount Zion, Lurgan. (AQO 9698/11-16)

**Lord Morrow:** I had a very successful meeting with the Member and the chief executive of Shankill (Lurgan) Community Projects (SLCP) on 3 February. Amongst the issues we discussed was an application from the SLCP for social housing enterprise funding from the Northern Ireland Housing Executive. The application requested assistance for capital renovations of five flats at Mount Zion House that are owned by Choice Housing, as well as funds for furniture and professional fees.

The Northern Ireland Housing Executive informed the SLCP via email on 5 February 2016 that its application was unsuccessful. A letter detailing the decision will follow, outlining the reasons why and how the Housing Executive's social investments team can engage with it going forward. In addition, I have asked my officials to continue to engage with the SLCP to consider alternative solutions for the five vacant properties at Mount Zion House.

**Mrs D Kelly:** Yes, the Minister did visit, and I am very grateful to him for spending so much time with the largely voluntary board of Shankill (Lurgan) Community Projects. I am pleased to hear that he will keep his eye on the ball with the progress of this case. There are 150 people in the area of north Lurgan on a waiting list. Does the Minister agree with me that it is of the utmost urgency that the Housing Executive and all others involved in this case put maximum effort into ensuring that these apartments — I think there are 18 in total, with five requiring remedial work — are put back into immediate use to alleviate the severe housing crisis in north Lurgan?

**Lord Morrow:** I say to the Member that housing is a very emotive issue in Northern Ireland. There is a big demand for social sector housing. We have a waiting list that is running at some 40,000, of which about 50% is stress housing. Where opportunities arise that we can avail ourselves of to ensure that vacant properties are used to the maximum, I have no hesitation in supporting those. I

know that it is easy to say that standing here today, and that it is quite another thing to put it into action. However, I give the Member an assurance that this will be looked at and, if it is at all possible and viable to do it, it will be done. There is no merit whatsoever in properties sitting vacant while people are sitting on waiting lists for a long time.

## Pension Reforms

**6. Mr Newton** asked the Minister for Social Development to outline his plans to promote public knowledge and awareness of state pension reforms. (AQO 9699/11-16)

**Lord Morrow:** With the new state pension being introduced from 6 April 2016 and affecting anyone reaching state pension age on or after that date, my Department has launched a multi-channel advertising campaign that initially ran through October 2015. This campaign has proved successful, showing a significant increase in online activity as viewers sought further information. A second phase of the same campaign was scheduled to take place from 15 February, and, again, will be delivered across various advertising platforms. This phase will run continuously until the end of March.

**Mr Newton:** I thank the Minister for that information. The Minister will be aware of the concerns right across the community. Can the Minister be definitive about what changes we might actually expect?

**Lord Morrow:** The Pensions Act (Northern Ireland) 2015 makes provisions in relation to the introduction of a new state pension, with an option to allow current pensioners and people who reach state pension age before 6 April 2016 to increase their income in retirement by making a new class 3A voluntary National Insurance contribution. This additional pension amount will be known as state pension top-up. Furthermore, the requirement to have 35 qualifying years' National Insurance contributions or credits to receive the full new state pension amount, the accelerated timetable to increase state pension age to 67, and the introduction of a bereavement support payment and changes to private pensions —

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire. Can the Minister advise us what resources will be provided to the advice sector to help people, particularly pensioners and those who are about to be pensioners, work their way through what can often be a very complex maze of entitlements?

**Lord Morrow:** That is an important issue. Support will be put in place as this rolls out. I say to the Member that, if he has concerns around this one and he knows where there are issues arising in his constituency, I want to hear about them. As an Assembly, we have a duty and responsibility to the elderly in our society. It is well said that a society that cannot look after its elderly and its very young is not a credible society. I stand behind that remark.

**Mr Patterson:** I thank the Minister for his responses on this issue. Does the Minister accept that significantly more people — up to some 80% of those reaching state pension age in 2016-17 — are not going to have a better outcome under the new system? Would the Minister share my concerns that the change in the restriction on women drawing down from their husbands' National Insurance contributions could result in some not receiving a pension at all?

**Lord Morrow:** I thank the Member for his question. This is the first opportunity I have had to welcome him publicly to the House. Like myself, he represents probably the best constituency in Northern Ireland, namely Fermanagh and South Tyrone, and I look forward to working with him on issues ahead.

I share his concerns, but I want to say something that I suspect he already knows: pensions are not a devolved matter. They are arrived at in London. Therefore, as a region of the United Kingdom, we are subject to the same pension control and conditions that prevail in London. Therefore, we do not set the rate of pensions.

There was an attempt here some years ago to raise the rate of pensions. I think it was the Alliance Party that came up with a suggestion that pensioners should all have an increase of £5. Not one Member spoke against that until we asked the Alliance Party, "Where will you get the £5?". They said they did not know, and they are still working on that one. That was about 10 or 15 years ago, and they still have not come up with the answer. However, I share the concerns that you voice.

## Mobility Scooters: Ramps

**9. Mr Hilditch** asked the Minister for Social Development how he is addressing the need to install ramps in Northern Ireland Housing Executive properties for tenants that use mobility scooters. (AQO 9702/11-16)

**Lord Morrow:** The Housing Executive has advised that anyone can buy mobility scooters privately, even if they do not meet the criteria for statutory wheelchair provision. In such circumstances, the Housing Executive would consider providing a ramp, but only after a thorough assessment of need by the occupational therapy service. If the occupational therapist makes a recommendation for a ramp for a wheelchair user, the Housing Executive will undertake the work to the standard specified by the occupational therapist, subject to technical feasibility.

**Mr Hilditch:** I thank the Minister for his answer. Can he give an indication of the condition of the Northern Ireland Housing Executive's stock?

**Lord Morrow:** I thank the Member for his question. The joint DSD/NIHE Asset Commission has provided the Housing Executive with accurate, comprehensive and robust data on the condition of its stock and a holistic understanding of its long-term future investment needs. As a result, the Housing Executive has drafted a new asset management strategy that sets out its long-term investment approach. That change of direction to adopting active asset management principles allows the Housing Executive to consider its investment priorities strategically in light of the likely funding that will be available and to focus on those assets with a clearly sustainable future through demand and rental income.

## Insulation Schemes: North Down

**10. Mr Weir** asked the Minister for Social Development for an update on the progress of insulation schemes in North Down. (AQO 9703/11-16)

**Lord Morrow:** The Housing Executive has advised that, for insulation schemes in North Down, a cavity wall insulation scheme has been programmed in the Strand Avenue area in Holywood as a result of particular

issues arising in properties there. Watts Group plc has been appointed as the consultant for the scheme, and consultation with the residents is due to be carried out within the next two weeks. The Housing Executive then expects to advertise and tender during March and April. The scheme is due to commence on site in May.

**Mr Deputy Speaker (Mr Beggs):** That is the end of our time for listed questions. We move on to topical questions.

## Housing Executive Stock

**T1. Mr McNarry** asked the Minister for Social Development to state where in the Fresh Start proposals it identifies the number of new affordable homes to be built this year and in the next four years, given that a report published today has said that £6·7 billion is needed to update Housing Executive stock over the next 30 years, with £1·5 billion required over the next five years. (AQT 3541/11-16)

2.30 pm

**Lord Morrow:** I thank the Member. I am not sure where he gets his figures or his information from. I understand that Savills has been carrying out a comprehensive report, and I look forward to getting sight of that report. I do not know whether the Member has already got sight of it, but, if he has, he is certainly ahead of me. Let me be very clear: there are very big challenges ahead in relation to housing in Northern Ireland. We will have to be more imaginative in the way that we fund the issue in the future, because there has to be a big change — a step change — in our attitude to social sector housing in Northern Ireland.

**Mr McNarry:** Being ahead of the Minister is certainly something. Will he say that, as the Housing Executive cannot borrow money and housing associations are already heavily committed financially, he will not propose high rent increases, regardless of whether he has got this report today?

**Lord Morrow:** The Member puts his finger on the issue. I am not proposing high rent increases. As a matter of fact, within the past few days, I have proposed a zero rent increase. I suspect that there will be those who will criticise me for that, and there might even be those who will say that it is the right thing to do. There is never an easy way forward on this one. I will make a statement in the not too distant future around the whole issue. I am sure that the Member will look forward to that, and he will, undoubtedly, want to ask questions when that day comes.

## Welfare Reform: Progress Update

**T2. Mrs McKevitt** asked the Minister for Social Development for an update on the progress of welfare reform. (AQT 3542/11-16)

**Lord Morrow:** Welfare reform is a very topical subject, and it is something that I have been devoting a considerable amount of my time to since I took over in Social Development, just four weeks ago or thereabouts. The regulations coming from the Welfare Reform (Northern Ireland) Order are being prepared by my officials, who continue to work with the Department for Work and Pensions to enable the welfare reform regulations to be taken through Westminster. The first measures are planned to commence in May 2016, with subsequent measures anticipated to commence in June,

the autumn and early 2017. I can assure the Member that it is very active at the moment.

**Mrs McKevitt:** Will the Minister explain, in relation to welfare reform, how people with mental health issues will be assisted when the mobility element is included in the mitigations? That is a major concern for a lot of people in my constituency.

**Lord Morrow:** That is a very good question, too, if I may say so. There are two mobility activities considered in determining entitlement to PIP: planning and following a journey and moving around. Planning and following a journey covers the difficulties experienced by people with learning difficulties, mental health problems or sensory impairment. Furthermore, in such a scenario, people with mental health problems may score four points in the planning and following a journey criterion.

## Finlock Guttering: North Belfast

**T3. Mr McCausland** asked the Minister for Social Development for an update on the work that is to be undertaken by the Housing Executive to deal with finlock guttering on houses in Silverstream and Tynedale in North Belfast — an issue that affects houses in East Londonderry as well — given that he will be aware of water penetration into those homes as a result of defective guttering over many years. (AQT 3543/11-16)

**Lord Morrow:** I thank the Member for his question. Finlock guttering has been very much on the agenda in my Department of late. This is not a straightforward matter. We are grappling with a combination of two types of ownership: those who own their home and those who rent their home. Very often, while people live in different houses, they live under the same roof. Therefore, we have to work on a solution for how it will be done in a way that creates the least disturbance. The Member will undoubtedly be aware that, during his time as Minister, the problem was also in existence. I know that he worked hard to bring it up the agenda, which he did. I continue to do that to bring a result. It is something that I will concentrate on — I have done so in the past and will do so in the future — to get a solution to this difficult and vexed problem.

**Mr McCausland:** I thank the Minister for his answer. As he rightly says, during my time with the Department for Social Development, we did not merely get it up the agenda; we actually got it onto the agenda. For 10 years, the Housing Executive had denied that there was an issue of defective guttering. I am concerned that, in the last number of days, it has emerged that 15 houses had their guttering replaced some years ago, which would seem to suggest that, all those years ago, there was an acknowledgement and an understanding in the executive of the nature of the problem; yet, publicly, it persisted in saying that it was a matter of condensation in the houses. Will he ask the Housing Executive to investigate how that happened so that we have a clear understanding of why there was such a long period of denial?

**Lord Morrow:** The Member makes the point well. I can tell him that I have already asked the Housing Executive to provide a report on that to me. I am aware of the situation as the Member has outlined it. I look forward to receiving the report from the Housing Executive. When I do, I will make it available to the Member.

## Personal Independence Payments: Introduction

**Mr Swann:** I congratulate the Minister. I think this is the first exchange we have had since he took up post.

T4. **Mr Swann** asked the Minister for Social Development when personal independence payments will be introduced in Northern Ireland. (AQT 3544/11-16)

**Lord Morrow:** I thank the Member for his question. I am not sure whether I have taken a question from him before, but he has decided to ask a good one. I cannot give him the exact date when that will be, but I will write to him when I get it and make it available to him. Hopefully, that will be with him within days rather than weeks.

**Mr Swann:** Thank you very much, Minister. I appreciate your efficiency. Have you any detail on whether new claimants will be assessed under the current rules and regulations that are used for DLA?

**Lord Morrow:** The situation is changing. I am sure that the Member knows that. Therefore, it would be unwise for me to speculate at this moment. However, as I have said, my officials are working virtually night and day to bring the matter forward as swiftly as they can. It is an issue that has to be dealt with in a very expeditious manner. I assure the Member that, just as he might have concerns around it, so do I, as a constituency MLA, because what affects his constituents affects mine, too.

## Monkstown Estate: Maintenance Programme

T5. **Mr Ross** asked the Minister for Social Development what maintenance programmes are planned for the Monkstown estate in the near future; an estate that, last week, he viewed with the community association and was shown some of the Housing Executive stock where many people are living in pretty desperate conditions that are in urgent need of maintenance. (AQT 3545/11-16)

**Lord Morrow:** I thank the Member for his question. The Housing Executive has advised that, overall, it has 502 properties in Monkstown. The Monkstown estate has benefited from a variety of schemes including external cyclical maintenance, double glazing and kitchen replacements worth a total investment of nearly £2.4 million in the past few years.

**Mr Ross:** I thank the Minister for that answer. I encourage him to look at the current maintenance need in the area and get speedy progress on it. Specifically with regard to Abbeytown Square in the estate, what money has been spent there and what plans are there for development or schemes in that area?

**Lord Morrow:** I do not have the amount of money that was spent in relation to Abbeytown Square, but the last external cyclical maintenance scheme was completed in 2009-2010 and the last kitchen scheme was completed in 2013.

## Dales Flats, Seymour Hill

T6. **Mrs Hale** asked the Minister for Social Development for an update on the Dales flats in Seymour Hill. (AQT 3546/11-16)

**Lord Morrow:** I thank the Member for her question. In relation to the Dales, which the Member speaks about, I understand that there have been two recent reports. When

I talk about recent, I mean one as recent as November 2015 and another as recent as October 2015. I am aware that there are problems with damp, condensation and other issues. Therefore, once the report comes through, which I expect virtually any time, I, too, will want to speak to the Member about it.

**Mrs Hale:** I thank the Minister for his answer. I know that you have not had a chance yet to visit the Dales to see the dangerous and disgraceful state of them. The Housing Executive has been finding ways to say no to doing any updates rather than finding a way to say yes. I have been to have a look, and it is so bad: there is damp rot and spores are growing on the walls. People should not have to live in those conditions. Windows were poorly fitted 20 years ago, and the heating system does not work, which is forcing people into fuel poverty.

Minister, I want to give you these photographs to show you how bad it is. I cannot believe that people are living in such a state. What can you do to help the residents of Seymour Hill?

**Mr Deputy Speaker (Mr Beggs):** Can I highlight to Members that this is not the norm for Question Time? You are entitled to hand information to the Minister, but that can be done outside Question Time. I do not wish to encourage other Members to replicate such actions. Minister, I will allow you an opportunity to answer.

**Mrs Hale:** I apologise.

**Lord Morrow:** The Member has handed material to me, which I will look at. *[Interruption.]* A quick glance at it tells its own story. As she said, I have not been out on the site, but my predecessor, Mr Storey, has and has assessed it, and he, too, declared that it is a matter of some urgency. Those pictures confirm what Mr Storey and the Member have said.

## Social Housing Stock: Rural East Antrim

T7. **Mr McMullan** asked the Minister for Social Development what plans his Department has to improve the social housing stock in rural east Antrim, especially along the Antrim coast and glens. (AQT 3547/11-16)

**Lord Morrow:** I suspect that rural east Antrim, which he spoke about, is no different from rural Fermanagh and south Tyrone, rural west Tyrone, rural Armagh or any other rural area. Having said that, I suspect that it is not any better than those areas. I assure the Member that there is a continual appraisal of all social sector housing not only in his area but across Northern Ireland. I look forward to getting a report on the condition of our social sector housing not only in his constituency but in my constituency and in the constituency of everyone else represented in the House.

**Mr McMullan:** I thank the Minister for that answer. The housing stock has not improved in the last 15 or 20 years in the Antrim coast and glens area. Will you look into that because we keep coming up with the only two sites in the whole area, which are not available, and other sites that are? I would be only too happy to have a meeting with you to discuss it. Go raibh maith agat.

**Lord Morrow:** I thank the Member for his question. The Member could forward to me at the earliest possible opportunity his concerns outlining the estates and houses that he has raised here today. He did not mention them

exactly, but he has said that they are on the coast, and I suspect that the coast is a fairly long distance. If he can send me that information or make me aware of it, we will certainly have a look at it and see what has to be done or what should be done.

2.45 pm

**Mr Deputy Speaker (Mr Beggs):** That ends the period of questions to the Minister for Social Development.

## Agriculture and Rural Development

**Mr Deputy Speaker (Mr Beggs):** Questions 4 and 7 have been withdrawn.

### Hillsborough Forest

1. **Mrs Hale** asked the Minister of Agriculture and Rural Development how she is working with Forest Service to manage better Hillsborough forest. (AQO 9708/11-16)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a LeasCheann Comhairle. Hillsborough forest has over 225,000 visits annually, during which £1.7 million is spent on travel, food and drink. A survey in 2014 found that 88% of visitors rated the forest as very good or excellent; 99% said that they would probably or definitely recommend the forest as somewhere to visit; and 17% thought that the quality of the forest had improved in the past three years. However, 11% thought that it had become worse and suggested a need for toilets, better signposted walks, a play park, and dogs to be kept on leads and not allowed to foul the public areas.

Most visitors therefore think that Forest Service does a good job in Hillsborough, but it is clear that visitors also expect more. Resources are limited, so I have encouraged Forest Service to seek partners to share the burden. That seems to me to be an essential role for local government because most of the benefits fall to local people. I understand that Lisburn and Castlereagh City Council has had some early meetings to consider the potential for improvement, and I hope that that will develop into a more formal partnership.

**Mrs Hale:** I thank the Minister for her detailed answer and for all the statistics. Given that multiple Departments are involved in the management of Hillsborough forest, can she tell me what discussions her Department has had to ensure that the environmental conditions and the tree health are robustly monitored?

**Mrs O'Neill:** I think that it is fair to say that we have a very robust plant health strategy in place. Our Forest Service officials are on the ground. I know that, in the past, you have expressed concerns about the forest, and hopefully those have been resolved through the discussion that you have had with my officials.

For me, one of the key positive things that we have been able to develop over the past number of years is to open up our forests to people and to ensure that there is more recreation in them. We have been very successful in doing that alongside our partners, particularly, when it comes to recreation, and working with our local councils. There have been a number of very successful projects, and I hope to see recreation continue to grow and, indeed, flourish

into the future. The forest that you speak about has more potential. There is some scope to do work on some of the issues that have been highlighted, but a partnership approach will be very much key to that work.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister share the concerns of the protesters who are currently protesting against oil exploration at Woodburn forest in Carrickfergus?

**Mrs O'Neill:** I am aware that there is considerable public interest in the drilling proposals that are ongoing at Woodburn, and it is a matter of record that I am personally opposed to the exploration of fracking. However, to be very clear, forests at Woodburn are managed by Forest Service. They are on land that is owned by the Water Service, not Forest Service. I previously gave a commitment to the House and publicly that there will be no fracking on Forest Service land, and that remains my position. This is a matter for the Water Service and my colleague the Minister for Regional Development to comment on, particularly concerning the arrangements for access by a drilling company. The considerable public interest has shown that people have a legitimate concern about the environmental implications of any such drilling and any proposed action that may come about as a result.

**Mr Patterson:** Can the Minister provide an update on present staffing levels in Forest Service? Does she accept the concerns of many existing staff about its future ability to manage forests, given the shrinking and ageing workforce?

**Mrs O'Neill:** First, I am sure that the Member will join me in congratulating Forest Service for moving into his constituency. Last week, I was up there to open officially the new Forest Service headquarters. I am very passionate about decentralising public-sector jobs. Something like 39 staff have now come on to the site, with the opportunity for up to 80 staff to move on to the site over the next number of years. For me, that is a very positive development.

I do not have a breakdown of the age structure of the workforce. I am confident, however, that all that needs to be done is being done and that our staff are on the ground, working with communities, working with their partners in councils and doing everything that they can not just to maintain the plant health of our forests but to open up the forest to wider social and recreational use. I commend Forest Service for making that shift and for working with me, the Department and my predecessor to have a completely different strategy on forests. I think that it has been very successful.

**Mr Lyttle:** Can the Minister provide an update on the potential Forest Service acquisition of Cairn Wood and assure the Assembly that she will do all she can to ensure that that outstanding natural environment remains within public ownership?

**Mrs O'Neill:** Forest Service is preparing the business case for the transfer of land that is owned by Water Service at Ballysallagh. It is too early to say what the preferred option for Forest Service will be, but I expect that it will require considerable involvement from partners, particularly Ards and North Down Borough Council, working with the Forest Service to turn that into a reality. I am aware that there is considerable public interest in the matter, but it is for Water Service and my colleague the Minister for

Regional Development to comment on the current plans. I understand where the Member is coming from, and I will support that in trying to do all that we can.

## Going for Growth: Funding

**2. Ms Hanna** asked the Minister of Agriculture and Rural Development to outline how she plans to spend the £250 million allocated for the Going for Growth scheme in the 2016-17 Budget. (AQO 9709/11-16)

**Mrs O'Neill:** Delivery of the agreed actions in the Executive's response to Going for Growth spans a number of Departments. DARD has a role in taking forward over 40 actions supporting improved animal health and welfare, innovation, market access and environmental sustainability. However, the key action for the new Department is the farm business improvement scheme, which will be delivered via the rural development programme (RDP). The farm business improvement scheme is a package of measures aimed at knowledge transfer, cooperation, innovation and capital investment to improve competitiveness and productivity in farming. The Executive agreed to prioritise the agrifood sector for support and to provide up to £250 million of capital and resource funding over the lifetime of the RDP for the farm business improvement scheme, subject, obviously, to approved business cases and, which is key, industry demand.

Expenditure on the scheme has been profiled out to 2023. It is anticipated that up to £200 million will be available to support on-farm capital investment. Remaining funding will be allocated to the knowledge transfer, cooperation and innovation programmes, which will assist farmers to clearly identify their needs ahead of any capital investment and to make informed decisions about developing their businesses.

My departmental budget allocation for 2016-17 includes £5 million in capital funding to support the implementation of Going for Growth actions, including £2 million for the farm business improvement scheme. The first phase of the scheme — knowledge transfer — launched in November 2015 with business development groups. I was happy to announce recently that all eligible applicants — over 3,200 — would be offered a place in the groups. In the coming weeks and months, I hope to launch further phases of the farm business improvement scheme, including farm family key skills training and support for capital investment. Business cases are being finalised, and schemes will launch as soon as possible once those are approved.

**Ms Hanna:** I thank the Minister for her answer. How have the recent announcement on renewables obligation certificates and the early closure of the renewable heat incentives impacted on farms that would have sought that funding, particularly in relation to their energy costs?

**Mrs O'Neill:** One of the biggest challenges in the agrifood sector is that our manufacturing companies in that field pay really high energy costs. NIFDA — the Food and Drink Association — launched its manifesto today, and it particularly picked up on the fact that that is one of the biggest challenges that the industry faces. Thankfully, work is ongoing in DETI, which will, hopefully, report in the next couple of weeks and put proposals to the Executive as to how we can help the industry. I am keen to see that work because, of the continuing challenges across all the agrifood sectors, one of the biggest is the margin that

farmers receive for what they produce. If we are going to be serious about trying to improving that margin, we need to look seriously at how we can reduce production costs for farmers, processors and all the people in the supply chain.

In relation to renewable heat incentives, we had that discussion in the House over the last number of weeks. I think that there are implications. Thankfully, instead of an abrupt end to the scheme, some companies have been able to adjust and, hopefully, finish the work that they had contracted to do. There are implications for the wider industry, but we need to be positive about the agrifood industry. We need to embrace the challenges and the opportunities. The chairperson of NIFDA today spoke about positivity and going forward and working together — government and industry — in taking on all the challenges. I am certainly up for playing my part in my Department and in the Executive.

**Mr Irwin:** I thank the Minister for her responses. When does she hope to open the first tranche of the farm business improvement scheme to applications?

**Mrs O'Neill:** As I said, we are working our way through the business cases. I am delighted that over 3,200 people have come to the business development groups. That was the first tranche and the first stage of the scheme. I said from the start that we needed to take it forward in a coordinated manner, and that was the best way to do that. As soon as we have the business case, which will certainly be before the end of the mandate, I hope to be in a position to make an announcement on the capital element of the farm business improvement scheme.

Any farmers who are considering making any sort of capital investment on their farm may wish to start thinking about what they will need to do in advance of that, such as assessing the needs of their businesses and getting ready for the scheme when it opens. We are making sure that we disseminate all the information about the capital element of the scheme as soon as it comes forward, and we are very much doing that through working with the business development groups. As I said, I am so delighted to have seen over 3,200 people come forward. It shows that there is a desire in the industry to invest in farms and to look at production to see what farmers can do for themselves. The scheme will allow them to be more productive in the future. It will allow them more collaboration and working with others, and it will have tremendous benefits for the wider farming industry.

**Mrs Dobson:** When will the Minister provide the detail of the list of eligible items that farmers can apply for under the farm business improvement scheme so that they can begin to prepare for expenditure for later this year?

**Mrs O'Neill:** As I said, we are working our way through the detail of all that. That is part of the business case. As I have always said to farmers, the rule of thumb is that it will not be like the previous scheme, where there was a list of eligible items; this time, it needs to be a bit more creative in helping people to deliver for products that they need on farm and that will help them to become more efficient. We have been working with the farming industry on the detail, and we have been communicating this as we go through. We have taken a phased approach. I have communicated that message. People are eagerly awaiting the agreement for the business case, when we will be able to go out and say what it is.

We will communicate that through roadshows and other methods to make sure we get the message out there on what is available and how you can go about applying. I very much think that the farm business development groups have been key to communicating all that.

## EU Fines and Financial Penalties

**3. Mr McNarry** asked the Minister of Agriculture and Rural Development how much her Department has paid in fines and financial penalties levied by the European Union since 2008. (AQO 9710/11-16)

**Mrs O'Neill:** Financial corrections imposed on my Department by the European Union since 2008 amount to €78 million. However, the actual financial cost to my Department is lower, at €59 million, due to the fact that the recovery of overpaid moneys to claimants is taken into account by the Commission. The total amount of disallowance should be considered in the context of the funding that we receive from the CAP. During the period from 2007 to 2013, we received €2.2 billion under pillar 1 and a further €329 million under pillar 2 before any matched funding. Over the 2014-2020 budget period, pillar 1 payments to our farmers will amount to €2.3 billion. In addition, €228 million of EU funds will be devoted to our rural development programme, resulting in a total planned expenditure under the CAP of €2.53 billion.

**Mr McNarry:** I am somewhat astounded — actually, flabbergasted — by the amounts. These are fines and penalties. The Minister said little about the reasons or whether there had been repetitive failures. Given that she might elaborate on that, can she also tell us what, in fact, she is doing to stop future fines and penalties of this nature?

**Mrs O'Neill:** Yes, I think we have done a considerable body of work. If you remember — I have said this to the House on numerous occasions in the past — the reasons for disallowance at different times, particularly in how Europe conducted its audits a number of years later and then applied things retrospectively, has led to challenges. However, year-on-year I can certainly point to improvements and have been able to bring that disallowance down. I do not have a breakdown of the figures, but I am happy to provide it to you. We have certainly been able to make a significant difference in the amounts of disallowance that have been applied.

As I said, I have talked up the amounts that we receive year-on-year here in single farm payments and the rural development programme, and we continue to have a programme in place that will lead us up to 2020 and will see €2.53 billion coming into the local economy. I think we can all be very clear that the farming community needs that and the wider rural community needs it, as it is investment in basic services, rural business and rural tourism. All those factors will benefit us immensely, and the wider rural community will benefit immensely from the contribution of €2.53 billion in planned spend from the EU budget.

**Mr Campbell:** This is not a question about the EU, as the people of the United Kingdom, in the next three months, will decide that, but the issue relates to our membership of the EU.

The Minister will be well aware, I am sure, of the considerable time that officials in her Department have to spend when they

are facing EU restrictions, bureaucracy, guidelines and the fines issues, which has just been mentioned.

**3.00 pm**

**Mr Deputy Speaker (Mr Beggs):** Can the Member come to a question?

**Mr Campbell:** Can she elaborate today or, if not today, subsequently in writing on the timeline for all of her departmental officials to analyse those things to deliver for the people of Northern Ireland?

**Mrs O'Neill:** I can assure the Member that my officials spend their time making sure that we distribute the funding in as quick a manner as we possibly can. The year-on-year improvements in getting single farm payments into farmers' pockets are very clear; the evidence is there to back up what I am saying.

I often hear this argument about regulations. Anybody who thinks that regulations are going to disappear post-Brexit are absolutely deluded. There will always be regulations in place. If we were to start out tomorrow not as a member of the European Union and wanted to trade with it, we would have to abide by the regulations from Europe to get into that market. It is delusional, to say the least, for people to use the argument that coming out of Europe will mean that there will be no regulation for farmers. Going forward, we need to look at the fact that there is £2.53 billion available for our local economy. *[Interruption.]* Where is that money going to be replaced from? I can be very assured —

**Mr Deputy Speaker (Mr Beggs):** Order

**Mrs O'Neill:** I can be very assured that the British Government have no intention of replacing that funding. When I was at the Food and Drink Association (NIFDA) launch this morning, representatives of the agrifood industry here in the North clearly said that the agrifood industry's interests are best served within Europe. They clearly out set the challenges that there are and the implications for trade. They clearly set that out. There is no doubt. If anybody is any doubt, they should pick up a copy of the document, and they will be able to read that for themselves.

As for trade for our agrifood industry going forward, we export 73% of what we produce. We export 90% of the food and drink that we produce into the European market. The implications for our local economy are absolutely immense. Going back to Mr Campbell's question, which he is getting quite exercised about — *[Interruption.]*

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mrs O'Neill:** I have answered his question, but I will talk to officials about the timelines that he talked about. I think, however, that officials would be best served trying to administer that money and to get it out into the rural economy and farmers' pockets instead of answering silly questions on the length of time it takes to chase up all those other things that he is talking about.

**Mr Dickson:** Minister, when it comes to fines and penalties, can you tell us who will be paying the fines and penalties if there is, for example, a pollution incident on land at Woodburn forest over which you have administrative control?

**Mrs O'Neill:** I very clearly set out the situation in relation to Woodburn and the fact that that is an NI Water issue in relation to DRD, which is not within my remit.

**Mr Dickson:** It is your land.

**Mrs O'Neill:** No, it is not my land. We take land — I have made that point very clear. Woodburn forest is owned by NI Water. The trees are managed by the Department's Forest Service under a management agreement between both parties. That is factually correct. You can shake your head all you want; it is factually correct.

**Mr Allister:** This is a side of the EU that Europhiles like the Minister do not like to talk about: the fact that it fines us tens of millions of euros on the administration of our own money that comes back to us. On the question of the strangling bureaucracy, the EU Commission has admitted that the cost of bureaucracy — its regulations on the economies — is 4% of GDP. What does that translate into in terms of the charge on agriculture in Northern Ireland? What is 4% of the GDP, because that is the cost of regulation?

**Mr Deputy Speaker (Mr Beggs):** That question is beyond the original question. Over to the Minister, if she wishes to reply.

**Mrs O'Neill:** I again make the point that I absolutely agree with the Member's point about European bureaucracy. There is too much red tape, and there are obstacles that we need to address. We need to challenge Europe, and we have been successful in doing that in some instances, particularly in relation to greening around CAP reform. We have a way to go, but that is our job. We should be challenging Europe. We should be out there fighting our corner and making our arguments. We are able and fit to articulate our arguments and to make the case and, through strength of voice, to join with other EU countries, where we can, to do that. To say that there is not going to be any regulation in place post-Brexit is nonsense. There will be regulations in place for the farming industry and the wider rural community on environmental issues and all those things. If we want to trade with Europe, there will be regulations in place and things that we will need to deal with.

I make my point. It is interesting that, in the last number of Question Times, we have quite often had a conversation about the Brexit. I think that that is great. I have continually said that I think that it is good to have that debate, and we will hear a lot more of it in the months ahead. It is very clear that NIFDA, which represents the agrifood industry, said this morning that our place is better in Europe, and the CBI — the business institute for the North — said that we are better within Europe. When we look at all the benefits that come for the agrifood industry and the farming industry, we can see that we are better placed within Europe.

I caveat all that by saying that there are issues within Europe that we need to challenge. I have consistently said that. I am certainly not a Eurofad, but I am up for critical engagement with Europe.

## Flooding: Upper Bann

5. **Mr Gardiner** asked the Minister of Agriculture and Rural Development for an update on the support offered to farmers affected by the recent flooding in Upper Bann. (AQO 9712/11-16)

**Mrs O'Neill:** The Executive agreed that an emergency financial assistance scheme should be developed for non-domestic properties, including small businesses, such as farms, that were affected by the recent flooding. I also intend to extend the homeowner flood protection grant scheme to small businesses, including farms. I have asked the Rivers Agency to develop the scheme and secure the necessary business case approval.

**Mr Gardiner:** I thank the Minister for her concerns and the interest that she is taking in the situation. However, many farmers in Upper Bann had land that was under water for weeks. It was recently announced that farmers in England would be given support payments worth up to £20,000. Does she think that farmers here are less deserving? What action will she take to assist them financially?

**Mrs O'Neill:** No. I obviously do not think that they are less deserving. I have made the case, and the Executive have agreed that we will use the £1.3 million that we received from the British Treasury allocation for rural roads and to do some survey work that will look at whether there are any other areas where, for example, the Rivers Agency should dredge. It will look at all those things. The Executive have very clearly recognised that, alongside that body of work, we have committed to looking at supporting businesses and farms that were flooded. I made the recommendation to take that scheme forward on the back of a subgroup of the Executive. We are in the process of doing that with DFP and my Rivers Agency officials.

The Member will also be aware that I recently launched an individual flood protection scheme. I have decided that we should include businesses in that scheme, and we are working up a business case for that. We are very clearly trying to come at it in a way that we can help businesses to prevent flooding in the future by bringing forward that scheme.

**Mr Anderson:** I thank the Minister for her response. I appreciate the efforts by the Rivers Agency and other agencies during the flooding crisis since the beginning of the year.

Minister, farmers and those who work in farming businesses have told me that, if they have to face something like this again, it could be the end of them in farming. It is OK to state that you are putting this and that in place. What consultation are you having with those farming businesses on the ground to help mitigate the greatly damaging effect of future flooding on their farms? It is OK to state that we have certain things to put in place, but will that help them going forward? If it does not, it could be the end game for a lot of them.

**Mrs O'Neill:** The weather that we are speaking about was extreme weather. So much rain fell over a number of days. You will remember that I announced that there will be two reviews. There will be a technical or engineering review, but there will also be a review on the response to the issues. Part of that will involve the Department commissioning research on the extreme weather and on what else we can do to disseminate that information through the College of Agriculture, Food and Rural Enterprise (CAFRE). It is about working through our agricultural colleges and with the farming community.

I have visited quite a number of farms that have flooded. I have seen it for myself first hand and have heard the concerns that farmers have about the damage to their land. That is why, in consultation with the Executive, we

were able to agree that we should bring forward a scheme that will address the hardship. It will not address all the issues or replace all the land, but it will certainly go some way to help farmers get through a very difficult period and the extreme weather that has caused all the problems. The Executive are working their way through that as we speak. DFP and my Department are working to make sure that we get that money out as quickly as possible.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire fosta. I thank the Minister. Will she confirm that the recently announced and much-vaunted support scheme will not, in fact, be retrospectively applied to those farmers and businesses around the shores of Lough Neagh that were worst affected by the ravages of the floods?

**Mrs O'Neill:** No, I cannot confirm that because it is not right.

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. Minister, I would like to explore it further. What measures is your Department taking to reduce future flooding risk?

**Mrs O'Neill:** Yes, well we obviously have an ongoing programme of maintenance and upgrading of assets to ensure that existing drainage and flood defence infrastructure continues to protect people and property from flooding. The Rivers Agency also carries out routine inspections and maintenance of designated open watercourses, culverts and culvert inlet grilles. When flood risk is heightened as a result of forecasted heavy rain, the agency increases the maintenance of culvert grilles to reduce flood risk. Open urban watercourses are inspected and maintained yearly, while open rural watercourses are inspected at least every six years.

The Rivers Agency also constructs new infrastructure, where this is cost beneficial, to improve the level of protection to people and to property. The agency has an ongoing capital works programme, which is subject to competing priorities from available funding.

**Mr Deputy Speaker (Mr Beggs):** Ross Hussey is not in his place. I call Pam Cameron.

## Pigs: Tail-biting

8. **Mrs Cameron** asked the Minister of Agriculture and Rural Development for an update on her Department's investigations into the effect that overcrowding has on incidences of tail-biting amongst pigs. (AQO 9715/11-16)

**Mrs O'Neill:** Tail-biting is one of the most challenging welfare issues within the pig sector. My Department has not investigated the effect that overcrowding has on incidences of tail-biting amongst pigs specifically, but it did commission a literature review to identify practical solutions to reduce tail-biting in pig production systems here.

This review of literature and practices adopted in other member states was undertaken by the Agri-Food and Biosciences Institute (AFBI) and involved collaboration across Europe, including case studies with individual pig producers. The presentation of the research report is available on the AFBI website. In addition, AFBI hosted a pig conference in November last year where the findings were disseminated.

The project established that the causal factors of tail-biting in pigs are multifactorial. In most cases, multiple factors,

such as stress, environment and genetics, are required in combination to trigger a tail-biting outbreak. However, some individual pigs have a tendency to tail-bite, even at very low stress levels. Therefore, it is unlikely that one solution will solve tail-biting on all farms.

The Europe-wide pig welfare directive, which came into force in March 2009, lays down minimum standards for the protection of pigs. The Welfare of Farmed Animals Regulations 2012 implements the pig welfare directive here. Schedule 8 sets out the requirements for environmental enrichment. This requires that:

*"To enable proper investigation and manipulation activities, all pigs shall have permanent access to a sufficient quantity of material such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such which does not adversely affect the health of the animals."*

Compliance is checked during on-farm inspections by my Department, quality assurance audits carried out by independent inspectors, and quarterly visits by private veterinary practitioners.

**Mrs Cameron:** I thank the Minister for her answer thus far. I ask her to confirm what discussions and communications, if any, she has had with the representatives from the proposed industrial-scale pig farm on the Rea Hill Road, Newtownabbey in respect of such animal welfare issues.

**Mrs O'Neill:** I have not had any in terms of that application. There will be a planning application going forward, and if we are a formal consultee, I can consult in relation to the information that we have around the standards that we would expect under the legislation that is already in place.

## Horse Racing Fund

9. **Mr Hilditch** asked the Minister of Agriculture and Rural Development for an update on the review of the horse racing fund. (AQO 9716/11-16)

**Mrs O'Neill:** Following representations from the local racecourses and from bookmakers, I commissioned my officials to review the horse racing fund charges, and a public consultation was launched on 2 July 2015. My officials have given consideration to the 59 responses to the consultation, including two petitions. On 8 February, I had meetings with representatives of local off-course bookmakers and of the two local racecourses. Approval for the new charges will now be sought from the Department of Finance and Personnel, with a view to progressing legislation, which is subject to affirmative resolution, as soon as possible.

**Mr Hilditch:** I thank the Minister for her answer and update on what is an ongoing issue. Will the Minister give us some indication of how she and her Department are helping to sustain the excellent facilities that have been created at Down Royal and Downpatrick racecourses?

**Mrs O'Neill:** Yes. We obviously have the excellent College of Agriculture, Food and Rural Enterprise (CAFRE) campus in Enniskillen, which focuses on equine issues, such as equine breeding, equitation and farriery. The racing units in Enniskillen campus provide excellent resources to support the delivery of its learning provision. The campus horse racing and equestrian clubs are also used to support equine programme delivery, and the students

regularly compete in point-to-point races and other equine competitions, including at the Balmoral show. So, it is a case of very much so, in terms of the expertise that we are developing, and that is working with the industry.

I know that the industry is keen to know the outcome of the consultation, and I intend to make that decision and to talk to DFP and have that through over the next number of weeks.

**Mr Deputy Speaker (Mr Beggs):** That is the end of the period for listed questions, and we now move on to topical questions.

## Milk Prices

**T1. Mr I McCrea** asked the Minister of Agriculture and Rural Development for an update on the discussions she has had about the reduction in milk prices received by dairy farmers, albeit that he is surprised that a similar question was not asked during listed questions. (AQT 3551/11-16)

3.15 pm

**Mrs O'Neill:** The Member will know that I have been very active on this issue for quite some time. There is a natural trend in the dairy sector in which prices fluctuate and where there is a trough. Unfortunately, the latest trough has continued for a significant period. He will know that I have led delegations to DEFRA in England and that we have been to Europe on a number of occasions and were successful in achieving an additional £5.1 million cash flow for the industry. That is the issue that we are dealing with here. The dairy sector has a positive future, but there is overproduction, and the Russian market is not buying. A combination of factors are coming together to create a perfect storm that is prolonging the cash flow issue for the dairy sector.

I continue to host the dairy forum, which held a meeting last week and which brings in key dairy stakeholders. We brought in the banks and the HP companies, and that is something that I have done on a number of occasions over the last 18 months in order to try to work with the sector. Clearly, my challenge to Europe remains; we need to continue to push for the review of intervention prices. We also need Europe to extend the intervention rates that are already in place. I have agreed with the industry that that is another job of work, and I, and David Dobbin from the industry, have written to Europe in relation to that.

We continue to work with the industry on the challenges that are there, but it recognises that this is very clearly a cash-flow issue. The banks have a key role to play, and I am particularly engaged in challenging them to be creative and to create payment holidays and capital holidays, and I will continue with that body of work. I discussed it again this morning. What we need to be doing is a daily topic for discussion, and I am working very closely with the industry to help where we can do so.

**Mr I McCrea:** If the information I have received is correct, which is that the prices have still not bottomed out, and given that the Minister and people in the industry have made a commitment to write to Europe, will she go to Europe — I appreciate that the weeks are running out in the time before the election — to put that plea to the European Commissioner to ensure that something is

done before farmers who are currently struggling go out of business?

**Mrs O'Neill:** Yes, as I said, I recently wrote to Phil Hogan again about the intervention rates and the length of time they are going to be in place. This will be discussed at an EU Agriculture Council meeting in the next number of weeks and I intend to be there to make sure that we make a very strong case. Again, we do it collectively, along with our Scottish counterparts, DEFRA in England, and Rebecca Evans and her team in the Welsh Government. We come at this by making a very strong case for why our industry needs this support at this time. We need that intervention at a European level, but at a local level we also need the banks to be flexible and we need them to work with the industry.

For my part, in terms of what I can deliver, it is about making sure that I get payments into farmers' pockets as quickly as possible. I achieved that and delivered on it, with just over 97% of people now paid. There are a few cases still to be resolved for various reasons but I continue to do all that I can, working in conjunction with the industry, and I think that that is recognised in the industry.

**Mr Deputy Speaker (Mr Beggs):** Questions 2 and 3 have been withdrawn. Chris Hazzard is not in his place.

## Ministerial Achievements and Highlights

**T5. Mr McAleer** asked the Minister of Agriculture and Rural Development, in light of the fact that this will be her final Question Time as the Minister of Agriculture and Rural Development, given that the Department will soon be renamed the Department of Agriculture, Environment and Rural Affairs (DAERA), what she believes to have been her key achievements or highlights over the past five years. (AQT 3555/11-16)

**Mrs O'Neill:** This is my last Question Time in this mandate. In five years in the post, we have been very effective in what we have delivered for rural communities. One of the biggest challenges has been CAP reform, making sure that we made our way through that, and addressing the historical imbalance that was there. The outcome we got was fair; it was something that commanded a lot of buy-in across the industry in that it gave people a run-in to allow farm businesses time to adjust. We can certainly claim CAP reform as a success going forward. In particular, the fact that we have been able to achieve the largest-ever rural development programme has produced significant benefits for the rural community, the farming industry and the environment.

For me, since taking up office in the Department, we have recognised that it is an economic Department but also that it needed to deliver on three fronts: the environment, the farming community and rural areas.

I think that we have certainly been successful in doing that. On tackling rural poverty and social isolation, I am delighted to be able to bring that project forward and make such a difference to everybody in rural communities, from small community groups right up to the work that we are doing to get people access to water and the work that we are doing with our networks in trying to upscale the community groups to go after other funding sources. We will continue with that programme.

Decentralisation as a whole has been a very positive project, with the headquarters going to Ballykelly, and all the other decentralisation programmes that helped to create a fair distribution of public-sector jobs, which helped to rebalance the economy. That is something that was taken forward that I can be very proud of. We have recently broken into new markets, such as China; that is significant for the pork industry. We continue to make headway in breaking into other markets, with a number of inspections coming up this year.

The Rural Proofing Bill, which we are hopeful is about to enter its Final Stage in the next few weeks, has been a significant achievement and will make a lasting impact on rural communities, as all Departments, councils and the arms-length bodies for community planning —

**Mr Deputy Speaker (Mr Beggs):** The Minister is over her two minutes.

**Mrs O'Neill:** — will have to rural proof and make sure that they take into account the needs of rural dwellers when making policy decisions.

**Mr Deputy Speaker (Mr Beggs):** I ask Members who wish to have conversations to do so quietly and to have the courtesy to let others listen to the Minister's answer.

**Mr McAleer:** I thank the Minister for answering. I want to commend her for an excellent five years in office in the leadership that she has shown the Department. What does the Minister believe will be the strategic priorities for the Department as we move towards the next mandate?

**Mrs O'Neill:** As the new Department is created, it will allow for improvements in how we move forwards. We will be able to shape things differently, particularly with the inclusion of Environment in the new DAERA. That will be a welcome realignment and might even allow for improvements in inspection regimes, as well as hopefully removing some of the red tape and bureaucracy of a number of inspectors, for example, coming on to farms. I think that it will be a good opportunity for the new Department. It will take a bit of time to bed in, but I am sure that it will happen over the next few months.

The ANC is out for public consultation, and I encourage farmers to get involved in the debate on what it will look like in future. Rural broadband is still a priority; DETI has invested significantly, but there are still too many "not spots", there are too many rural people who cannot get access, and where they can get access the speed is not good enough. DARD still has a role to play in bridging that gap and in supporting rural communities in getting access. Just today, I heard of a business that is considering moving out of a rural area because it cannot get access, and it is no good for them to stay there. That is something that those of us in the Executive need to take on.

One of the things that I announced in recent weeks was my intention to make part-payments this year. We have improved things so much that we could make advance payments later this year if more farmers apply online. Therefore I encourage everybody to get that message out; we need about 70% of farmers to apply online for it to happen.

A key thing that we can do to assist the agrifood industry is open up new markets, because all sectors are struggling; prices are low, margins are low, and as an Executive, one of the things that we can do is provide stability. We can sell our wares, we can talk to the rest of the world about what

we have to offer, and we can open up new trade and market opportunities that will allow us to advance on the good relationships that we have built with, for example, China, the United States and others. I would like to see the tackling rural poverty and social isolation programme go forward.

**Mr Deputy Speaker (Mr Beggs):** The Minister's time is up.

## Farm Business Development Groups: Financial Assistance

**T6. Mrs McKevitt** asked the Minister of Agriculture and Rural Development whether any financial assistance is available for the farm business development groups, which were mentioned in an earlier answer to a question from Mrs Dobson, in order to protect their farm machinery and stock. (AQT 3556/11-16)

**Mrs O'Neill:** I wonder if you mean in relation to members attending the business development groups. For clarity, is that what the Member asked me? If you apply to go on a business development group and you take part, there is a payment made to you as an individual farmer that allows you to, maybe, employ someone to be on-farm while you are off-farm.

**Mrs McKevitt:** I thank the Minister for her response. What discussions have DARD officials had with the gardai and the police? Does the Minister agree with me that a multi-agency approach would be a way forward with those groups to develop their communication skills to get out information on farm safety, rural broadband and any available funding?

**Mrs O'Neill:** I think that you are referring in particular to rural crime. There is an ongoing programme of work between the PSNI and an Garda Síochána on what we can do to tackle those things together. The cross-border task force is also in place, and it is looking at how we can tackle some of those issues together.

There is a very close relationship between the PSNI and the Department's enforcement team, particularly the veterinary officials who can identify animals. There is therefore a good body of work ongoing. Across this island, in both the Health and Safety Executive and its equivalent in the Twenty-six Counties, there is a significant body of work being done on health and safety. At the recent North/South Ministerial Council meeting, Minister Coveney and I reaffirmed our commitment to having a single messaging campaign, because it is the same whether you live in Cork or Tyrone. Health and safety challenges are there for everybody. In particular, we are working together on how we can use the same messaging, get out the PR and drive home the message in schools — to young people in particular — in order to change that mindset. You need to think safety first.

## Food Economy

**T7. Mr Dallat** asked the Minister of Agriculture and Rural Development, in this Northern Ireland Year of Food and Drink, what steps her Department is taking to develop a local food economy, given that she will know that many farmers are not happy bunnies with the prices that they get for much of their produce at the farm gate. (AQT 3557/11-16)

**Mrs O'Neill:** The Member knows that I view the Department very much as an economic one. We have a strategy in place to grow the entire agrifood industry, in its all sectors. Targets are set for them all.

One of the challenges that exists for all sectors of the industry is the fact that there is not fairness in the supply chain. That is one of the issues that I have tried to address. We have a fantastic product and farmers who produce food to the highest quality. We have something that we can market and that has a clean, green image. We can go around the world and market it very easily. However, what we need to do, when we look to the future and the potential for the markets, is to have farmers who continue to produce food. To do that, we have to work with the industry and challenge the unfairness in the supply chain. I have established a Supply Chain Forum, which looks at changing relationships, from the farmer right through to the processor and the exporter.

My commitment to the agrifood industry is on record. The Year of Food is a brilliant opportunity for us to market what we have. A lot of work is planned for throughout the year. I have attended a number of events already. This morning, I attended a NIFDA event, at which we referred to the Year of Food and the tremendous opportunity that it gives us to market what we have, which is a fantastic product.

**Mr Dallat:** I listened very carefully to the Minister. Perhaps, gazing into the crystal ball to the future, she will acknowledge that the cooperative movement was the one organisation that gave farmers hope for the future. It goes on to do so, in co-ops such as LacPatrick. What encouragement is the Minister giving to farmers to form more cooperatives that give them a fair price and take them out of the clutches of the large supermarkets that continue to offer derisory prices for their produce?

**Mrs O'Neill:** The Member makes a fair point. Under the new rural development programme, there are going to be good opportunities for farmers to come together to collaborate. I agree with you: I think that farmers are stronger in groups and working in a cooperative. Anything that I can do to encourage that, I am certainly up for. However, built into the new rural development programme, there are opportunities for farmers, if they so wish, to work collaboratively across a number of projects. In particular, one of the areas that is open to them is whether they want to look at cooperative initiatives.

**Mr Deputy Speaker (Mr Beggs):** We are coming near the end of our time. Gordon Lyons may ask a brief question.

### Single Farm Payments: New Entrants

T8. **Mr Lyons** asked the Minister of Agriculture and Rural Development whether it is satisfactory that a new entrant to the single farm payment scheme, who is struggling to establish his new business, has no idea about whether he will get a single farm payment, even though he submitted all the information requested for new entrants over 12 months ago and submitted the single farm payment application form by 15 May 2015, albeit he still has not received anything back from DARD. (AQT 3558/11-16)

**Mrs O'Neill:** I can assure you that, whoever he is, he is in the minority. I cannot talk about the specific case. Everybody's case is different. I do not know what information the individual has provided to the Department,

but, if the Member wants to drop me an email or come and chat to me about the case, it is no problem. Across the Chamber, however, I cannot comment on an individual case that I do not know anything about.

**Mr Deputy Speaker (Mr Beggs):** That is the end of Question Time. I invite Members to take their ease for a few moments while we change the staff at the top Table.

3.30 pm

(Mr Speaker in the Chair)

## Executive Committee Business

### Housing (Amendment) Bill: Final Stage

**Lord Morrow (The Minister for Social Development):** I beg to move

*That the Housing (Amendment) Bill [NIA 58/11-16] do now pass.*

The Housing (Amendment) Bill is short, but it is, potentially, very effective enabling legislation. Its provisions are necessary to support the empty homes strategy and to address antisocial behaviour and disrepair in the private housing sector.

Before I move on to briefly highlight the Bill's key elements, I thank the Chair and members of the Social Development Committee for their scrutiny, which has helped to strengthen and improve the Bill.

Clause 1 makes provision for information sharing relating to empty homes. I am determined to maximise all opportunities to meet housing need, reduce blight and tackle antisocial behaviour. I see the rejuvenation of empty homes as an important means of achieving that.

To enable contact to be made with owners of empty homes, with a view to bringing such properties back into use, the Bill will provide for relevant information held by the Department of Finance and Personnel's Land and Property Services (LPS) for the purposes of rate collection to be shared with my Department and/or the Housing Executive. That proposal was included in my Department's housing strategy, which was subject to public consultation in 2012. At the request of a former Minister of Finance and Personnel, the Bill will also require my Department and the Housing Executive to provide Land and Property Services with relevant information — for example, when any properties listed as vacant appear to be occupied or have different owner details.

The clause aims to help to meet housing need by bringing empty homes back into use. The Social Development Committee suggested that information-sharing arrangements with utility companies would help the Housing Executive to identify empty properties for the purposes of dealing with tenancy fraud. I agree that that could be helpful, and I can confirm that my Department is considering proposals for tenancy fraud legislation, which, I believe, should include proposals for information sharing with utility companies.

The Social Development Committee also highlighted the fact that the Bill does not make provision for information sharing with councils. I note that the Committee has agreed that the most appropriate vehicle for any provisions relating to information sharing between my Department, the Department of Finance and Personnel and the councils would be local government legislation rather than this Bill. I hope, however, that the wider issue of information sharing with the Department of Finance and Personnel can be considered by the new Department for Communities.

Clause 2 makes provision for disclosure of information relating to antisocial behaviour. The Bill aims to ensure

that, when the Housing Executive or a registered housing association need information in order to take action against an individual who has been involved in antisocial behaviour, any person who holds such information will be able to disclose it without breaching data protection legislation.

The Social Development Committee highlighted the fact that the Bill does not make provision for information sharing with private landlords. I recognise that private landlords have a legitimate interest in any information that reflects on the good character of individuals who are seeking accommodation in the private rented sector. It appears, however, that human rights and data protection considerations would effectively preclude extending the disclosure provisions in the Bill to private landlords.

My Department recently published proposals for a review of the role and regulation of the private rented sector and has asked for views on the sharing of information between social and private landlords. It is considering the responses it has received.

Clause 3 makes provision for registration as a statutory charge of certain loans. While the Housing Executive has the power to register statutory charges for most forms of grant assistance, there is no power to register charges for a grant by way of loans. The absence of a power to register charges for any such loan means that the Housing Executive would have to either make unsecured lending or secure the lending by means of a legal mortgage/charge. The cost of the latter is substantially more than the costs associated with preparing and registering a statutory charge. The Bill, therefore, makes provision for the registration of a statutory charge for grants by way of loans made under article 9(1)(a) of the Housing (Northern Ireland) Order 1981. That would provide a means of security against any such lending and would ensure that, were an owner to default on the loan or sell or transfer the property, the Housing Executive would be made aware of the transaction and would be able to take any necessary action to recover any debt.

I have outlined the three provisions of the Bill. I believe there is a need for these proposals, and I am confident that they will be well-received by the relevant stakeholders in the public and voluntary sectors. On that basis, I hope that all parties can give the Bill their full support. I commend the Bill to the Assembly.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Cheann Comhairle. On behalf of the Social Development Committee, let me say that the Minister has given a fairly comprehensive report on the content, substance and intent of the Bill. I thank him for bringing the Bill forward, following on from his predecessor, Mervyn Storey.

The Committee obviously very much welcomes the fact that we are at the Final Stage of the Bill, and we fully support it. It establishes important provisions, particularly on the sharing of information, which has been outlined, on empty properties and the disclosure of information relating to antisocial behaviour. While it is true that there was some considerable toing and froing on these aspects of the Bill, the Committee was ultimately satisfied with the Department's clarification and rationale for the provisions. I thank the departmental officials for that very diligent work and their support for the Committee in its deliberations. I will put on record, as stated in an earlier debate, the very

positive working relationship that we have had with the Department throughout the legislative process and the response of the then Minister and the current Minister to the Committee's concerns, particularly on clause 2, which he amended at the request of the Committee. I also acknowledge the contribution of our stakeholders, particularly Housing Rights, whose expertise proved invaluable in the Committee's deliberations.

During our consideration of the Bill, a number of other matters were raised by and at the Committee. In general, those were about the regulation of the private rented sector. However, the Bill, as already outlined, was not the vehicle to deal with those. Similarly, Members will note that the House considered the Houses in Multiple Occupation Bill earlier today, and issues relating to the regulation of the private rented sector also arose during the Committee's consideration of that Bill. The Committee, therefore, welcomes the Department's current review of the role and regulation of the private rented sector and, indeed, will be briefed on that at its meeting on 3 March. I think it is important to put that on the public record on behalf of the Committee so that people are aware that it has taken very seriously the whole question of antisocial behaviour and the need to regulate fully the private rented sector.

We hope that the review sets the stage for the incoming Department for Communities to take this important issue forward in the new mandate so that appropriate regulation can be established for a sector that, as we all know and appreciate, is expanding here, if nothing else.

With that, let me say that the Committee for Social Development supports the Bill at Final Stage.

**Mrs D Kelly:** On behalf of the SDLP, I will speak in support of the Bill. It is a welcome piece of legislation. As the Chair of the Committee outlined, concerns were raised about antisocial behaviour, the sharing of information and some of the definitions.

Those have been taken account of in the legislation as far as practicable. I congratulate the Minister and his predecessor on their work and on the collaborative approach taken by Departmental officials. I also thank Committee staff for their assistance to the Committee in its scrutiny of the Bill. These amendments will produce a much better Bill that certainly reflects the concerns raised by stakeholders.

**Mr Beggs:** Both I and my colleagues in the Ulster Unionist Party wish to indicate our continuing support for the Bill in its final form.

The sharing of information is important, and not only between the Departments of Finance and Personnel and Social Development and the Northern Ireland Housing Executive, which has been authorised with regard to empty properties, but also with regard to antisocial behaviour, which, it has been authorised, can also be shared with registered housing associations. There was a discussion in Committee about wider sharing, but as with everything, there needs to be a balance, and concerns were raised about how to ensure that that information did not get into inappropriate hands. On balance, then, we have got it right on antisocial behaviour information.

I would like to highlight, once again, the Committee's recommendations on information sharing in its report. There is a need to continue to look at how the Department

and central government can engage with local government, and there is a recommendation that such consideration be taken forward in the new Department to help address the issue of vacant property, but also with particular reference to where fraud may be occurring. If there were protocols to take forward the issue of information sharing with utility companies, that would be an important area of work going forward. If someone has a social house inappropriately, someone else is homeless because they are misusing the system. We all need to try to ensure that what resources we have are used appropriately and go to those in genuine need. Therefore, I ask the Minister to ensure that this issue is kept under consideration.

The Bill also enables the registration as a statutory charge of certain loans. This is a new mechanism to enable public support to be advanced to allow those in need to bring about improvements. The statutory charge would be made against the property. I suspect that it is very early days, and lessons may well need to be learnt. Nevertheless, it is an important option to have available.

In conclusion, we wish to indicate our continuing support for the Housing (Amendment) Bill and thank all who have been involved in getting it to where it is.

**Lord Morrow:** I do not think that there is very much more that I want to say, other than to thank those who have contributed to the debate. I note that there has been a consensus in support of the Bill. I commend it to the House.

*Question put and agreed to.*

*Resolved:*

*That the Housing (Amendment) Bill [NIA 58/11-16] do now pass.*

## **Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016**

**Lord Morrow (The Minister for Social Development):** I beg to move

*That the Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016 be approved.*

I seek the Assembly's approval to make this order under powers conferred by the Charities Act (Northern Ireland) 2008. If affirmed, the order will disapply section 86 of the Act for designated religious charities from 1 March 2016. Section 86 provides for certain persons to be automatically disqualified from being a trustee of a charity, including those who have been convicted of any offence involving dishonesty or deception, adjudged bankrupt and not discharged, or removed as a trustee of a charity on the grounds of misconduct or mismanagement.

### **3.45 pm**

To give some background to this issue, the Charities Act (Northern Ireland) 2008 includes provision for "designated religious charity" status to take account of the unique structures within some faith-based charities in Northern Ireland that have supervisory, disciplinary and governance arrangements in place to deal with issues that may arise. An example of this is a faith-based charity that is made up of a head council and a range of congregations. The congregations would be component charities that have their own board of trustees that are ultimately under the supervision of the head council. That head council would be able to remove trustees of the congregations where necessary under the organisation's rules or constitution.

Religious designation is designed to ensure that charity regulation is proportionate, in accordance with the structures already in place within some faith-based organisations, while ensuring that the Charity Commission for Northern Ireland retains the necessary regulatory powers, for example, the power to institute inquiries and take appropriate action. Religious designation is not granted automatically. It is up to charities to consider whether they wish to apply for designation and provide evidence that they meet the conditions set out in the legislation. To be designated, the organisation must satisfy the criteria set out in the Charities Act, one of which is that it has an internal organisation with supervisory and disciplinary functions over component elements, including the board of trustees and other constituent parts.

Once granted designated religious status, such a charity will be exempt from sections 33 to 36 of the Charities Act, which cover the powers of the Charity Commission to act for the protection of a charity, suspend or remove trustees, appoint an interim manager, or give specific directions for the protection of a charity in respect of the administration of the charity or its property. Such a charity will, therefore, have to demonstrate to the Charity Commission that it has suitable arrangements covering all of its component parts to suspend or remove a trustee, officer, agent or employee in order to safeguard the charity; assume control over the management of the charity for a limited period of time; put additional trustees in place as necessary; and stop an individual from being a member of a charity.

It is important to stress at this point that the order being debated today is not about the granting of designated

religious status or whether such organisations should be treated differently. That debate has already occurred, and that principle was established when the Assembly passed the Charities Act 2008. What is intended by this order is that this already established principle is extended to include section 86. The disapplication of this section will allow a designated religious charity to manage its own disciplinary issues in relation to disqualification of trustees without any secular interference, and it is in line with a similar exemption in Scotland.

All the major Churches have made representation with regard to the introduction of this order. They all point out that their internal structures and hierarchies dictate that trustees will often and uniquely have a pastoral role within the Church in addition to their work as a trustee, which they would be automatically disqualified from fulfilling should section 86 apply to them. They also point out that, should that person wish to continue to serve, section 87, which falls out of section 86, will mean that they are in fact committing a criminal offence by continuing to serve as, for instance, an elder in the Presbyterian Church.

Members, I do not believe that it was ever the intention of the House when it passed the Charities Act to so interfere in the internal running of Church affairs and to bar anyone from serving in a pastoral role within their Church if that Church deemed them fit to fulfil such a role.

I believe that the risks associated with the order are minimal. If we look to Scotland, where they have similar legislation, we see that their regulator has reported no issues of concern. More importantly, the Charity Commission will retain its powers to conduct inquiries into designated religious charities and may withdraw religious designation where it feels that the criteria are no longer being met or where, as a consequence of a statutory inquiry, it considers that it is no longer appropriate for a charity to be designated. Reasons for that could include the failure of a charity to act responsibly in deploying its own internal disciplinary and supervisory functions.

The order is a natural extension of the easements already provided for in the Charities Act. It is a proportionate approach to regulation, and the safeguard of the ultimate sanction lies with the Charity Commission, thereby presenting little risk to government or public confidence in the charitable sector. My Department has considered section 24 of the Northern Ireland Act and is satisfied that the order is not incompatible with any of the convention rights or community law and does not discriminate against a person or class of persons on the grounds of religious belief or political opinion. It also does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

**Mr Maskey (The Chairperson of the Committee for Social Development):** I thank the Minister for bringing forward the statutory rule.

It is fair to say that the Committee has given the matter extensive consideration, holding two evidence sessions with the Department for Social Development and one with representatives of Church organisations. As the Minister has indicated, this is about the fact that the Act makes general provision to disqualify a person from being a trustee of a charity, whereas the statutory rule is meant to disapply that, if you like, and exempt Church organisations from that requirement.

The Committee had a prolonged discussion with Church organisations on the matter. The original issue for the Churches appeared to be who should have the power to remove a trustee from a designated religious charity. However, as was pointed out to the Churches, they are already exempt from the provisions in sections 33 to 36 of the Act, and therefore they, not the Charity Commission, already have that power.

The discussion moved on to the internal governance of Churches and the wider range of responsibilities that may be held by ministers, priests, laypeople and so on and the impact that being removed as a trustee would have on them in their wider role in the Church. The governance arrangements would mean that they would likely have to be removed from those responsibilities as well.

Many would accept that Churches are highly unlikely to knowingly appoint a person to a board of trustees of a charity who has been convicted of a crime that would ordinarily render them unsuitable for such a position. However, in short, there was a principle under discussion regarding the delineation of responsibilities between Church and state, which the Minister has addressed, and the maintenance of transparency in the operation of a charity in order to give confidence to the public. The question raised was this: are we simply giving preferential treatment to Church organisations, or do we have an appropriate level of accountability within the proposed new arrangements? Members should note, however, that the Charity Commission still has the power to de-designate a religious charity and that all the requisite accounts have, of course, to be filed.

The Committee also considered that there was an equivalent exemption in place in Scotland, and the Department has advised that there have been no issues relating to the exemption there.

In the end, the Committee considered that there are sufficient checks and balances in place to allow the disapplication of section 86 of the Charities Act 2008 to designated religious charities here. Therefore, the Committee recommends that the statutory rule be affirmed by the Assembly.

**Mr Douglas:** I rise as a member of the Social Development Committee to speak in support of the order. I thank the Minister for bringing it forward. He mentioned being an elder in the Presbyterian Church: I declare an interest as a member of the Westbourne Presbyterian Church — the “Shipyard Church”, as it is known locally.

I agree with the previous Member: we have had some lively discussions on the issue. As the Minister stated, the order disapplies section 86 of the Charities Act, which deals with the automatic disqualification of persons acting as a trustee of a charity, for designated religious charities. I should also point out that we have had representations from all the main Churches. That has been very helpful. There was a good discussion with them. Many questions were asked, and I reckon they gave the best answers.

For me, the order extends the easements that were appropriate, due to the unique structures in some faith-based organisations. That is what is unique about the order. These are unique structures in faith-based organisations. The Committee has recognised that. The order is certainly in line with similar easements for such organisations in Scotland, for example. I think that there are seven of these

designated charities in Scotland. All faith-based charities in Northern Ireland can apply for designation. It is not granted automatically. They must satisfy all the criteria set out in the Charities Act, including, as the Member who has just spoken said, the filing of their accounts on an annual basis. The order is also about having an internal organisation with supervisory and disciplinary functions, as well as important management functions.

It is also worth noting that the Charity Commission will retain its powers to conduct inquiries. That is another important aspect of the order. I agree with the Minister: when we passed the Charities Act in, I think, 2008, it was never the intention to interfere in the internal running of Church affairs.

In conclusion, I believe that the risks associated with the order are minimal. As stated, there is similar legislation in Scotland. We spoke to a number of Church people, and it is worth pointing out that there have never been any issues or problems with the easements in Scotland. I support the order.

**Mrs D Kelly:** On behalf of the SDLP, I support the order. As others have said and as the Chairperson of the Committee outlined, there was considerable debate around the order and the pros and cons of supporting it. Public confidence in how charities are run and in their accountability and transparency is of the utmost importance. Despite these austere times, people in Northern Ireland still contribute to charities substantially more, per head of population, than any other region. Therefore public confidence in charities and in the regulation of charities is of the utmost importance. At the same time, I recognise that there has to be some flexibility to take account of the different types of charities and those associated with Churches. I support the order.

**Mr Beggs:** First, I declare an interest as a committee member of Raloo Presbyterian Church. One of the aspects of our discussions here today is the role of Church and state in regulating internal affairs. My understanding of what is proposed is that it is an argument not about whether someone who is in an inappropriate position should or should not be removed but, essentially, about who should, ultimately, take that decision. When I look at the submission of the Church leaders' group, I see that they have indicated that they would prefer that it be the Church that would take the necessary steps if it identified a problem. Of course, if that does not occur, there is the ability for the Charity Commission to step in and carry out a detailed investigation and ensure that, ultimately, appropriate action is taken. I certainly see this in the context of whether the state should be able to take that decision automatically. Like our local Churches, I would prefer that, as is the case in Scotland, where there is an appropriate body in a religious organisation and that has been accepted, the decision should be left with it.

#### 4.00 pm

Again, I will highlight the fact that we are following the provisions that have been utilised in Scotland. As the Minister said, no issues have arisen to date; therefore, accepting the proposals seems to be a reasonable way forward. I would like to indicate my support.

**Mr Dickson:** I, too, wish to declare an interest as an elder in Greenisland Presbyterian Church. That having been said, I, like Mr Beggs, feel that the regulation is

proportionate to the needs of the Church; it meets a very specific balance between the roles of Church and state. I am also satisfied that the Charity Commission is not being excluded in any way as a result of the enactment of this piece of legislation, but rather that it retains overall control while, within that, allowing the Churches — and it is more than one — to regulate themselves to the same standard as that which would be expected by the Charity Commission. I am therefore happy to support it.

**Mr Allister:** I wish to place on record my reservations and concerns about the proposal, as I did at the Committee. Section 86 of the Charities Act 2008 establishes the qualifications to be a trustee; that is, to be a trustee of any charity. It is no surprise that it stipulates certain restrictions, one of which is that you cannot be convicted of a relevant criminal offence. In other words, you cannot be a convicted crook and be a trustee of a charity. That, I must say, seems to me eminently right and sensible, yet the purpose and intent of the order is to exclude from that basic qualification requirement one sector of charities, namely religious charities. The purpose of what has been said comes to this: you cannot be a convicted criminal or crook and the trustee of a charity unless it is a religious charity. That seems to me to be so incongruous as to be wrong.

What is section 86 but the qualifications of a trustee? Why should the qualifications of a trustee not be uniform across the charity sector? Why should we create a special exemption to allow someone who could not be a trustee of a children's charity or a preservation society looking after birds, or anything else, to be a trustee of a religious charity? The fact that they may be a convicted crook is pushed aside and does not matter. Is that right?

**Mr Kennedy:** I am grateful to the Member for giving way. I am interested in his view. I should at the outset declare an interest as an elder in Bessbrook Presbyterian Church. The Member will know from his experience in Church affairs that it is possible for people who previously had convictions for a variety of reasons to change their lives — particularly to have changed their lives as a result of religious conviction — and to lead then very respectable, upright and law-abiding lives. The Member seems to be precluding those people from serving; from being forgiven, if you like, having served their sentence from the state. He is not prepared to see them forgiven by the Church.

**Mr Allister:** The Member makes an understandable point, and I recognise entirely the capacity through the grace of God for people to change, but section 76 takes account of that. In setting out the qualifications, it does not apply to spent convictions. Therefore, if a conviction is spent by virtue of the passage of time, it does not prohibit that person from being a trustee of any charity. The aspect that the Member raises, I think, is adequately covered by the protection in section 76 against a spent conviction being a barrier to being a trustee.

The real point that was brought to us by the Churches, and, clearly, they were somewhat misinformed, because they approached the Committee on the basis that that meant that the Assembly Commission, in consequence, could remove trustees. It does not, because the single section in the Charities Act 2008 that allows the Charity Commission to remove trustees already does not apply to Churches. Section 34 has been disapplied, so it is not a case of the Churches saying that it is an unconscionable interference with the running of the Churches because

it allows the Charity Commission to remove trustees. It does not. That power does not exist. All that section 86 says is, "Here are the qualifications of a trustee", but it does not give the Charity Commission the right to remove any trustee of any religious order. That still lies with the Churches. All that it does is say, "Here is the public expectation for any charity that wishes to be a charity and that wishes, in consequence, to avail itself of the taxation benefits of being a charity and to draw down the public money that comes with that. For any charity that wants to be in that position, here is the standard expectation of the qualifications of your trustees. It is up to you, as the religious charity, to appoint your trustees, but to appoint them as any other organisation would against the qualifications that are in section 86".

It therefore seems to me —

**Mr Douglas:** I thank the Member for giving way. I am not quite sure where the Member is going with this. First, is he saying that there is a risk that those convicted crooks could end up in one of those charities? Secondly, I am sure that he loves the apostle Paul, as I do, who was the chief of all crooks and sinners. Does he fear a risk to those charities? I remind him that I mentioned earlier that the Committee has been told that Scotland has had no problems whatsoever.

**Mr Allister:** I suppose that I am dealing with the principle of what is right and what is wrong. It just seems to me incongruous and wrong that you can have an unspent criminal conviction on financial matters and be a trustee of a religious charity yet cannot be a trustee of a charity that looks after animals, birds or something else if you have such a conviction. That seems to me inexplicable. Therefore, I do not understand the exercise of the Church bodies to think that, by simply making them subject to the same generalised qualifications for the appointment of trustees as everyone else, the state is in some way interfering in their affairs.

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

**Mr Allister:** In a moment.

It is no more interfering in their affairs than saying, "Here is the procedure by which you apply to be a charity. You have to fill in this form and that form and make this declaration and that declaration".

That is the state saying what you must do. Here is the state saying, "And this is the state's expectation of the qualifications of a trustee". I do not see what is wrong with the state saying that.

**Mr Lyons:** I thank the Member for giving way. I declare an interest as a ruling elder in the Presbyterian Church in Ireland. Can the Member perhaps clarify a number of points for me? First, is he saying that the Church should appoint people to positions — the Presbyterian Church in Ireland, for example — not on the basis of what scripture merits but on the basis of what the state says their qualifications should be? Secondly, if he is saying that this is an issue of right or wrong, does he believe that the Churches were wrong to ask for the exemption?

**Mr Allister:** I think that the Churches were misinformed about what they thought they needed to ask for. It is clear from their submission that they thought that the consequence of this was that the Assembly Commission could remove trustees. They were obviously misinformed

about that because, as section 34 does not apply, the Assembly Commission cannot remove trustees. That was a false fear. It is simply a matter of whoever is setting up a charity and seeking to avail themselves of the advantages of it — there are financial advantages to being a charity — accepting the law of the land, whether it is about the forms you have to fill in or the qualifications of a trustee. That is not too much to ask.

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

**Mr Allister:** Yes.

**Mr Dickson:** The Member says that it is not too much to ask, but when we questioned the clerk to the general assembly of the Presbyterian Church, he indicated that all Presbyterian ministers, male and female, are elders and are therefore subject to the legislation. That is a key and important point, and that is the issue where we effectively see Church and state coming together. Any male or female who wishes to become a member of the Presbyterian Church ministry does so through qualification and through their conviction to serve the Church. If that person happens, for example, to have been bankrupt or struck off as a company director in a previous business life, that in itself would disallow them from being a minister in the Church because a minister in the Church is an elder and an elder is a trustee and, in those circumstances, they would not be fit for office. There is the line between the influence of state over Church, and that is the nub of the issue that the Churches have come up against. It is important for the Assembly to make that distinction.

**Mr Speaker:** Could I make a point, Mr Allister? On a number of occasions — possibly five or six — you have said “Assembly Commission” when, I suspect, you intended to say “Charity Commission”. It would be helpful, for the benefit of Hansard, if you could correct that.

**Mr Allister:** Yes, the Assembly Commission is on my mind for other reasons, I suspect. I would not wish to associate the Charity Commission with any misdeeds whatever. I readily correct each and every reference. If I inadvertently said “Assembly Commission”, I of course intended to say “Charity Commission”.

I understand the point that Mr Dickson is making, but, in the real world, the person who is going forward to be a Presbyterian Church minister is unlikely to have an unspent criminal conviction. Therefore, it is a bit of a straw man. Equally, in the case of someone being made bankrupt, bankruptcies can be discharged and there are facilities and arrangements for that. There are straw men being set up in the debate. The issue is the one that I sought to crystallise: is it right or wrong that the qualifications of a trustee should be the same across the board and that you should not enter an arena that says that the only charity that you can be a trustee of if you are a convict is a religious charity. I just find that impossible to get my head around.

**4.15 pm**

**Mr Kennedy:** I am grateful to the Member for giving way. It is an interesting discussion, and I want to try to allay some of the Member's fears. The one thing, I think, I will agree with him on is that there are few crooks as despicable as religious crooks. I have not met that many, but anyway. My experience — I am not sure whether this is his and other Members' experience — is that the appointment of

trustees and senior appointments in particular Churches owes more to a life of service and dedication and a proven track record of honesty and integrity. I am not saying that charities of the state have any lesser standards, but I think Churches carry standards and generally support only nominees whom they are confident of and who will not turn out to be or to have been religious crooks.

**Mr Allister:** I do not disagree. I am not for one moment attacking the integrity of religious charities; I simply make the point that they should be subject to the same general law requirement as everyone else. I am not saying that, because someone was once convicted of something inappropriate, they are for ever barred from a useful life as a trustee. Section 86 does not say that because it applies only to unspent convictions.

The Church has nothing to fear from the application of section 86. What is it that it fears? I am sure it is not for the appointing of people of that ilk. I think it was a misinformed objection believing that the Charity Commission could remove their trustees, when it cannot. The essence of applying section 86 to everyone will create no bogeymen and no fear, I would have thought, for any religious charity. That is my point of view.

**Lord Morrow:** The debate has taken a turn that I did not imagine it would. I should say that it was remiss of me not to declare an interest at the outset, in that I am an office bearer in a Church. I want to put that on the record.

I listened carefully to all that was said, most of it in support of what we are trying to do and of what the order is trying to achieve. Mr Douglas, a colleague of mine sitting behind me, stole the words out of my mouth, because, when Mr Allister was speaking, I automatically thought of the Apostle Paul. If we were to adopt the line that Mr Allister is asking us to, I am not sure whether the Apostle Paul would qualify.

Mr Kennedy raised the point first because he referred to those who maybe one day had crook status and then transferred to the saint status. Maybe as a Minister I should not say this, but I will say it anyway: I believe that that can happen. I know where it has happened not only in biblical times — we do not have to go even there — but in all our towns, where those who lived a life in one direction have, because of a transformation or a Damascus road experience, as some call it, changed and are fit people, in my opinion, not because of any good in them but in the work of grace in their heart.

Having said that, let me say this: the order is not opening the door or gate for every crook to come in, take over and be accepted. All the Churches I am aware of support what is being done. I believe that the state should not interfere in the running of a Church.

I believe that with all of my heart, and I believe it for very good reasons. Have we got it so wrong that, in the case of someone who has a conviction, in particular for a financial matter, some Church would feel that that person is an ideal person to be a member of its governing body, whether that is the eldership of the Church, the committee of the Church or whatever role it might be? I do not think that Churches act that irresponsibly. I do not honestly believe that they do, but I think that the point that is trying to be made is that those who have an unspent crime and have not done the time cannot be included in this.

There is a regulation in Scotland similar to this order, and there has been no report of any issue that has arisen because of it. I think that that is worth taking cognisance of. I think that it is important that we say that the order extends the easements that are appropriate due to the unique structures in some faith-based organisations and is in line with similar easements for such organisations in Scotland. Furthermore, due to the structures and internal hierarchy in all of the major Churches, their trustees also have a pastoral role, and automatic disqualification would not allow them to fulfil that role. I think that it is important that that is put on the record, and I think that it is important that it should be said here today in relation to this order that we are attempting to take through. Furthermore, I believe that the order is a natural extension of the easements already provided for in the 2008 Act. It is a proportionate approach to regulation, with the safeguard of ultimate sanction by the Charity Commission, thereby presenting little risk to government or public confidence in the charitable sector.

I could go on and repeat what others have said, but I think that I am right in my assessment that, generally, there is support around the House today for what the order will do. I commend it to the House.

*Question put and agreed to.*

*Resolved:*

*That the Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016 be approved.*

## Shared Education Bill: Further Consideration Stage

**Mr Speaker:** I call on the Minister of Education, Mr John O'Dowd, to move the Further Consideration Stage of the Shared Education Bill.

*Moved. — [Mr O'Dowd (The Minister of Education).]*

**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 is a single group of amendments, amendment Nos 1 to 14, dealing with the definition of shared education, the purposes of the Act, reporting and integrated education. Once the debate on the 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. If that is clear, we shall proceed.

### New Clause

**Mr Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 14. Members should note that, if amendment No 1 is not made, amendment No 4 will not be called and that amendment Nos 10 and 11 are mutually exclusive.

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a Cheann Comhairle. I beg to move amendment No 1: Before clause 1 insert

#### *"Purpose of this Act*

*.—(1) This Act makes provision in relation to shared education.*

*(2) The purpose of shared education is—*

*(a) to deliver educational benefits to children and young persons;*

*(b) to promote the efficient and effective use of resources;*

*(c) to promote equality of opportunity;*

*(d) to promote good relations; and*

*(e) to promote respect for identity, diversity and community cohesion."*

*The following amendments stood on the Marshalled List:*

No 2: In clause 1, page 1, line 8, after "belief" insert

*"(which includes an absence of religious belief)".—  
[Mr Lunn.]*

No 3: In clause 1, page 1, line 8, leave out from "both" to "Catholic" on line 9 and insert "Protestant, Roman Catholic or other".— *[Mr Lunn.]*

No 4: In clause 1, page 1, line 14, leave out subsection (3).— *[Mr O'Dowd (The Minister of Education).]*

No 5: In clause 1, page 1, line 23, leave out "or which are ancillary to education".— *[Mr O'Dowd (The Minister of Education).]*

No 6: In clause 1, page 2, line 1, leave out subsection (5).— *[Mr O'Dowd (The Minister of Education).]*

No 7: In clause 2, page 2, line 6, after “Education” insert “(so far as its powers extend).”— [Mr O’Dowd (*The Minister of Education*).]

No 8: In clause 2, page 2, line 7, after “education” insert “and integrated education.”— [Mr Lunn.]

No 9: In clause 3, page 2, line 20, leave out from “Article” to end of line 23 and insert

*“section 4 of the Education Act (Northern Ireland) 2014.”— [Mr O’Dowd (*The Minister of Education*).]*

No 10: In clause 5, page 2, line 33, after “consider” insert “integrated and.”— [Mr Agnew.]

No 11: In clause 5, page 2, line 33, after “education” insert “and integrated education.”— [Mr Lunn.]

No 12: In clause 6, page 3, line 14, at end insert“( ) the extent to which the Department of Education has complied with its duty under section 2;.”— [Mr O’Dowd (*The Minister of Education*).]

No 13: In clause 6, page 3, line 21, leave out paragraphs (d) and (e) and insert“(d) the extent to which the purpose of shared education set out in section (Purpose of this Act) (2) has been achieved.”.— [Mr O’Dowd (*The Minister of Education*).]

No 14: After clause 7 insert

**“Interpretation**

**7A. In this Act—**

(a) “equality of opportunity” and “religious belief” have the same meaning as in the *Fair Employment and Treatment (Northern Ireland) Order 1998*;

(b) words and expressions which are defined in Article 2(2) of the *Education and Libraries (Northern Ireland) Order 1986* have the same meaning as in that Order.”.— [Mr O’Dowd (*The Minister of Education*).]

**Mr O’Dowd:** I am pleased that this Bill, which will help to shape the future of education here, has now reached Further Consideration Stage. I have tabled a number of minor and technical amendments that are necessary following Consideration Stage. These are to ensure consistency and provide clarity in the Bill. Before dealing with these, however, I will pick up on one amendment that was tabled at Consideration Stage but not moved with a view to re-tabling at today’s stage.

Three mutually exclusive amendments had been tabled at Consideration Stage, all seeking to provide clarity that references to “religious belief” included those with no religious belief. I had agreed to seek a resolution and bring forward an amendment that would be acceptable to everyone. Amendment No 14 is designed to do exactly that. As promised at Consideration Stage, my amendment references the Fair Employment and Treatment Order 1998 definition of religious belief. That will ensure that the Bill is consistent with the approach taken in other legislation and is legally defensible. As a result, I am pleased to note that the Committee has decided not to re-table its proposed amendment. Mr Lunn has tabled amendment Nos 2 and 3, with a slight variation in wording from that which was previously tabled.

As previously outlined, amendment No 3 which seeks to add “other” to the qualifying statement regarding reasonable numbers of Protestant and Roman Catholic

children. The definition would be satisfied where a group comprised only Protestant and other religions or Roman Catholic and other religions. Critically, it leaves out the requirement for reasonable numbers of both Protestant and Catholic children and young people to be involved in a group. That would alter the definition of shared education and run contrary to the policy intent. I urge the House to support amendment No 14, which I believe offers the best and most robust solution.

I will now turn to my other technical amendments before addressing the amendments tabled by other Members. I have tabled two amendments to reposition wording on the purpose of shared education that was introduced at Consideration Stage. These remove the purpose from its current position in clause 1 to create a new stand-alone clause at the start of the Bill. That will ensure that the purpose applies to the whole Bill and not just the definition, where it is currently placed. I believe that that was the intent of the House.

To ensure clarity and consistency in the Bill, I have additionally proposed replacing “participants” with “children and young persons”, as used elsewhere in the Bill. Importantly, “children and young persons” are already defined in legislation, whereas “participants” is not. Amendment Nos 1 and 4 will address those points, and I urge members to support these amendments.

Amendment No 5 removes the term “ancillary to education” from the definition of “relevant provider” following further legal advice. The expression “ancillary to education” has been used in the Education Orders since 1986 to cover education provision in its widest sense. The change from a “power” on my Department to a “duty” to encourage, facilitate and promote shared education necessitates a more focused approach. The amendment will ensure that all mainstream providers of education within the scope of the policy intent are covered. That will reduce the potential for legal challenge that a “duty” would allow to a wider range of providers. I, therefore, seek the support of the House in agreeing amendment No 5.

Amendment No 7 provides for the addition of the words:

*“(so far as its powers extend)”*,

to clause 2, which was considered at Consideration Stage. That will ensure full alignment with the duty on the Education Authority, as set out in the Education Act 2014, and, importantly, underlines that the duty does not confer additional powers. I encourage Members to support amendment No 7.

Clause 3 places a power on the named bodies, including sectoral bodies, to encourage and facilitate shared education. Wording introduced at Consideration Stage to define a sectoral body is not sufficiently robust. The proposed definition was taken from the draft Education and Skills Authority Bill but without the underpinning wider RPA proposals. As drafted, it would apply a power to encourage and facilitate shared education to organisations that are not commonly viewed as sectoral bodies. In contrast, provision was made in the Education Act 2014 for grant payment to any body that is recognised as representing the interests of schools of all descriptions. I understand that that was the intent. I therefore urge Members to support amendment No 9.

In its current draft, the Bill contains a number of discrepancies in terminology, in particular, between the wording of the purpose and that used in clause 6, which deals with review and reporting. For example, the purpose is the delivery of “educational benefits” but what is reviewed is “educational attainment”. Similar discrepancies exist regarding the terminology for the use of resources and good relations. The substance of clause 6 is covered in almost identical language in the wording of the purpose. Amendment No 12 will ensure that the requirement as set out in clause 6 is consistent with the wording as set out under the purpose. The amendment does not alter the information that my Department is required to report on but will ensure consistency in the Bill.

I now turn to amendment No 13, which also relates to clause 6. Amendment No 13 will address a discrepancy that, as currently drafted, means that there is no requirement for the Department to report on its own actions. Clause 6 currently applies only to education bodies specified in clause 3, whereas the Department is referenced in clause 2. Hence, amendment No 13 will correct what appears to be an omission rather than the intention of the Assembly.

I would, again, recommend that the House support amendment Nos 12 and 13.

#### 4.30 pm

The last of my amendments — amendment Nos 6 and 14 — are designed to ensure the correct interpretation of words and expressions used in the Bill. Amendment No 6 repositions existing wording on interpretation from clause 1. That is necessary to accommodate other amendments. Amendment No 14 provides the clarification that “religious belief” includes those with no religious belief, as I outlined earlier. I encourage Members to support amendment No 14 in preference to amendment Nos 2 and 3.

I now turn to amendments tabled by other Members. I oppose amendment No 8, which would add integrated education to the duty on my Department to encourage, facilitate and promote shared education. Provision is already made in the 1989 Education Reform Order for my Department to encourage and facilitate integrated education. If the intention is to include “promote” in the existing provision, duplicating an existing provision is not the way to achieve that aim.

Amendment Nos 10 and 11, which are mutually exclusive, again seek to include integrated education in the duty to consider shared education. Integrated education and shared education are different. The former relates to the education together of Protestant and Catholic pupils and, as clarified by Judge Treacy, plainly envisages education together at the same school. By contrast, shared education is the education together of pupils involving two or more schools or other education providers. To reference integrated education in a Bill concerned with shared education would only serve to cause confusion between what are different but complementary means of education. Work is ongoing on a review of integrated education that I commissioned. The review is the appropriate mechanism to address what, I believe, Members seek to achieve. I therefore urge Members to allow the review to do what it was established for and to oppose amendment Nos 10 and 11.

In conclusion, I commend my amendments to the House and look forward to the debate.

**Mr Weir (The Chairperson of the Committee for Education):** At Further Consideration Stage, we are in a situation in which the amendments have been somewhat narrowed, so I will keep my remarks relatively brief. I will speak initially on behalf of the Committee and then as a member of the DUP.

Since Consideration Stage, the Committee has received an update from the Department on the contentious amendments. There were a couple of areas where clearly there was no resolution at Consideration Stage. I think that members were generally happy with the Department’s assurances in respect of the participation amendment that was previously proposed by Mr Lunn. That amendment has not been tabled, and there are other ways of dealing with that.

The Department kindly provided an explanation for its revised “no religious belief” amendment and on the other somewhat more technical amendments that apply to the new purposes clause, the review of shared education and the powers of sectoral bodies. The Committee did not agree a formal position on those amendments. That said, no formal objections were set out by the Committee in that regard either. I note that, in respect of the “no religious belief” amendment, we again have a number of choices. Mr Lunn proposes amendment Nos 2 and 3, and the Minister proposes amendment No 14. I am sure that, across the Chamber, Members will listen carefully to the debate and decide accordingly.

Other amendments that have been tabled by Mr Lunn and Mr Agnew relate to integrated education. The Committee has not taken a formal position on those amendments. However, it would be fair to point out that somewhat similar suggestions were made during the Committee Stage and that the majority of Committee members agreed at that time that, rather than further legislative change in respect of integrated education, a strategic review was required. I am pleased to note that the Minister has recently commissioned such a review. I anticipate that the majority of Committee members may not, therefore, choose to support the related amendments, but time will tell.

As I said at Consideration Stage, the majority of members feel that it is a good Bill. Members generally welcome the policy in respect of shared education and, thanks to the amendments previously agreed, the roles and duties of the Department and the arm’s-length bodies. On behalf of the Committee, I thank the Minister and his officials for providing clarity to members on the amendments before us.

I turn to the amendments as a DUP MLA. As indicated by the Minister, the amendments fit largely into two categories: a range of ministerial amendments and private Members’ amendments that have been tabled by either Mr Lunn or Mr Agnew. Turning, first, to the ministerial amendments, I think that a number of them, as indicated, are relatively technical in nature and are, largely, tidying-up amendments, either through some tweaking needed in the Bill or as a response to some of the amendments that went through at Consideration Stage. Again, as a DUP Member, I have no problem with them.

Two amendments from the Minister are slightly more substantive in nature. First, amendment No 1 creates a new clause, “Purpose of this Act”. This is somewhere between substantive and technical. It reflects what was put

through the House at Consideration Stage There was a clear determination by the Committee, which felt that it was important to spell out the purpose of shared education on the face of the Bill. This, effectively, shifts it into a separate clause and is probably a neater way of doing it. I have no problem whatever with that.

Then, we get into an overlap between the Minister's amendments and, in particular, those of Mr Lunn. The Minister's amendment No 14 and Mr Lunn's amendment No 2 cover the same issue, more or less, in trying to encapsulate those who are registered as having no religious belief. From a technical point of view, the Minister's amendment is the better of the two. We had a sort of benign Mexican stand-off at Consideration Stage, where Mr Lunn, the Committee and the Minister all agreed to withdraw their amendments for further consideration. We have had the opportunity, as a Committee, to discuss amendment No 14 and have it explained to us. On that basis, I think that, because it is rooted in the 1998 Order, it is probably better from a technical point of view. I would certainly be inclined to go with amendment No 14 rather than amendment No 2.

Turning to the other four amendments — three from Mr Lunn and one from Mr Agnew — I will talk about amendment No 3 first. To be fair, there has been an attempt to pursue the issue of Protestant, Roman Catholic "and other" originally and now "or other". While, in one sense, this is a slight improvement on what was there before, shared education should have a strong cross-community element to it and, when one makes it a gamut of choices between all of those, that does not guarantee a cross-community element. It could involve Protestants and others, Roman Catholics and others or Protestants and Roman Catholics, and I think it muddies the waters and dilutes the Bill's intention as regards shared education. From that point of view, I am not sure that amendment No 3 is in any way an improvement on what is already in the Bill.

**Mr Lunn:** I thank the Member for giving way. I am curious to know what he thinks the status of "others" is in our society. This society is not entirely composed of Protestants and Catholics, far from it. I do not need to quote the figures as we all know them. Do "others" have no place or say in the question of shared education?

**Mr Weir:** It is not a question of that. Again, this is missing the point. Without going into the broad thrust of the Bill, there are a number of drivers to shared education. One of the key elements is the strong cross-community element along what might be described as the main Protestant-Roman Catholic fracture line in our society. There is certainly a strong place for people who find themselves outside that definition. However, if we simply ignore it and allow the box of shared education to be ticked by almost any combination that can be provided, we go against the spirit of what is intended by shared education. If there is to be a reconciliation between the two largest communities in Northern Ireland and therefore a community benefit as a by-product of shared education — something that has been recognised in a number of places in the Bill — we will dilute that. I have to say that I do not support the amendment that is being put forward on that front.

Amendment Nos 8, 10, and 11 are similar in many ways. I have two problems with this. First, it is a question of whether this is the right place in which to place integrated education. The Minister has already alluded to the fact that

there is direct legislative provision for integrated education. Shared education is not the same as integrated education.

It may, in certain circumstances, lead to integrated education, but it can also be within and between sectors. From the Committee's point of view, and certainly on the DUP's behalf, we sought in the Bill to try not to make judgement calls between different sectors. We tried as much as possible, through the amendments that the Committee tabled at Consideration Stage, to say that there should be more of a level playing field between all the sectors. That is why we tried to include the various governing bodies of the different sectors. Therefore, to shoehorn one sector in at the last minute to put it on a different plane from the others is the wrong way of doing it.

Perhaps more importantly, when the Committee, prior to my time, brought forward a report on shared and integrated education, one of the key recommendations was that there needed to be a strategic review of integrated education. It may well be that whenever that review is completed, one of the proposed changes will be something similar to the amendments that have been put forward, but I cannot prejudge that. It seems to me to be a slightly ridiculous position that we have the very welcome action that has been taken by the Department and the Minister to create that detailed focus, reassessment and study of integrated education, but then to start that process and immediately change the legislation around it. That, to my mind, seems to be putting the cart before the horse in relation to that. If there are to be legislative changes in integrated education, they should be on the back of whatever outcome emerges from that. That is the proper way of doing things.

To that extent, I believe that amendment Nos 8, 10 and 11 may be the inappropriate legislation for this, and it is also an inappropriate time. From that point of view, therefore, I do not find favour with amendment Nos 8, 10 and 11. It might be something that we could come back to at a later stage when there is a detailed report, but it is, at most, premature on that basis. I suppose, in summary, therefore, that my party will support the ministerial amendments, but I do not find favour with the other amendments that have been brought forward today.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the Bill at Further Consideration Stage. I find myself in the peculiar situation in which I almost want to agree entirely with the Committee Chair. I will keep my comments brief, nevertheless. As the Chair has just outlined, although in his position as DUP spokesperson for education, we too, on this side of the House, will support the Minister's amendments while opposing those of the other Members, for more or less the exact reasons that have been outlined.

There was a lot of tic-tacking on the issue of religious belief. Amendment No 14 is in accordance with best practice in legislation and is in keeping with the purpose of the Bill. The Minister and the Member both previously outlined that the inclusion of the word "other" removes the provision that shared education is more than just simply about Catholics and Protestant than might have been the intention. Therefore, it dilutes the policy intent of the Bill to the extent that it is sloppy legislation, and we should stay away from it.

As was outlined beforehand, I do not think that the Bill is the place for amendment Nos 8, 10 and 11. If, as Mr Weir

said, the review makes recommendations around those issues, that is when we should look at it again. The 1989 Order is clear; this provision is already provided for, so I do not think that this is the place to do it. I am happy to leave it there, a Cheann Comhairle. We will support the Minister's amendments and oppose those in the names of the two other Members.

**Mrs D Kelly:** I welcome the opportunity to speak on the Bill's Further Consideration Stage. I have listened with interest to some of the debate on Protestant, Roman Catholic and "other", and I would be interested to hear from the Minister, if possible, what difference it would make to the legislation or, more particularly, to the resources available to such schools that have a higher proportion of "other" pupils as opposed to Catholic and Protestant pupils.

#### 4.45 pm

I think that we are living in a more diverse society, and that is something that I very much welcome. It is something that we all need to recognise and embrace. I understand the principles behind shared education. I know that the Assembly, 18 years on from the Good Friday Agreement, has neglected the integrated sector somewhat. Some such remarks were contained in Mr Justice Treacy's judgement last year, but I also recognise the realities of the society that we live in.

Some talk about people being on a journey. We all know that wanting the best educational outcome for our children is at the heart of parental choice. Shared education opportunities assist some people on that journey, but they also reflect the challenging financial environment that education and all other public sectors have to work in. The definition of "shared education" and the proposed new clause — amendment No 1 — setting out the purpose of shared education are things that I welcome and support.

I want to hear more from Mr Lunn about amendment No 2 in order to distil the argument around how he and his party view that change. I also want to listen to what the Minister has to say in his summing-up. Our party is broadly supportive of shared education. We recognise that we could not remain in a situation in which nothing was being done, either financially or for the good of society by promoting a shared future, and, indeed, reconciliation. However, I do not think that there should be just the gloss of shared education. The old exchanges between Catholic and Protestant schools were more about running after the funding than they were about any sort of cultural or societal change to wanting to be educated together.

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

**Mrs D Kelly:** Yes.

**Mr Weir:** I agree with the Member very much that we have to ensure that what is there is not tokenistic in nature. That is something that was discussed at Consideration Stage and that the Committee looked at in depth.

The old stereotypes where you go to sports days twice a year or where on one Wednesday you play rugby and on the next you play one of the Gaelic sports — those sorts of things — are not what it must be. It has to be whole curriculum-based. The important thing to say is that assurances were given — I look forward to the Minister confirming this — that guidance will partly be the best way in which to deal with this, rather than to straitjacket it

through legislation. But I think that the point is well made that we want something that is about genuine sharing, as opposed to a few boxes being ticked to ensure that funding arrives at a range of schools.

**Mrs D Kelly:** I welcome the Committee Chair's intervention, and it provides some clarity. As I said in my remarks last night, I was not a member of the Committee when some of the points were being deliberated. Nonetheless, it is fair to reflect on the future of shared education. One of the principles of shared education is that there is an onus being placed on pupils to integrate, so meeting outside of school is also promoted, and that is why outside clubs and sports also have a role to play in providing an opportunity for our young people to meet.

When we look at last week's report on the continuing segregation in the housing sector, we see that it is important that we provide opportunities for young people to meet those from other community or religious backgrounds, in order to promote a better society, in which people have better understanding and tolerance of each other. Some of the principles of shared education go some way to addressing that, but I recognise that it is a long process, and there is not going to be a transformation overnight.

**Mrs Overend:** The Shared Education Bill has evolved from being an A4 piece of paper with four short clauses into an eight-clause Bill after being amended at Consideration Stage.

The Ulster Unionist Party wants Northern Ireland to be set on a course to create a single state education system. That is in line with the vision of the first and last Ulster Unionist Education Ministers, Lord Londonderry in 1921 and Basil McIlvor in 1974. If shared education is a vehicle to create that single system, we will support it. I am very concerned, however, from last night's debate and this morning's vote on our amendments to the Employment Bill, that many in the House do not share that vision and want to retain barriers between sectors. Despite the rhetoric, there is still no real consensus on what shared education is about and where it should lead. That is the context of the Bill before us.

I turn to the amendments proposed at Further Consideration Stage. It seems to us that the ministerial amendments, namely amendment Nos 1, 4, 5, 6, 7, 9, 12, 13 and 14, are essentially tidying-up amendments framed by legislative draftspersons. We find nothing particularly objectionable in them. I believe that amendment Nos 1 and 4 are connected. I seek some clarification as to who or what might be excluded by amendment No 5; maybe the Minister could provide some examples. I listened acutely to the Minister, but maybe he could clarify amendment No 6 again and just go over the detail of the reason for leaving out clause 1(5). I am content with the other amendments tabled by the Minister.

Looking at amendment No 2 compared with the ministerial amendment No 14 — sorry, it was amendment No 3; that is right. I want to refer to amendment No 3. Clause 1 includes the words:

*"those of different religious belief, including reasonable numbers of ... Protestant and Roman Catholic".*

We are content with the wording of the clause as it sits and we do not feel that further amendment is necessary. The sharing will include those of different religious beliefs; not only Protestants and Roman Catholics but all religions, and I am content with it as it is.

I turn to amendment Nos 8, 10 and 11. Amendment No 10 is in Mr Lunn's name and amendment No 11 is in Mr Agnew's. They are different versions of the same thing and they add the word "integrated" to the duties of the Department to encourage and facilitate and — in Mr Lunn's amendment No 8 — the duty of education bodies to consider in devising and delivering policies. The Ulster Unionist Party supported shared education in the context of a long-term integrated future and we support "integrated" education in its widest sense, as a movement rather than a particular sector or type of school. The problem is that, although these amendments refer to integrated with a small "i", our understanding, certainly in the wake of the Drumragh ruling, is that, legislatively, when we talk about integrated education, we are actually talking about integrated with a large "I"; in other words, the specific sector. The integrated sector already has protection in statute in Northern Ireland in section 64 of the Education Reform (Northern Ireland) Order 1989, which imposes a statutory duty on the Department of Education in Northern Ireland:

*"to encourage and facilitate the development of integrated education".*

That was reaffirmed in the Belfast Agreement. While we support shared education in the context of integrating education, the integrated sector already has legislative support for its promotion. We support those existing regulations but we are unconvinced that the amendments tabled here are necessary and in the right place in the Bill.

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

I conclude by reiterating my support for the ministerial amendments but not for those of the other Members, well intentioned as they may be.

**Mr Lunn:** I could say, first of all, that it is good to see that we have managed to achieve a level of consensus between Mr Hazzard and Mr Weir. When Mr Hazzard says that he agrees with almost every word that Mr Weir says, I think Mr Weir should watch how he is going. I do not particularly disagree about the ministerial amendments. The main difference between those two and me is that I happen to support my own amendment as well.

I welcome this stage of the Bill. It is not a secret that the Alliance Party has had some reservations about the direction of travel in all this, and the emphasis that this place has on shared education, possibly at the expense of forcing people to take their eye off the ball in terms of what I consider to be the purest form of sharing, which is the integrated movement. It has been said many times in the House, even at the last stage, that some people who might not feel as strongly as I do still see integrated education as the end of a continuum that starts with shared education. I continue to hope that that is the case and that this legislation and movement will lead people to realise that, frankly, if you can share, you can integrate eventually. That is my hope for it.

That is the reason for our amendment Nos 8 and 11. There is a perception that integrated education is being put on the back-burner and sidelined by all this — by the weight of political pressure and of finance, which is being directed towards the movement. That may be at the expense of integrated education. The duty on the Department to "encourage, facilitate and promote" shared education has,

as I have often said here, gone beyond the use of the word "promote". The same Department has a duty for integrated education. We have reservations about that.

Where amendment Nos 8 and 11 are concerned, the absence of the word "promote" in the Department's duty can be remedied quite easily by placing it on the record in the Bill. It would be an acknowledgement. I hear people say that the Bill is the wrong place, but, frankly, the Assembly has recently had a proud record of trying to tack things on to Bills in the wrong place. Sometimes they pass, and sometimes they do not. It is not without precedent; it does happen. This may be the wrong place technically, in some people's terms, but it is a suitable place. What harm would it do to use the word "integrated" in the clauses I highlighted? It would certainly not harm the shared education movement, but it might give some reassurance to the thousands of good people who have spent the last 40 years trying to bring children together in education and who feel a bit threatened and feel that there is a lack of equity and equality across these two — I cannot call them sectors — movements. Even at this stage, I urge the House to accept amendment Nos 8 and 11. I am not receiving much body language feedback that says that will happen, but I will continue to ask because I think it is the right thing to do.

Turning to the other amendments, amendment No 1 proposes a purpose clause. We have no problem whatsoever with this amendment, but I will happily make the point that, if you were to take out the word "shared" and put in "integrated" in that purpose clause, you would find that it would fit perfectly well. The clause would say:

*"(1) This Act makes provision in relation to integrated education.*

*(2) The purpose of integrated education is—*

*(a) to deliver educational benefits to children and young persons;*

*(b) to promote the efficient and effective use of resources;*

*(c) to promote equality of opportunity;*

*(d) to promote good relations; and*

*(e) to promote respect for identity, diversity and community cohesion."*

That is what the integrated sector has been trying to do for the last 40 years. We will accept amendment No 1.

Amendment No 2 ties in with ministerial amendment No 14. I am slightly amused by this. At the last stage, Mr Weir, the Minister and I agreed that we would withdraw amendments so that we could have another look at this. What I have done is move towards the Minister's point of view, because that is what he wanted the last time. I find it slightly odd — I continue to find it off the wall, frankly — to have to say that religious belief includes an absence of religious belief. The Minister has come up with amendment No 14, which relates to previous tried and tested legislation. I think the definition in the Fair Employment and Treatment (Northern Ireland) Order 1998 is pretty reasonable for what we are trying to achieve. We will not pursue amendment No 2.

I will move on to amendment No 3. At the last stage, we suggested “Protestant, Roman Catholic and other”. The other parties did not feel able to accept that because it appeared to indicate that you need representation from all three groups, which is not our intention.

What we would like to do is to recognise, as I said to Mr Weir in an intervention, that the number of others in this country now is significant. I cannot put a figure on it, but, if you take out the Protestants and Roman Catholics — sorry, Kieran, Catholics — there are an awful lot of people who do not qualify under either description, and they deserve to be taken into account.

### 5.00 pm

For the life of me, I cannot understand the objection. Some people are reading it as meaning that you could satisfy the requirements of the Bill by having a reasonable number of Protestants and others, or Roman Catholics — Catholics — and others. That is not how I read it. I remember the Minister indicating that this could be left reasonably loose. It was, I think, in a letter to me that he indicated that we did not need to be too prescriptive and that the regulations that followed would deal with the situation. It is my amendment, and I find no fault with it, but I wish that others would see it the same way as I do.

Amendment No 4 is OK. I think that others have queried amendment No 5, which takes out the word “ancillary”. The Minister may be able to expand on that. I see no particular difficulty with it. Amendment No 6 simply leaves out a subsection.

Amendment No 7 inserts:

*“so far as its powers extend”.*

That seems like a warning to the Department not to extend the powers that it has. I wonder whether it is necessary. I also wonder what harm it could do. I do not expect the Department to try to exceed its powers. We will not die in a ditch over it.

I have already talked about amendment No 8. Amendment No 9 appears to take out three or four provisions and replace them with perfectly sensible provisions from the 2014 Act. That is fine; it is a good “tidy up”, you could say.

Amendment No 10 is from Mr Agnew — oh, he is here now; that is good — and is identical to our amendment No 11, with the same words in a different order. Maybe he will make more progress with amendment No 10 than I will with amendment No 11. I will certainly support his amendment, and I congratulate him for showing support for fairness, equality and the principle of educating children together as a key to the shared future that we all nominally aspire to.

I have no problem with amendment No 12. Amendment No 13 relates to the purposes clause and appears to be a lot simpler than what it replaces, so we will not argue about that. I have already touched on amendment No 14. I wonder how we did not realise before this stage that such wording existed, given that it looks pretty satisfactory. For that reason, as I said, we will not move amendment No 2.

In conclusion, I again make an appeal to the House. We do not have to constantly take the same attitude to these things; we could be a bit more flexible and perhaps provide some reassurance to people out there who see things differently, particularly the equality between the shared

and integrated movements. I know that there is to be a strategic review of integrated education and I was very pleased when the Minister announced that some time ago — before Christmas, I think. That is good, but I do not see why that should put a stop to anything to do with integrated education, particularly a fairly simply amendment like this, which would not harm anybody or damage the Bill. I will leave it there.

**Mr McCausland:** In supporting the Bill, I will refer particularly to some of the elements in amendment No 1, which would insert a new clause on the purpose of the Act. The other amendments have already been covered by my colleague, the Chair of the Committee, Mr Peter Weir.

I welcome the proposed clause on the purpose of the Act. It brings out some key points. It is clear that there should be educational benefits for the children and that shared education should promote:

*“efficient and effective use of resources”.*

Then, when you come to the issue of sharing and what that means, the proposed clause refers clearly to the key elements of “equality”, “good relations” and:

*“respect for identity, diversity and community cohesion.”*

Those are what, for many years, the Community Relations Council called for when it talked about equity, diversity and interdependence and also the need for community cohesion. If we are to build a better future in Northern Ireland, it should be a shared future, and that is stated very clearly through identity, diversity, interdependence and community cohesion.

I find it interesting that the purpose is:

*“to promote respect for identity, diversity and community cohesion.”*

Identity is multifaceted and multilayered. For some people, there will be particular focus on a religious identity; for others, on a political or cultural identity. We all have so many identities, and that is the point that I am making when I speak about identity being multifaceted or multilayered. Therefore, the wording is such that it encapsulates and accommodates the fact that we are unique and have our own combination of identities that make up our individual identity.

Education and schools have a particular role to play in that. Think about the principal sectors — the controlled sector, the maintained sector and, then, the integrated and Irish-medium sectors. In some of those sectors there is a particular focus on a cultural tradition. There is a cultural aspect to the education of the children. For example, Irish-medium education is very clearly focused on, embedded in and based on Gaelic, Irish-language culture.

I was thinking also of the maintained sector. I came across again a little quote from some years ago. It comes from an article by Jude Collins, who was at that time a lecturer in education at the University of Ulster as well as a columnist in the now defunct ‘Daily Ireland’. I think that it belonged to someone who is now a Member — Mr Ó Muilleoir. At least he was a major shareholder. To go back to what Jude Collins said at that time about the maintained sector. He said that it was particularly important that CCMS be protected because that sector:

*"supports a sense of Irish identity. The schools don't talk a lot about this in their official curriculum, but it's part of what they do. Children attending Catholic schools are helped to see that 'visiting the capital' doesn't necessarily mean going to London, that Carrndonagh, Clones and Carrickmacross are Ulster towns every bit as much as Carrickfergus, Cookstown and Killyleagh - that Irish music and Irish games and the Irish language are a wonderful source of fun and fulfilment, as well as a rich heritage to be proud of. They give children an Irish lens through which to view the world."*

He was, therefore, supporting the best outcome — the best support — for the maintained sector.

When we speak about promoting equality of opportunity, it is important that, as schools from different sectors come together through shared education, the children bring with them equality in their understanding of, appreciation of and education about the cultural tradition, the community and the home from which they come. That, of course, is set out in the UN Convention on the Rights of the Child. One might also think of the Framework Convention for the Protection of National Minorities and the importance therein of children not being assimilated into a cultural tradition other than the one to which they are naturally affiliated.

In winding up, I will simply make the point that, as we progress with shared education, it is particularly important — even more important than it is already — that, within all sectors, there is an equity of focus on the cultural tradition of the children and that the culture that is currently expressed clearly in Irish-medium schools and maintained schools, as Jude Collins was saying, is also to be found in controlled schools and other schools in the same way and that, for example, children in the integrated education sector, whatever their background, have equal exposure to and education about their cultural tradition. Some interesting issues are raised by the focus on equality of opportunity, because alongside equality is the human rights issue and the rights of the child, as embedded in the UN convention and in other documents such as the framework convention. I hope that those things will be explored as we move forward with what is a very interesting opportunity.

**Mr Agnew:** First, I apologise to the Members whose contributions I did not get to hear. Other business that I had overran. I like to be in from the start of debates, but, unfortunately, that was not possible today.

Amendment Nos 2 and 3 come to the issue of how we include reference to the two main denominations in Northern Ireland and include others of different faith and none. We grappled with this issue at Consideration Stage, and a number of different proposals were put forward. We have two here today. I fear that, in almost seeking to come to a consensus, we are coming out with the least best option. However, should amendment Nos 2 and 3 not be passed, what will be clear to anyone interpreting this legislation is the intent. It is important to debate language when we are producing legislation.

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

**Mr Agnew:** Absolutely.

**Mr Weir:** I appreciate that there is a separate argument in relation to amendment No 3. I also appreciate

that the Member was not in for the earlier part of the debate. Amendment Nos 2 and 3 are not seen either as alternatives or, indeed, as in any way particularly interrelated. Amendment No 14 actually covers the point in a much more technical way than amendment No 2 does.

**Mr Agnew:** I thank the Member for his intervention. We had this debate at length. In settling on a final form of words, the intent will be clear. It is my understanding that, when legislation is being interpreted, the context can be looked at. Indeed, the words that we use here will be used to help interpret it. There were amendments that I preferred that were not passed at Consideration Stage. I hate this phrase, but we are where we are. We will resolve this issue today, and the Bill will be no worse for that.

On amendment Nos 8, 10, which is my own, and 11, I was told that I should be reassured and not concerned about shared education somehow being a further barrier to what I see as genuine integration. I see the opposition to these amendments as some indication that my instincts were correct. This is an agenda for shared education, not integrated. It is not a step in the direction of integrated. It is an alternative, and I see it as a further barrier to integrated.

I have said all along that the solution to our fall in classroom numbers was, in many cases, to merge schools and create a single school where children of both faiths, others and none are educated together with the same uniform, the same ethos and the same principal. The seeming intention of the House to oppose inclusion of consideration of integrated education within the contexts outlined in the Bill is regrettable and a further indication —

**Mr Rogers:** I thank the Member for giving way. Does the Member agree with me that St Columbanus' College, Bangor — where he, Mr Weir and I recently attended a prize-giving — is a great example of shared education but also a great example of integrated education with a small i?

**5.15 pm**

**Mr Agnew:** I thank the Member for his intervention. Obviously, it is a school in my constituency. As he knows, I have supported their campaign for a new school building, and I have always been keen to attend the prize day. They have brought together children of both religions, other religions and no religion under one roof. That is a step in the right direction. However, Mass still takes place as part of the Assembly, so it has a way to go to be more inclusive. Whilst this is a step in the right direction for our education system, I do not see it as the end point, which may be where I differ from some in the House.

There is a question of resources. It is clear, with the shared education agenda, that resources will follow. My concern, and I raised this point, is that it was made clear with this agenda that a single shared school will not get the resources. So, in that scenario, St Columbanus' College would lose out, as would a single integrated school. We should be putting in resources where there is an opportunity to integrate two schools; instead, we are putting in resources to keep them separate. They will be sharing facilities but not experiences. That is where my concern lies.

I make a final plea to the House to include integrated education in the Bill to show that it is still part of the vision for education in Northern Ireland, that it is the way forward and that we want to live up to the obligations of the Order

to encourage and facilitate integrated education. As I said, my fear is that this Bill and the shared education agenda are being driven by those who do not wish to see integration and are looking for a way to maintain segregation with a new name that sounds like “integration” but is not and potentially never will be.

**Mr O’Dowd:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le gach duine a chuir le díospóireacht an lae inniu. I thank all those Members who contributed to today’s debate.

It is clear that there is widespread support across the House for advancing shared education. As I have said, shared education provides the opportunity to raise educational standards. Access for learners to a wider choice of subjects and the increase in the access to specialist teaching, modern facilities and the sharing of good practice makes a compelling educational case.

The statutory curriculum provides a core enabling framework to promote shared education through the development of the young person as an individual, a contributor to society and a contributor to the economy and the environment. Shared education also encourages and facilitates a culture of mutual understanding between children and young people from different community backgrounds, as was pointed out by Mr McCausland. That is done in the context of our curriculum.

Mrs Kelly and the Chairperson said that they did not want to see shared education being simply a case of children going to one facility on separate buses and sitting on separate sides of the room. This is a meaningful approach to young people learning with each other and, equally as important, learning about each other from each other. That is the key in relation to shared education and shows the difference between programmes run in the past when children were brought to a venue on different buses, sat at different sides of the room, watched a film or programme and then disappeared from one another. That is not what shared education is about; it is not what this legislation is about, and it is not what the shared education policy is about. That will be further outlined in the guidance if the Bill passes its Final Stage.

Mrs Kelly again raised concerns about what happens if there is a broad mix of young people at a school and what happens to the others? There has been a debate about others. In the debate we had at Consideration Stage, I said that the question of how to include non-religious people had tested some of the best legal minds in this Building and beyond. That is dealt with in a number of my amendments.

It includes “other”; it includes those of no religious belief; it includes those beyond the common definition of Protestant and Catholic. However, as the Chair pointed out, the fault line in our society is between what is known as the two main communities, Protestant and Catholic, and we have to ensure that there is a greater understanding between those two sections of society. We want to encourage greater sharing between them, but it certainly does not exclude any other section of society or those who define themselves outside that.

We are writing law here; we are voting on law. Technically, under those amendments — perhaps even under Mr Lunn’s amendment No 3, I think — there is a danger that you could have a scenario in which you could simply have a shared

education project between groups of others. We do not want that to arise. I do not think that that is the intention of Mr Lunn; his contribution today certainly did not reflect that. We are writing law, and, for it to be defended at a later stage, it is best to have it defined properly. I believe that the amendments that I have brought forward today do that.

A number of Mr Lunn’s amendments reflect one that I brought forward at Consideration Stage. Even Ministers are allowed to change their mind in this sense. Following reflections and the discussion that took place at Consideration Stage, and afterwards, I believe amendment No 14 allows a legally defensible and a policy-defensible position.

Mrs Overend asked about amendment No 5 and why we are moving it, as did one other Member. Amendment No 5 has come about as a result of the Bill changing at the last stage and placing a power on my Department. The expression “ancillary to education” has been used in the Education Order since 1986 and captures a wide range of services. We are trying to ensure that the services relate to school sharing and do not go beyond that. They must be specific to school and youth projects in shared education and be defined correctly in legislation. You also had concerns about amendment No 6. Amendment No 6 is one of those “tidying-up” exercises, as you referred to them, that were brought forward by the draftspeople, and it is just to ensure that the legislation is properly formatted, easily understood and how the amendments run etc.

**Mr Lunn:** Will the Minister give way?

**Mr O’Dowd:** I will.

**Mr Lunn:** I am sorry about this, Minister, but I want to take you back to amendment No 3 before you finish. Does the Minister actually think that our amendment No 3 would in any way stifle the ability, or preclude the possibility, of Protestant and Roman Catholic children forming a sharing agreement within the regulations? To develop that, where is the harm if a group of Roman Catholic children and a group of other children from another school come together on a project for their mutual benefit? It depends on how you read it. I am sorry, Mr Principal Deputy Speaker. It does not mean that you have to have something from all three. This amendment was also put together by people who have a legal brain; it is not just the Department that has the monopoly on that.

**Mr O’Dowd:** The Chamber is full of people with legal brains; look where that has got us. You summed it up yourself, Mr Lunn. You said:

*“It depends on how you read it.”*

We are formatting legislation, so we want to be assured that we are formatting legislation as definitively as possible. Legislation will always be open to interpretation; hence we have solicitors, barristers and judges to challenge all those sorts of things. When we draft legislation, it is only right and proper that we ensure that it is definitive and that it is aligned to the policy intent.

I have no difficulty with a group of Protestant children or a group of Catholic children coming together with a group of others. That is not the intent of the shared education policy, however. The shared education policy is about bringing together what is known as the two main communities and others to learn from and about each other from their different experiences. If we follow the intent of the policy,

we have to ensure that the legislation follows the intent of the policy and that we move forward from that.

I do not think that the amendments that I have brought forward do harm or violence to your amendments. I think that they deliver what you want to deliver, and they certainly deliver it in a way that is defensible and definable under the law.

I want to move on to the integrated education amendments. This is not the integrated education Bill but the Shared Education Bill. Mr Agnew said during his contribution that he was right to suspect that people were driving forward the shared education agenda. Correct: hence the reason it is called the Shared Education Bill. We have a shared education policy and a Shared Education Bill. It is not the most imaginative way in which to drive forward a hidden agenda when you title the legislation with the name of the very policy that you want to drive forward. However, it is not done at the expense of the integrated sector.

I stand here confidently and say that, apart from Mr Lunn and a number of others who have a long, long history in the integrated movement and sector, no one else in the Chamber has done more for the sector than me. I have developed policy around it. I have developed and opened new schools. I have invested in new schools in the integrated sector. The mention of integrated and shared education in the Stormont House Agreement and the Fresh Start Agreement did not come about by accident. Somebody had to be sitting around the table championing their cause. I hold my hand up to that. There will be £50 million of investment in shared and integrated education.

Mr Lunn reflects the position of the integrated sector, which is that there is suspicion around the shared education policy and that it is there to undermine integrated education. I have heard all of that. In a number of weeks' time, I hope to be in a position to announce the outcome of discussions with the NIO and DFP on the moneys that were secured out of the Stormont House Agreement and the Fresh Start Agreement. That will give confidence to the integrated sector that its role in society is being copper-fastened by the investment in a building programme into the future that will establish the sector quite physically in many villages, towns and cities across the North and will show many that it is a booming sector.

The review that I have commissioned —

**Mr Agnew:** Will the Minister give way?

**Mr O'Dowd:** I will in a moment. The review that I have commissioned into the integrated sector should give it confidence that, 20 or more years after the first piece of legislation was brought in, it now has an ability to review its strengths and weaknesses and bring back a report to the next Administration and Department of Education to develop and strengthen the sector further.

The Shared Education Bill is not the place for references to the integrated sector or to conjoin it and shared education, no more than it is a place to reference the Irish-medium sector, the controlled sector, the maintained sector, the voluntary grammar sector or anything else. It is a stand-alone piece of legislation that promotes a policy that the vast majority of people in the House support and gives legislative authority to. The Bill is not here to undermine the integrated sector.

**Mr Lunn:** Will the Minister give way?

**Mr O'Dowd:** Mr Agnew is looking in.

**Mr Agnew:** On his point about new builds, what assurance can the Minister give me that integrated schools will not be excluded from new-build programmes that are not specifically funded by Fresh Start money?

**Mr O'Dowd:** I was listening to your earlier contribution, Mr Agnew, and, given the tone of the debate, I asked myself, "Will I or will I not challenge him on his comments?". It has been very affable in the Chamber this evening. Members have been setting out their position on all of this, and then you come in and pontificate in the corner about how you are a champion of the integrated sector and about how everybody else in the Chamber has horns on their head and is out to get the integrated sector.

You now stand up and ask me what I am going to do about integrated sector builds outside shared education. Right? I have to bring you back to an earlier debate — I think that it was about a year ago — when you were challenging me on your allegation of my lack of support for the integrated sector. One of my colleagues brought in one of the north Down newspapers. Lo and behold, in that newspaper, was there not a statement from Mr Agnew?

**Mr Principal Deputy Speaker:** I ask the Minister to speak through the Chair.

**Mr O'Dowd:** In one of the north Down newspapers, there was a statement from Mr Agnew condemning the Minister for giving priority to the integrated sector in the building programme, which meant that schools that he wanted to be built in north Down were further down the list.

He decided that I was a very bad person and there was positive discrimination in favour of the integrated sector but the schools that he wanted built, he alleged, would never be built. Now, he has the audacity to come into the Chamber and challenge me, someone who helped to secure £50 million to invest in the integrated sector and the shared education sector.

### 5.30 pm

I say in direct answer to his question that it is £50 million per annum over the next 10 years, which is £500 million. I am doing myself down here. By the time we spend all that on the integrated sector and the shared education sector, we will be hard pressed to find where we would need to put two bricks on top of each other and spend money from elsewhere. However, if we need to spend money from elsewhere, that will be up to future Administrations. If it is required to be spent, it should be spent.

**Mr Lunn:** I thank the Minister for giving way to me again. I fear that I might be setting myself up for him to have a go at me as well. The £500 million for shared and integrated education is proof of the fact that the two sectors are linked, and it is difficult to separate them from each other. There is no point in talking about the controlled sector and the maintained sector in the same breath when you have £500 million of specific investment for shared and integrated education. There is a fear at the moment that most of that will go one way and not the other.

The other thing that the Minister said was that nobody in the Chamber had done more for the integrated sector than him — well, apart from the two of us. I do not want to damn the Minister with faint praise, but I will acknowledge that

he has done more than any of his predecessors for the integrated movement. He can take that as a compliment.

**Mr O'Dowd:** I will take that as a compliment, but Mr Lunn will see in Hansard that I pointed to him and others in the Chamber who have had a lifetime of commitment to the integrated sector and have done great things for it. I was not bringing all the praise onto myself, but I will take a compliment when one is going.

I hope to be in a position in a number of weeks to announce the first tranche of investment from the Fresh Start Agreement moneys, which will show where the investment is going. The proof will be in the pudding. You think that it is contradictory. The integrated sector and the shared education sector have common cause and purpose, as do the supporters of each sector. You can support both sectors in my opinion. It is about creating a difference and a change in our society and creating mutual understanding so that we can move even further than some are comfortable with, but I do not think that you have to do that in legislation. There is already legislative protection for the integrated sector. It is enshrined in law, and I have used it on several occasions to bring forward and support proposals that might otherwise have failed if that enshrinement in law had not been in place. They are protected, and they have legislative cover.

**Mr Lunn:** Will the Member give way again?

**Mr O'Dowd:** I will for the last time, but I want to wind up my speech.

**Mr Lunn:** I am very grateful to the Minister for giving way. The enshrinement in law for the integrated sector falls short of what is enshrined for the shared education model: that is the difference. The word "promote" is not there. The amendment that we propose today would effectively have included an obligation on the Department to include the word "promote". The Minister and others have said that this is not the right place to do this, but, frankly, I would like to know where the right place is. It fits with this Bill, even though some people say that it does not. Where would we do it otherwise?

**Mr O'Dowd:** The right place to do it is a matter for discussion on another day. This shared education legislation has come about following a ministerial advisory group report, several significant debates in the Chamber and, indeed, among the general public and a policy development and consultation and all that goes with that. The Bill itself came about following the shared education and integrated education report accepted from the Committee, and it has come through the legislative process. The legislation that is before us today, in my opinion, is sound. If the Member is arguing that we need to include "promote" in relation to integrated education, that is a debate for another day, and it is for others to decide if that definition is necessary in legislation.

I wish to bring my comments to a close. It has been a good debate, and the work of the Education Committee on the Bill has made for more robust legislation. Mrs Overend loves to say that it is an A4 piece of paper with four clauses: sometimes small is beautiful — and that is coming from somebody who is 6 feet 6 inches. The quantity of clauses in the Bill — hopefully, it will become an Act — does not have any relation to the quality of the legislation. We are taking the right steps in the right direction through the legislation. I believe that the Committee Stage, the

debates in the Assembly and the amendments that have passed and those that hopefully will pass today have made for better legislation. I commend my amendments to the House, and I have put on record my comments about other amendments before us today.

*Amendment No 1 agreed to.*

*New clause ordered to stand part of the Bill.*

### **Clause 1 ("Shared education")**

*Amendment No 2 not moved.*

*Amendment No 3 proposed:*

In page 1, line 8, leave out from "both" to "Catholic" on line 9 and insert "Protestant, Roman Catholic or other".— *[Mr Lunn.]*

*Question, That the amendment be made, put and negatived.*

*Amendment No 4 made:*

In page 1, line 14, leave out subsection (3).— *[Mr O'Dowd (The Minister of Education).]*

*Amendment No 5 made:*

In page 1, line 23, leave out "or which are ancillary to education".— *[Mr O'Dowd (The Minister of Education).]*

*Amendment No 6 made:*

In page 2, line 1, leave out subsection (5).— *[Mr O'Dowd (The Minister of Education).]*

### **Clause 2 (Duty of Department of Education to encourage, facilitate and promote shared education)**

*Amendment No 7 made:*

In page 2, line 6, after "Education" insert "(so far as its powers extend)".— *[Mr O'Dowd (The Minister of Education).]*

*Amendment No 8 proposed:*

In page 2, line 7, after "education" insert "and integrated education".— *[Mr Lunn.]*

*Question, That the amendment be made, put and negatived.*

### **Clause 3 (Power of other bodies to encourage and facilitate shared education)**

*Amendment No 9 made:*

In page 2, line 20, leave out from "Article" to end of line 23 and insert

*"section 4 of the Education Act (Northern Ireland) 2014."— [Mr O'Dowd (The Minister of Education).]*

### **Clause 5 (Duty of education bodies to consider shared education)**

**Mr Principal Deputy Speaker:** Amendment No 10 is mutually exclusive with amendment No 11. Amendment No 10 proposed:

In page 2, line 33, after "consider" insert "integrated and".— *[Mr Agnew.]*

*Question, That the amendment be made, put and negatived.*

*Amendment No 11 not moved.*

#### **Clause 6 (Review of shared education)**

*Amendment No 12 made:*

In page 3, line 14, at end insert“( ) the extent to which the Department of Education has complied with its duty under section 2;”.— *[Mr O'Dowd (The Minister of Education).]*

*Amendment No 13 made:*

In page 3, line 21, leave out paragraphs (d) and (e) and insert“(d) the extent to which the purpose of shared education set out in section (Purpose of this Act)(2) has been achieved.”.— *[Mr O'Dowd (The Minister of Education).]*

#### **New Clause**

*Amendment No 14 made:*

After clause 7 insert

##### ***“Interpretation***

***7A. In this Act—***

*(a) “equality of opportunity” and “religious belief” have the same meaning as in the Fair Employment and Treatment (Northern Ireland) Order 1998;*

*(b) words and expressions which are defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in that Order.”.— [Mr O'Dowd (The Minister of Education).]*

*New clause ordered to stand part of the Bill.*

**Mr Principal Deputy Speaker:** That concludes the Further Consideration Stage of the Shared Education Bill. The Bill stands referred to the Speaker.

## **Assembly Members (Reduction of Numbers) Bill: Final Stage**

**Mr Principal Deputy Speaker:** I inform the House that consent for the Bill, as amended, has been received from the Secretary of State.

**Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister):** I beg to move:

*That the Assembly Members (Reduction of Numbers) Bill [NIA 76/11-16] do now pass.*

This is a very short Bill with only two clauses, yet it will have significant implications for the way our institutions do business in the future and for the size of the membership of forthcoming Assemblies. During the previous stages, we stated how, at the heart of the Fresh Start Agreement, there is a common commitment to a better way of doing business. Both the Stormont House Agreement and the Fresh Start Agreement set out a number of proposed changes to the institutions so that they might function more efficiently and economically and better meet the needs of citizens. One proposed change was a reduction in the number of Departments. Another was a commitment to reduce from six to five the number of MLAs returned for each constituency.

Of course, reform of the institutions has been the subject of lengthy and detailed discussion and debate over a considerable time. The Bill represents a major element in the process of reform. We have accepted that this will not in itself resolve inefficiency, but it is an important step in the right direction. The issue addressed in the Bill was the subject of a review and report by the Assembly and Executive Review Committee in 2012. The United Kingdom Government also consulted on the size of the Assembly in August 2012. It was the subject of further detailed consideration during the political process leading to the Stormont House Agreement in December 2014, and it featured in last December's talks process that led to the Fresh Start Agreement.

This is a straightforward Bill with a simple objective: to reduce by one the number of Members returned by each parliamentary constituency, to have effect from the first Assembly election after that of May 2016. It represents a major step on the road to reforming our institutional structures. In fulfilment of that commitment, the Assembly Members (Reduction of Numbers) Bill was introduced to the Assembly on 12 January 2016. It was recognised that, for the Bill to complete its passage before the dissolution of the Assembly at the end of March, it would be necessary for it to proceed by way of accelerated passage. On 25 January, following consultation with the Assembly and Executive Review Committee, the Assembly agreed and voted, with cross-community support, to allow this procedure to apply to the Bill. We are grateful to the Assembly for its support in this matter.

#### **5.45 pm**

The accelerated passage debate was followed by the Bill's Second Stage on the same day. This demonstrated broad support for the principles of the Bill. One amendment to the Bill at Consideration Stage on 2 February was tabled by the Alliance Party but was not made, and the Bill's two clauses were voted by the Assembly to stand part. The Bill's Further Consideration Stage was taken last Tuesday,

when two ministerial amendments were agreed. These were purely technical adjustments needed to ensure that, if there were to be any delay in Royal Assent being obtained, the reduction in the number of MLAs would still apply to the first Assembly election after May of this year.

Overall, there was support for the principle of the Bill to reduce the number of MLAs elected to this place, but differences arose in respect of the timing of the legislation. Some Members wanted the legislation to pass and the proposed reduction to be in place so that it might apply to the May 2016 Assembly election. However, the nature of consensus government or government by agreement is that the detail must be agreed. That is what we have achieved with compromise in the proposal in this Bill. Other Members wished for the legislation to be considered at a later stage, once the outcome of the parliamentary boundary review would be known. However, we remain firmly of the view that the time for reform has come. People want this change, and we must deliver this change.

We have now reached the Bill's Final Stage, and I would like to take this opportunity to thank those who have contributed, through their support or through constructive debate, to getting the Bill to this stage. It has prompted a wide-ranging, informative and, at times, passionate debate. We are also grateful to Members for the interest that they have shown. Although a small Bill, the Assembly Members (Reduction of Numbers) Bill is nevertheless a significant one that will be seen by the electorate as a measure of the Assembly's willingness to play a full part in the streamlining of our institutions of government. I commend the Bill to the Assembly.

**Mr Frew:** I, of course, support this Bill at Final Stage. The Bill has been a real long slog, as has been the campaigning for change that we in the DUP have been engrossed in since way back the early 2000s, when we were the only party to support a reduction in the size of government. We see this day as a success. We see that we need to do more. We believe that we should have done more, but we understand that, when you make agreements, that is success and progress. We will honour those agreements where and when they are made.

As the junior Minister stated, it is not the only thing that we want. We have already secured the reduction in Departments. We move towards a day when there will be an opposition in this place. I think that all of that is good for politics in Northern Ireland. It is good for this place, and it assists the businesses and communities that we represent. It is all good today. I think that I used the word "rejoice" the last time around, in Further Consideration Stage. It is something that we have aimed to get to and have aimed to meet, and I am glad that an objective has now been ticked off the DUP wish list.

**Mr Maskey:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I think that a good friend of mine once said that wish lists are for Christmas, but, anyway, we will deal with something else.

I was not quite sure what the previous Member who spoke meant when he said that the legislation has been a bit of a "long slog". I was beginning to wonder whether he meant a different discussion or whether I had come to the Chamber at the wrong time. Obviously, the Bill has been dealt with by way of accelerated passage.

Perhaps the deliberations over the last several years have been a bit of a long slog; I would agree with that. Obviously, from Sinn Féin's point of view, we made the agreement, and we are happy to stick with and support that agreement to reduce the number of MLAs to be returned to the Assembly following the election after the next one in May. We think that, in the round, it is a balanced and reasonable decision to take.

A lot of people out there have come round to the view that there may well be too many MLAs. I have certainly been on the record in the Chamber as saying that I do not necessarily agree with that. Look at the number of MLAs and even local councillors that we have, and then look at the fact that we have 150-plus quangos out there, which host more than 2,000 people as public appointees. So, although you talk about there being a democratic deficit, you see that there is an awful lot more of a democratic deficit out in quangoland than there is in the Chamber or even in local government. That being said, I think that it is an important part of a process in which we are prepared and quite willing to make changes. I think that the public will support the change. As I have said, Sinn Féin is happy to support this agreement that we reached a few months ago.

**Mr Attwood:** I, too, welcome the Final Stage of this legislation. I would be more moderate in my language than that which was used by the junior Minister, who said:

*"it is an important step in the right direction."*

She also said that it is a major step forward on reform. Yes, this is a step in the right direction, and, yes, it is reform, but I would be more moderate in the language that describes what is happening today.

I acknowledge that, even if it is a DUP wish list, as Mr Frew indicated, there is an ongoing range of reform measures on the number of Departments, the number of MLAs and the legislation in respect of an opposition. None of that, however, answers the questions that were being tabled over lunchtime in the Long Gallery by one of the community health NGOs, which was making an argument about how the Programme for Government should be shaped in the image of community health responses to health needs in our society. The number of MLAs, the number of Departments and having an opposition do not do one whit of anything to respond to the needs of that NGO in trying to shape health in a different image from the past. What was useful, I thought, was that a senior official from OFMDFM, which has responsibility, in part, for the Programme for Government, was at the meeting, which might indicate some fresh thinking on how to take forward health issues.

Structures do nothing to respond to those needs, unless they are then seen to respond to them. That is the measure of all reform. It is not about reform for the sake of reform or for the aspiration of efficiency and effectiveness; it is about reform in order to more fully and faithfully respond to the needs of the people who were in the Long Gallery earlier today. Ultimately, none of this means anything unless the Programme for Government and the policies pursued by a smaller number of MLAs and Departments live up to the ambitions of those in the Long Gallery and people everywhere. Noting those comments, this is the right option and the right time for this measure of reform, but let us not elevate it to something that is major reform, unless it measures up to what reform is meant to serve, and that is the interests of the people we all represent.

**Mr Allen:** First, I would like to apologise for coming slightly late and missing the junior Minister's opening remarks.

Members will be well aware that we did not support the accelerated passage of the Bill. We would like to have seen it being brought forward in the next mandate, giving it the time and scrutiny it deserves. Nonetheless, in a democratic society, we were outvoted on that, and we are where we are. We support it going through, rather reluctantly. As I outlined previously, whether we go from six to five or to four does not matter. What matters is that the House delivers a streamlined but effective Government for all the people in Northern Ireland. That will see the House come down to five Members per constituency after the election in May 2016.

It is important to understand and reflect on why we reached the number of 108 MLAs in the Good Friday Agreement. It was to make sure that Members of the House represented each and every individual to the best of their ability. It was to make sure that the House was diverse, inclusive, and brought forward the thoughts of the whole society. Once again, rather reluctantly, we support the passage of the Bill.

**Mr Lyttle:** If truth be told, I am not feeling 100%, so Members will be glad to hear that I will be as brief as possible. The Alliance Party supports the reduction of the number of MLAs from 108 to 90 — from six MLAs to five in each constituency. Therefore, we support the passage of the Bill.

As junior Minister Pengelly referred to in her opening remarks, we created an opportunity, by way of amendment, for parties and MLAs in the House to vote to introduce the change in time for the 2016 election rather than delay it to 2021. I still do not believe that a clear case was made to explain why the delay needs to take place. I have set out our rationale for why we think it should happen sooner, and the most pertinent point for me is the potential savings that could have been made by introducing the change sooner.

Today, I have seen reports about waiting lists in our community that are affecting gynaecology, neurology, ENT, paediatrics, gastroenterology and cardiology. I chaired a meeting of the all-party group on learning disability this morning, and parents, carers and professors communicated a fear that, despite Bamford recommendations, the budget for learning disability services in the Department of Health has decreased since 2007. We also know that social housing maintenance cycles have slipped from eight years to 12 years. I will leave it there.

The Executive and the Assembly need to get serious about how we will make efficiencies to fund some of the most important front-line public services in our community. I fear that, on this occasion, other political parties have sidestepped the difficult decisions that would have released in the region of £11 million savings over the next five years to do that. Those are my concluding remarks. I ask the House to excuse me if I need to retire due to not feeling 100%.

**Mr McCallister:** The importance of the debate and the overall reforms we have looked at over the last number of months, whether through my Bill about reforming the Assembly and creating an opposition, the reduction in the number of Departments or the reduction in the size of

the Assembly, all should be about how we get to a point where we have good governance that is held to account by a robust opposition. That is vital, and I welcome those changes.

As Mr Allen said, it is important to reflect on why we had 108 Members. We may move to having 90 Members with one fewer per constituency — five per constituency in 18 constituencies — but I am concerned about what will happen if we do not have 18 constituencies in 2021 and are then at 80 Members. Is that the size of the Assembly that we want?

It comes back to the point about the need for accelerated passage. I do not think that there is a need to pass the Bill by accelerated passage and to do it at this time.

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

**Mr McCallister:** It could easily have been done in the new mandate.

**Mr Poots:** Is it not the case that, even if the Assembly went down to 80 Members, Northern Ireland would still have a greater representation per head of population than any of the other devolved Administrations?

**6.00 pm**

**Mr McCallister:** Absolutely. We would have a different level of representation and for different reasons. We have a different historic context to put that in. I also point out that our local government is a very different animal from that in Scotland or Wales. Scottish local government maybe employs some 100,000 people because it is in charge of delivering certain aspects of social care. When we simply compare the size of this Assembly with the Scottish Parliament or the Welsh Assembly, we are not comparing the same levels of function and responsibility. We are also not comparing the need for the inclusion and representation of various sectors of our community. That is something that they do not have to do. I absolutely accept Mr Poots's point that, if you do a straight comparison, of course we are larger. There is an argument in the Welsh Assembly that 60 Members are not enough to provide all the scrutiny and that, with extra powers going, the number should be higher — possibly more like 80.

I simply make the point that, in the Bill, we have not decided what the numbers should be. We have not decided whether we are all broadly agreed that it should be 90, 80 or 75. If 90 is the figure, how do we fill that gap? Do we de-couple from Westminster constituencies, or do we have a top-up list system? We have not yet set out our thought processes on that. There is broad agreement that this Bill is a good thing, but I fear that we will pass it today and then, depending on the 2018 Westminster constituency review, find ourselves going down to 80 or 75 Members in 2021.

**Mr Frew:** I appreciate the Member giving way. Does the Member not realise that it is better to bank the progress now and have it in the bag? He talks as if legislation cannot be moved, everything is set in stone and we will not have the agility to progress further down the line. I believe that we will and must evolve into something better and slicker, something that our people deserve. Does the Member not think that, if those decisions, which are made outside the House and which affect the House, are made in the next

term that we will not be agile enough to have an agreement that will serve our people well?

**Mr McCallister:** I have no difficulty in agreeing that we should bank success. The point that others have made is this: why use accelerated passage for a Bill that will not apply for over five years? We could easily have done this in the new term and debated all the points very early on. It could have been introduced in late May or June of this year to a new Assembly. This is the point that I make whilst dealing with all the points that our colleagues have brought up as to what size we think the Assembly should be.

I am happy to bank the progress. I welcome the fact that we are at least making some progress and are changing the number of Assembly Members here, as well as reducing the number of Departments. That is important because it helps to drive the delivery of what I like to see as good government. What makes this place so unpopular with all the constituents whom we expect to be speaking to and encouraging to vote is that they do not see the delivery on the ground and do not feel the change that this place can make. The Assembly and the Executive have enormous power over the lives of every citizen in Northern Ireland, yet we do not see this being used to its full potential. Getting to that and reducing numbers will not drive good governance without, at times, changing the culture and achieving a much more policy-based form of politics: a Government held to account by an opposition. However, I will, like other colleagues, support the passage of the Bill.

**Mrs Pengelly:** I thank Members for their contributions to the Final Stage of the Assembly Members (Reduction of Numbers) Bill and for the issues that they have raised.

As I have stated, it is only a short Bill, but it will have significant implications for the size of the Assembly in future. Reform of the structures of government here is overdue, and the Bill, together with the reduction in the number of Departments that we are also legislating for, shows our commitment to a leaner, more efficient structure of government in Northern Ireland and to an Assembly containing a number of MLAs better suited to the size of the jurisdiction and the range of functions over which it has responsibility. The Bill implements an important commitment from 'A Fresh Start' and sends out a positive message about our willingness to find better ways of doing business together.

I turn to the contributions that were made in the debate. I welcome the support of Alex Maskey and of Paul Frew, who commented that it had been a hard slog. I hope that he was not referring just to my contributions, because, of course, the Bill received accelerated passage. *[Laughter.]* However, he welcomed the progress and said that it was all good. I know that many Members in the Chamber will wholeheartedly agree with that sentiment.

Mr Alex Attwood — unsurprisingly, I suppose — gave the Bill a rather muted welcome. I am indeed a relentless optimist on these issues. The Bill is undoubtedly a positive step. Absolutely no one is suggesting that it will resolve all the issues that we have, but it is an important step towards streamlining the Assembly. On his comment about the official from OFMDFM attending earlier today, I can confirm for the Member that that kind of cross-cutting, cross-departmental approach that is focused on changing and improving outcomes is being led at a policy level by

the First Minister and the deputy First Minister. It is a new and fresh approach, and we will push forward with the new agenda with passion and determination.

I do not agree with Mr Andy Allen that the uncertainty around the issue should continue into the next mandate. We need to get on with it and complete the work, and that is why today is such an important step in that regard. However, I welcome his support for the Bill's Final Stage.

In my opening remarks, I referred to the amendment put forward by the Alliance Party. I know that Mr Chris Lyttle understands the principles of agreement and compromise. I am therefore somewhat baffled as to why he is confused that we are standing by our word and supporting the agreement. That is agreement politics in action, and that is what we will continue to do. We are about reform and efficiency. I am passionate about making this place work, delivering excellent public services and keeping household costs down for our hard-working families, and that is why we are committed to a wider range of improvements and reforms, not just this important Bill today. Progress is being made, and we need to continue to drive it forward. I know that there is the energy and passion to do that in the Executive.

I will now deal with Mr John McCallister's comments. I hear that he is resisting some issues around the 108 MLAs. Perhaps it is the case a little bit that everybody wants change but nobody wants to change. Today, we are voting for that change — something that will impact directly on many people in the Chamber. That is a positive thing, because people expect a better and more efficient Assembly and better and more efficient government. I am firmly of the view that good government is not necessarily about the numbers or about keeping them at a high representative level. Rather, it is about the quality, passion and hard work of the individuals involved to deliver changes and the type of government that we want to see.

I am grateful for the interest that Members have shown. As I said, the Bill is an important and positive step. It is a good step for the Assembly, and it will change things for the better. I commend the Bill to the Assembly.

**Mr Principal Deputy Speaker:** Before we proceed to the Question, I remind Members that this Bill requires cross-community support at Final Stage.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That the Assembly Members (Reduction of Numbers) Bill [NIA 76/11-16] do now pass.*

**Mr Principal Deputy Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. The Assembly Members (Reduction of Numbers) Bill is passed.

## Budget Bill: Final Stage

**Mr Storey (The Minister of Finance and Personnel):** I beg to move

*That the Budget Bill [NIA 77/11-16] do now pass.*

Today's Final Stage debate concludes the financial legislative process for the 2015-16 year. To those who say that there has not been enough opportunity to debate the Budget Bill, I point out that the Bill before us has been the subject of much debate over recent weeks. However, I suspect that that will not stop some from making further comment on the Bill this evening. The debate has, in fact, probably strayed much wider than the parameters of the Budget Bill itself. I also point out that the Bill reflects the 2015-16 Budget, which itself was the subject of a debate in this Assembly and subject to wider public consultation. It also reflects the additional changes in year that have been the subject of scrutiny not just by the Committee for Finance and Personnel but all the other departmental Committees. In fact, the Finance and Personnel Committee Chair confirmed that there has, in the Committee's view, been sufficient consultation with it on the Budget Bill, and I thank him and his colleagues again for their work.

The debate to date has been informative, and I welcome the opportunity that Members had to have their say on this important legislation. I also thank the departmental Committees for the level of scrutiny that they have brought to the process. I hope that it is now completely clear to everyone that this Budget Bill not only covers the 2015-16 financial year but provides legal authority for Departments to spend in the first few months of 2016-17. As has also been the subject of much comment over the course of the debate, the 2016-17 Vote on Account had to be adjusted due to the departmental restructuring to nine Departments by May 2016. Whilst that restructuring poses significant challenges, I believe that, with this Bill, we have done all that we can to mitigate the risk that Departments would run out of money or resource cover before the Main Estimates and the Budget Bill receive Royal Assent in the summer.

As this financial year draws to a close, now is an opportune time to reflect on another challenging year. However, with the Fresh Start Agreement, we have paved the way for what I believe is a stable financial environment, despite those who have raised what they see as genuine concerns and issues. I do not want to be disparaging of those who make valuable contributions and raise particular concerns that they have across the piece on our finances. However, we started 2016 in a more stable financial environment than many envisaged would have been the case, given where we came from in 2015.

That stable environment led to the agreement by the Executive and the Assembly of a balanced Budget for 2016-17. That was against the backdrop of not only a highly challenging public expenditure environment next year but an extremely tight timetable set out in the Fresh Start Agreement.

### 6.15 pm

During this financial year, we also embarked on an unprecedented programme — the voluntary exit scheme — across the public sector. The ambition and scale of that undertaking are huge, and it will be critically important that

it is managed and managed carefully. We clearly need to realise the projected savings, but we also need to ensure that we can continue to deliver the high-quality services that the people of Northern Ireland rightly deserve.

We also confirmed our intention to reduce our rate of corporation tax to 12.5% from April 2018. The Fresh Start Agreement has provided a further impetus to that commitment, and we need to maximise the potential benefits from that significant economic lever.

Over recent weeks, I have announced my intention to support an additional £40 million for skills in the forthcoming June monitoring round. The intention is that the Department of Education and the new economy Department should receive £20 million each to invest in skills. That will boost our competitiveness and help to ensure that we have the required level of skilled workers to take advantage of the lower rate of corporation tax.

To conclude, this is the final stage in our financial legislative process for 2015-16, and the legislation has already been subject to much debate. I now look forward to hearing any final thoughts from Members on this important piece of legislation.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Members will be well relieved to hear that I intend to be brief in representing the Committee's position. Rather than rehearsing the issues covered in the debates on the Supply resolutions and Second Stage, I will focus my comments primarily on looking forward.

First, however, where the Bill is concerned, as I previously outlined, having undertaken a process of scrutiny at a strategic and departmental level, including the 2015-16 in-year monitoring rounds, the Committee determined that it was content to grant accelerated passage under Standing Order 42(2).

In that regard, the Committee welcomes the engagement with DFP during the various monitoring rounds and on the Supplementary Estimates and the Bill. It was particularly helpful for members to receive clarification on the details of the in-year technical changes to resource and capital allocations of Departments.

In the context of the residual issues to be addressed in the weeks ahead, the Committee reiterates the importance of Departments minimising any year-end underspend to ensure that the Executive keep within the limits of the Budget exchange scheme agreed with the British Treasury. I expect that all the Statutory Committees will closely monitor the forecasting and expenditure of their respective Departments during the remainder of the financial year and, indeed, over the next financial year.

Given that the Bill makes partial provision for 2016-17, I should highlight that, due to the limited time available for scrutiny, the Committee was not in a position to prepare its normal coordinated report on the draft Budget for the next financial year. Whilst acknowledging that the timing of the comprehensive spending review was a key factor in that regard, it is important that I highlight that our Budget process must afford sufficient time for effective scrutiny of the spending plans of Departments. Whilst I suspect that everybody would agree that point, unfortunately, for one

reason or another, the last few Budget processes have seen reduced time and opportunity for Committees to add value.

I, therefore, welcome the comments made by the Minister recently when he indicated his willingness for work to resume on the memorandum of understanding (MOU) on the Budget process to meet the needs of the Executive and the Assembly. I understand that departmental officials and Committee staff will meet shortly with a view to progressing the draft memorandum of understanding. When that is finalised and agreed, it should help us to front-load the input of Committees so that their scrutiny and advice are provided at the formative stage of the Budget-setting process and before the Executive have agreed the next multi-year draft Budget.

I look forward to the MOU being put in place, as I believe the guiding principles contained therein could also facilitate more constructive and effective engagement between Departments and their Committees.

Moreover, it has been recognised previously by the Committee, and during the plenary debates in recent weeks, that the legislative stages of the existing Budget and financial processes are cumbersome and in need of reform. Contributions to recent debates have, in my mind, affirmed that there is broad acceptance across all parties that an overhaul of existing processes is needed and should be undertaken. In that regard, the Committee has previously pointed out that such reform, including streamlining the legislative stages of the financial process, could be facilitated through the successful operation of the MOU, which provides for more effective input for Committees and the wider Assembly at the earlier, formative stage of the Budget process. This is, therefore, strategically important work to be concluded over the coming weeks and months, in time for the next Budget process.

Today, on behalf of the Committee, I support the motion.

**Mr Attwood:** I hope that the Minister was not referring to me when he made his opening remarks, but we will see over the next few minutes whether or not he was.

I want to make very clear in the remarks that I want to make — there are six or seven points that I want to pick up with the Minister — *[Interruption.]* Maybe people over there do not want to hear some messages, but, given what Mr McKay has just said on behalf of the Committee, some of my points will be very relevant to what the Committee is looking at in terms of Budget processes. Perhaps sometimes people should listen more attentively.

I want to make it clear that, whilst there was some hint previously that I thought that DSD and even the Social Development Minister were an outreach of DWP, nothing that I am saying is meant to suggest, in any shape or form, that I consider DFP or the Finance Minister to be an outreach of the Treasury, even though, as I will outline, there are signs to the contrary.

The first issue that I want to speak to the Minister about is that if you look at the Budget Bill, you will see that, on virtually every page and in virtually every Department — save, as far as I could see, maybe the Department of Justice and DCAL, and, even there, I think the argument that I am about to make applies — there are streams of European Union funding that sustain the life of those Departments. It is on every page of the Bill, and every Budget Estimate that

we are meant to approve today is approved on the basis of streams of European Union funding.

In the week that is in it, the Finance Minister should be clear with the Assembly, with the Confederation of British Industry and with the people from the food and drinks industry who were in the Building today launching their manifesto on the growth of that sector. The Minister, who has a particular responsibility for the overall finances of the Northern Ireland Executive, should tell us what his advice is to all those organisations and to people beyond, and whether he will be voting for or against membership of the European Union come May. That is a fair question, because, on the one hand, we are saying today in this Budget Bill, “Thank you very much, Europe, for Peace funds, structural funds and community initiative funds”, yet, on the other hand, we can slap them in the face come May. So my first question to the Minister is this: where do you stand, and what is your advice, given the growing number of voices in Northern Ireland from outside this place that are in favour of membership of the European Union? That is a fair question, because it is based on the detail of the Budget Bill.

I thank the Chair of the Finance Committee, because I was not aware that it is interrogating processes for a review of budgets and the Budget management process. In particular, there is this work on a potential overhaul of existing processes and front-loading them:

*“before the Executive have agreed the next multi-year draft Budget”.*

That is what Mr McKay said.

My second question to the Minister is this: what is the significance of the legislation debated in Westminster yesterday, which purports to implement the Stormont House Agreement and Fresh Start and has clauses that relate to the Budget processes in Northern Ireland?

I refer the Minister to clause 9 of the Northern Ireland (Stormont Agreement and Implementation Plan) Bill, which had its Second Reading in the House of Commons yesterday. He will be aware of it, even if all of us are not. Clause 9 refers to draft Budgets and proposes to amend section 64 of the Northern Ireland Act 1998. Remember that this has never been discussed in the Chamber; it emerged, somehow or other, in Fresh Start, and I will refer to that in a minute. Although it has not been discussed in this Chamber, the House is expected, before the end of this mandate, to pass a legislative consent motion agreeing to it. We will agree to it, but I want to know what the consequences will be.

Clause 9(2)(1A) of the Bill before Westminster states:

*“At least 14 days before laying a draft budget for a financial year, the Minister of Finance and Personnel must lay before the Assembly a statement specifying the amount of UK funding for that year”*

That will be a legal obligation on this Minister, if he continues in post, and he may have earned some stars in that regard. The question that arises is this: where is the draft Budget for a financial year? Mr McKay just talked about the Executive agreeing “the next multi-year Budget”. Are we now to have an annual budgetary process — in my view, we need one — like in Dublin, Cardiff, London and Edinburgh? That is what clause 9 says.

The Westminster legislation says that, every year, you have to lay a draft Budget for a financial year and that, 14 days before you do so, you must table a statement specifying the amount of UK funding for that year. So will we now have the annual budgetary process that we should always have had, even though Peter Robinson said in 2008 that he had legal advice to derail that proposition? That is what that legislation states. Is the Finance and Personnel Committee, in its overhaul of existing processes, barking up the wrong tree? There will be a requirement to lay an annual statement on what we are getting from London, which is predicated on an annual Budget. Will we have more of the folly of multi-year Budgets or the annual Budget process that the Good Friday Agreement allowed us to have in 1998? It is a very important question.

There is, of course, another question: why do Fresh Start and the Westminster legislation now require that? When DFP officials came to the OFMDFM Committee, they said that it simply put into law what was already the case for control totals. Why, then, have the London Government put into law something that they borrowed from the so-called 'Fresh Start Agreement'? Paragraph 4.2 on page 27 of that document states:

*"The UK Government will legislate, with Assembly consent, to ensure that the Assembly cannot consider spending plans which exceed the Block Grant allocated by the Treasury or the NIE's borrowing limits, where planned spending relies on those funding sources."*

What is that all about? Is it simply a statement that the London Treasury does not trust the Northern Ireland Executive? It may claim that it has some grounds for not doing so. What else might be behind it? If it is simply saying, "Let's have an annual Budget process", that is a good idea, but is London, through the back door, trying to create a Budget cap for Northern Ireland, just as we have a welfare cap? Will they then impose disciplines on us if they think that we are out of order or in error? I ask the Minister to answer those questions, although I will come back to the issue in a fourth point.

### 6.30 pm

I move on to my third point. In schedule 1 to the Budget Bill that some in the Assembly will approve tonight, at pages 10 and 11 on the DSD allocations, there is reference to:

*"sums payable under the Fresh Start Agreement; the cost of paying assistance from the Financial Assistance Scheme".*

I have one or two questions that I want to ask the Minister in that regard. The first is simply this: do any of the mitigation moneys referred to in the Budget Bill, in the schedule that I have just read from, in any shape or form mitigate the benefit freezes that will be imposed on people in Northern Ireland from 2016 until 2020 arising from the LCM that was passed by the DUP and Sinn Féin in November? Do the mitigation moneys in any shape or form — even by one penny — mitigate the benefit freezes that the DUP and Sinn Féin signed up to when they endorsed the social security provisions of the Welfare Reform and Work Bill that is going through Westminster by passing the LCM? I ask the Minister this: does the mitigation fund referred to in the Budget Bill and arising

from Fresh Start in any shape or form — even by one penny — have any impact on the unilateral decision of a British Minister to reduce the benefits cap below £20,000, if that is what happens over the next four years, as a consequence of the Welfare Reform and Work Bill going through Westminster, which the DUP and Sinn Féin signed up to when they agreed to the LCM that was passed by this Chamber in November? Does the mitigation fund referred to in the Budget Bill do anything to mitigate the proposal that was defeated by the House of Lords only two weeks ago, after commoners in this Chamber — in the DUP and Sinn Féin — voted to allow reductions in ESA by £30 a week, arising from the Welfare Reform and Work Bill, that are a consequence of the LCM that the DUP and Sinn Féin endorsed in November? Does the mitigation fund do anything for those who might suffer the benefits freeze, who might have to live with the consequences of a reduction in the benefit caps or for those who will see £30 ripped from their pockets when ESA might be reduced in future years? I ask the Minister to explicitly say whether he considers all the proposals to be, as Martin McGuinness called them in the Chamber in December, "technicalities"? Are they technicalities, or are they policy decisions that will hit the pockets of many people in this part of Ireland? I wait to hear the Minister's reply.

The Minister spoke at some length in his opening remarks about corporation tax and the announcement of £40 million for skills. I certainly welcome that. However, there are two questions that arise from that assessment. The first refers to the new Budget discipline that arises from clause 9 of the Northern Ireland (Stormont Agreement and Implementation Plan) Bill that is going through Westminster. Minister, do you have any anxieties that that clause is among other weapons that will be relied on by London to get their way when it comes to the devolution of corporation tax powers? The Minister, in his opening remarks, understandably spoke with some extravagance about the opportunities that would come with corporation tax powers, but does he have any anxiety that that which will be legislated for in London will be used as a weapon when it comes to the conditions that London will demand only two years from now when it comes to the devolution of corporation tax powers?

Let me be more specific. In the Stormont House Agreement, the last section of the annex on financial matters deals with corporation tax. What strikes you about what ends up being five or six paragraphs in that document is the insistence in the language about the terms under which corporation tax powers will be devolved. Devolution of corporation tax — this is London talking — will be:

*"subject to the Executive demonstrating that its finances are on a sustainable footing for the long term including successfully implementing measures in this agreement and subsequent reform measures ... An implementation plan for the delivery of the commitments made must also be agreed with the Government and this will include the efficiency measures needed to put Executive finances on a sustainable basis for the future."*

That is what London said on corporation tax in December 2014. Look at what they said in 'A Fresh Start' about creating new financial disciplines in respect of Budgets for Northern Ireland and the establishment of a fiscal council. London told the Northern Ireland Executive that the terms

of reference and membership of a fiscal council, which is meant to guide this Minister in respect of all his Budgets, have to be agreed with London.

I put it to the Minister that London is closing the circle. They will do corporation tax on their terms and not just on those that we think are most favourable. When London says that the delivery of commitments must be agreed with the London Government, including efficiency measures to put finances on a sustainable basis for the future, what are they getting at? What could be the consequences of that draft Budget clause in the Bill tabled and discussed in Westminster yesterday as regards doing it on their terms? Remember that this is two years away, and this is what London is creating.

Remember what the Financial Secretary to the Treasury said when the Corporation Tax (Northern Ireland) Bill was in Committee at Westminster in the early part of last year. He said that the switch-on power for corporation tax would be when a balanced and sustainable Budget was agreed, and he did not rule out what Mark Durkan identified as a stick approach. Will the Minister indicate, in his reply, where his conversations with London are in respect of the detail of the devolution of corporation tax powers?

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

**Mr Attwood:** Yes.

**Mr Storey:** I will come back to the earlier points, but I just want to come in on that point. I do not really know where the Member has been for the last number of weeks. Look at what we are doing: we are approving in the House tonight what is a balanced Budget. Months ago, people told us that we would not be able to get that. It is absolutely right for Her Majesty's Treasury and the sovereign Parliament at Westminster to have discussions with us and to put elements into the Fresh Start Agreement and into legislation that has gone and is going through the House of Commons that says, "These are the ways in which these measures will be delivered".

The exit scheme, which is the way in which we are trying to rebalance the number of people employed in public sector in Northern Ireland, and the way that we have dealt with difficult financial issues are all part of it.

The Member is trying to say is that there is a lot more that we will have to start doing to measure up to what London is looking for from us. We have already started that process and are some way down that road. We will come back to this later, but, given the considerable amount of money that comes from London to ensure that Northern Ireland has a Budget, I have no difficulties with the sovereign Parliament at Westminster having some say in what happens in this part of the United Kingdom.

**Mr Attwood:** I thank the Minister for that contribution. That benign attitude to the ambitions of Treasury may be very touching, but it may come back in our faces. We are two years from when the devolution of corporation tax is meant to happen. For all the commentary that you have given about balanced and sustainable budgets, I am sure that London are clapping their hands in delight: they had the measure, by and large, of the Northern Ireland Government and the Northern Ireland parties in the financial negotiations in December 2014. That is widely recognised. The issue is whether they have the measure of

the Department of Finance and the Executive in the run-up to the devolution of corporation tax.

I remind the Minister of the term "subsequent reform measures". They were not talking about what was agreed at Stormont House on voluntary exit and so on and so forth. They had bigger ambitions, and those are captured in the words that they use. They were clever. The words were:

*"finances are on a sustainable footing for the long term including successfully implementing measures in this agreement".*

You just referred to that, but then they added, "and subsequent reform measures". What are the subsequent reform measures? What are they driving at? Remember that they said:

*"The legislation to devolve corporation tax will also include a commencement clause. The powers will only be commenced from April 2017".*

That date is now April 2018. They said that commencement was subject to subsequent reform measures and that those commitments must be agreed with the British Government. Minister, if you are drawing the conclusion that what we have done for the British Government satisfies the threshold of balanced and sustainable finances, I urge you to think again. The words I have quoted have more impact that your interpretation gives them. The words in paragraph 4.2 on page 27 of the Fresh Start Agreement have more impact than your interpretation gives them, and the clause in respect of draft Budgets has more impact than your interpretation gives it. In any case, they will demand their piece of flesh in order to switch on power. That is what the Financial Secretary to the Treasury was getting at in Committee on the Corporation Tax Bill. It was spotted by Mark Durkan and was not denied by the Minister. They are looking for more. What will more look like? We can all speculate. If you look at the agenda of the Tory Government, with the sale of ports, more charging for water, more penalties and more financial constraints on our councils, you can see that they are coming back for a lot more. The commitments entered into for 2018 mean that there is a very tight time frame for proper negotiation with London rather than stand-and-deliver politics from London.

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

I refer to the written ministerial statement by the Minister's predecessor on Thursday 17 December, which outlined various financial interventions, including seven flagship projects at table 4 in the statement. There is only one that I want to deal with for the purposes of this debate, and that is the A5. The DRD table attached, which is therefore part of the Budget Bill, says that the financial allocation for 2016-17 for the A5 is £13.2 million. Whilst that does not build a road and whilst there have been false and broken promises in the past, that was, nonetheless, the declared figure. How does the Minister view the comments made by the Minister for Regional Development in the Chamber yesterday at Question Time, when she said that there were ongoing consultations in respect of the A5 and added that the current consultation:

*"could lead to another public inquiry into the scheme. As a result, we have tentatively programmed this in for autumn 2016." — [Official Report (Hansard), Bound Volume 113, p31, col 1].*

The Minister for Regional Development said, yesterday, in relation to the budget allocation in the Budget Bill of £13·2 million for the A5, that she might tentatively anticipate a public inquiry into the A5 in autumn 2016. I have a little knowledge in respect of planning. If that is the case, the public inquiry, never mind the planning permission, is not likely to be issued until late in the 2016-17 financial year at best, yet the budget allocation is £13·2 million for the financial year. Will the Minister indicate how it is anticipated that £13·2 million of funding will be spent if the public inquiry will not commence until the autumn and probably will not be concluded until 2017, by which stage it will go to the Minister for a decision, very late in the financial year?

#### 6.45 pm

If the Minister were to put on just his finance cap, I think that he might be jumping up and down thinking, "In June monitoring, there's a big sum of money coming from DRD because it's not going to be able to spend it". Will the Minister reconcile that £13·2 million budget allocation for the A5 with what his ministerial colleague said yesterday about the public inquiry not starting until the autumn and the likelihood, therefore, that it would be late in the financial year before a decision could be taken, never mind any work commenced? I presume that the DFP requirement is that you cannot build at risk on a project of this scale. You will have to enter into a tendering process with all of the contractors for all the building. That would suggest to me that the chances of something being built in 2016-17 are declining. No doubt a lot of that large budget pot might be spent on advance work, architects, engineers, quantity surveyors, consultants and all the rest of it. I do not think many people will be too impressed if the first £13·2 million of the budget line goes on professional fees. What is the situation in respect of that money?

I am mindful, of course, that Mr McGuinness has nailed his colours to the mast, as he said himself, in this regard. In autumn last year, he said that he had every expectation that the work would start in just over a year. Unfortunately, I do not see how it can start in just over a year from the autumn of last year, but I would like the Minister to confirm whether he has ambitions around that £13·2 million. Will he say to the Minister for Regional Development, "You're not going to spend any of that. Are you going to give it back to me? I have some other projects that I'm going to talk to you about now". It is a serious point. The Minister's predecessor outlined the spending profile over five years for the A5 and the A6, yet the spending profile for the A5 might be very problematic in year 1. You might want to address all of that when you come to your reply.

The second-last point is this: the big, if you like, material point in the Minister's contribution at the beginning of the debate was corporation tax. It was quite a short speech — I would not have expected it necessarily to be any more than that — but that was the big material point. His argument was that we will invest in skills in order to maximise the benefit of FDI in two years, but, as the experience of the rest of Ireland and other places demonstrates, it is the triangulation of corporation tax, skills and infrastructure that sustains FDI. It is all three. That is why the Minister rightly referred to investment in skills, but I put it to him that, given what I have just said about the A5 and the long lead-in time in respect of the A5 and the A6, infrastructure in the west will not necessarily

be scaled up in order to maximise the corporation tax reduction coming in 2018.

This is the point that I want to make to the Minister, and it is a serious point: over this mandate, we have seen the further economic partition of Northern Ireland. That is demonstrated by the spend on roads. If you look at it, you see that, whilst there was a big need to improve road structures in the east of Northern Ireland, that is where all the big road spending has been in this mandate. The Minister will know about the road that is being built from Ballymoney to Ballymena. A road is being built from Larne to Glengormley. The road from Carrickfergus to Jordanstown is now open.

The infrastructure that, with corporation tax, will be part of the architecture to benefit FDI coming has been concentrated in the east. Those roads are necessary for the people and communities of the east, but, at the same time, if the A5 and the A6 are not done — there may even be a question mark over commitments on the A5 in year 1 — we will have seen the further economic partition of Northern Ireland in the lifetime of this Government. The infrastructure and investment should have been more fully and properly spread across all its citizens, counties and communities. We are going to live with the legacy of the new economic partition of Northern Ireland because, when FDI comes, companies will look to skills and infrastructure. Unfortunately, the infrastructure will be lacking in places that need the lift in relation to all that.

Why do they need the lift? They need it because the record of job creation during 2011-15 is that 73·4% of jobs created were in the area east of the Bann and 26·6% were in the west. Of the jobs promoted, 73·7% — 27,116 — were promoted in the east, and 9,679 were promoted in the west. Every citizen who lives in Northern Ireland should have access to a job. There is no issue about jobs being created everywhere, but, at the same time, when you see the profile of jobs created and jobs promoted, you see that that approach and pattern could be compounded by the fact that there is now a growing infrastructure in the east and there is yet to be a growing roads infrastructure in the west. You can imagine why I would conclude that we are witnessing the new economic partition of Northern Ireland.

You also see it in Belfast. There has been further economic partition of the city of Belfast. Every citizen and constituency should have all support and efforts to get people into work and sustainable jobs. There is no issue with that.

If you look at the figures for Invest Northern Ireland for the four Belfast constituencies on inward visits and jobs created, you will see a parallel to what has happened overall east and west of Northern Ireland. In West Belfast, the inward visits from Invest over the last three years were nine, 14 and 13 respectively; yet, in South Belfast, they were 63, 87 and 61 respectively; and, in East Belfast, they were 53, 56 and 24 respectively. I think those figures tell the story not just about how there has been a new economic partition of the North and how that needs to be radically rectified but that, even within Belfast, there is partition within the constituencies, with a concentration in South and East Belfast and no spread in North and West. I am not taking away from all the worthy comments that the Minister made about skills; I acknowledge them. For all the apparent ambition of the A5 and A6 moneys over the next four years, that is the scale of where we have come from,

and that is the scale of the response that is needed. This is not £40 million, and this is not putting in doubt any moneys for the A5, even in year 1.

The final point I want to make is this: where are we with the new funding for the NCA and the PSNI? Moneys were committed through Fresh Start — £160 million for national security and for tackling paramilitary and criminal activity and an additional £5 million from London and £5 million for each of the next five years from the Northern Ireland Executive. Has one penny of the latter Budget line gone to the PSNI and the NCA to date? When can the NCA and the PSNI anticipate that the additional money from London or from the Executive might be made available?

**Mr Cree:** We often hear Members complaining that those who query a Budget should suggest where any additional moneys should come from to fund other activities. That approach is greatly flawed and is an oversimplification of the matter. The issue is much more basic: a different approach is required. The Budget priorities need to be decided clearly at the start of the process. Once that has been done, a phased Budget would be constructed with key performance indicators agreed by all Departments.

Up to this year, our budgeting has been erratic, with many in-year allocations, projects not started and essential priorities not achieved. For example, there is a social fund of £80 million, and only some £1·5 million has been delivered to those in need. The fact that spend is usually lower than anticipated has meant that overcommitment has been a feature until this current year. That is not good enough and would not be countenanced by the private sector.

Turning now to the Budget, under the Fresh Start Agreement, £10 million has been set aside for tackling paramilitary activity. I believe that the Department of Justice will carry out that work, but there is no strategy on what is to be done. It could be the summer before that work is completed, so half the year could be over before any of the money is spent. I will ask this question: will it be expended within the Budget year at all?

I asked before about the work of the asset management unit. Some £50 million was anticipated during the current year. Again, that is not likely, and the figure was reduced in the November monitoring round. With six weeks to go to the financial year end, how much of the £50 million that was budgeted will be achieved? How did we get it so wrong?

A common complaint is that the Executive and the various Departments fail to consider additional revenue-raising measures to complement the Budget. Was that considered as part of the Budget development, and, if not, why not?

### 7.00 pm

We have just completed four tranches of the voluntary exit scheme, and a further tranche is likely in the new year. I understand that the Executive have agreed a comprehensive programme of public-sector reform arising out of the VES. Can the Minister provide assurance that that work is completed, or is at least at an advanced stage, so that the Northern Ireland Civil Service will be able to operate at peak efficiency? The Department of Finance has a duty to support the other Departments to meet their staffing requirements through effective workforce planning. Is the Minister satisfied that, despite the loss of experience through the VES, the Civil Service will continue to provide high-quality, effective services to the wider public sector?

The Budget also anticipates 30 projects being taken forward that will involve cross-cutting reform and provide overarching governance. Can the Minister elaborate on that work and advise what savings are expected in the Budget year against the cost of £4·5 million?

The Minister is well aware of my opinion that the Budget process needs to be reformed and made more accountable. The Fresh Start Agreement sets out several changes that will have a dramatic effect on Budgets going forward. Mr Attwood has already touched on this. My information is that it will be debated in the House of Commons next Monday, but, if Mr Attwood is correct, it may even have started. Therefore, now is the time to review the whole process. An independent fiscal council will be established and will play a leading role in the future.

I will illustrate some more points about the current Budget. We know that, under the Budget exchange scheme, there are limits to what can be carried forward from the current year. Is it still 0·6% for resource DEL and 1·5% for capital DEL? How much will that be, or do we have to wait for the provisional out-turn figures, which may not be known until June, three months into the Budget year? Or, even more difficult, do we have to wait for the final out-turn stage, which may not be known until January 2017, before we know what our baseline really was for 2016-17?

Barnett consequentials that accrue from the Treasury provide a useful addition to resource and capital DEL. They are not known until late in the year and appear to be treated like a bonus, and they are not built into the Budget figures. Again, I ask the Minister whether he can confirm that that is correct.

Finally, we need to be more definite about which projects we fund in the Budget. They need to be clear and time-bound. Some of the strategies that the Executive decided upon in 2007 have not yet been finalised. There are also examples of many projects that were not carried forward at all and where funds were switched to alternative projects that may have been a Minister's choice or a pet subject under the £1 million rule. It is also interesting that the requirement to seek approval from the Department of Finance and Personnel under that rule will be suspended for the June monitoring round, for the benefit of the new Ministers. I appreciate that the Minister may not have all the information at hand, but I would appreciate his input.

**Mr I McCrea:** With respect to the Committee and the work that it did, as I have said at other times, the Chair has gone through the detail of the how the Committee scrutinised this. Once again, I want to put on record the good work that was done and the good working relationship that the Committee and the Department had. I noticed that, when he came back in after he had left the Chamber, he had a bit of a smirk on his face. I think that that was more because he was able to miss most of Mr Attwood's speech, unlike the rest of us who sat through it. Whilst I had intended to deal with some of the matters that Mr Attwood raised, a lot of his questions were to the Minister so, on this occasion, I will leave it to the Minister to respond.

One aspect that Mr Attwood referred to was when he queried the issues around the balanced Budget. I recall when we were considering the welfare reform penalties, and, in a previous debate, the Member said that he welcomed those penalties and believed that we should be paying them, because the welfare reforms went too far.

I am glad that, as a result of many months' work — the Minister, although in another post at the time, will know better than most how much time it took — the welfare reform matter was dealt with.

In respect of Mr Attwood, the millions of pounds that we lost in Northern Ireland as a result of welfare penalties certainly would not have helped us to get a balanced Budget if the agreements and what not had not been reached. I will give slight credit to Mr Attwood because, until now, when SDLP speakers have contributed to this debate, all we have heard is complaints about how bad the Budget is. Whilst he was true to form in that sense, at least he showed a glimmer of hope around the £13·2 million that he believes the Finance Minister will have at his disposal later in the financial year. Maybe that is where they have found money to pay for some of the things that they think should happen.

All in all, the process that we went through and the debates we had in respect of the Budget were generally productive. I have said it before, and I will say it again: I am disappointed that the Ulster Unionist Party has consistently attacked the social investment fund and the use of that money.

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

**Mr I McCrea:** I will give way in a second.

I have raised this time and time again in this place. Maybe only a small amount of money has been spent, but a large amount has been allocated in the sense of having been committed to projects. I for one will not speak out against the £1·4 million allocated to my constituency.

**Mr Nesbitt:** I am grateful to the Member for giving way. Maybe he would accept that I have never attacked the principle of the social investment fund. However, would he agree with me that, when you put it in your Programme for Government that you will spend £80 million by the end of March in a particular year and you have spent only £1·5 million and still have £78·5 million in your corporate bank account, you might show a little humility?

**Mr I McCrea:** Humility? From the Member?

**Mr Swann:** No, from you.

**Mr I McCrea:** Well, he may refer to humility needed from me, but I am not so sure that we could not say the same for him.

I have said in this place that I do not believe that the money has been spent as well as it should have been, but I will not allow any Member, including him, to come into the House or indeed go into the public forum and condemn a fund that was set up to help local communities. Yes, it may have spent only a small amount of money, but, as has been said time and time again, there have been commitments, and I believe that they will be delivered on.

**Mr Deputy Speaker (Mr Dallat):** I just remind the Member to refer to other Members by their name and not as "him". I also remind the Member at the back not to make remarks from a sedentary position.

**Mr I McCrea:** I thank you for your guidance, Mr Deputy Speaker.

**Mr Lyons:** I thank the Member for giving way. It is good to hear that the Ulster Unionist Party supports the social investment fund in principle. A number of times around

the Chamber in Budget debates — we have heard this not just from the Ulster Unionist Party but from other parties as well — they have said, "Let's use the social investment fund to help healthcare, education or other areas". I do not see how you can say that you are a great fan and supporter of the social investment fund if you want to divert resources from it into other projects.

**Mr I McCrea:** I thank the Member for his intervention; I could not have put it better myself. That is one of the problems that I have with Members who, in this place and in the public forum, consistently speak out against the social investment fund. I for one am a strong supporter of it. Yes, it would have been better to have had a lot more money spent, but I understand the difficulties around that. I see that the junior Minister has arrived in her place, and she will know as much as anyone how much I have questioned around ensuring that the £1·4 million that was allocated to the Mid Ulster constituency was paid out and that the projects were delivered.

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

**Mr I McCrea:** Yes.

**Mrs Pengelly:** I am sure that the Member welcomes the fact that part of the reason why the social investment fund has been challenging is that, for the first time — I am sure that the Member for Strangford has heard this from some in his local community as well — this was a fund that applied much, much more widely than the likes of neighbourhood renewal. It applied to many more areas, such as Banbridge, Markethill, mid-Ulster and right across the west of the Province, where hundreds of thousands of pounds — millions of pounds — are going out the door to very good schemes to address need. That was not possible before. If you are going to do things differently, it takes time and effort.

I also want to correct the point that was raised about the money sitting in anybody's bank account. This funding is not sitting in OFMDFM. If the Member for Strangford had some basic knowledge of this, he would know that it sits centrally in the Department of Finance and Personnel, giving flexibility to the Minister for distribution when it is required and dependent on the profile of the social investment fund.

**Mr I McCrea:** I thank the junior Minister for her intervention and the clarity around that. That is why I make no apology for supporting the investment fund and supporting the delivery of this large amount of money into areas across Northern Ireland. When that is delivered, it will provide a big difference for our communities. I for one will not apologise for it, and I for one will support the delivery of it and encourage all the people in the Departments, whether it is the Finance Minister, who has the money in the centre, or, indeed, the Ministers in OFMDFM or the agencies that deliver the projects, to do it as quickly as possible.

This Budget is a good Budget, and I encourage the Minister to respond in detail to Mr Attwood; I know that he is sitting there with bated breath awaiting those answers. It ill behoves any Member or, indeed, any party to sit in the House and speak against the Budget — some may even vote against the Budget — when they will go out and take the credit for the delivery of many things in it. The people will need to remember that when they look at the parties' manifestos or local literature coming through the door. If

they are voting against the Budget, they are voting against the things in the Budget.

**Mr Storey:** I am sure that there are many watching this — not people in their homes but Members in the Building — who are delighted that I have now risen to my feet at 7.15 pm. There is no guarantee of what time I will sit down at. That will probably dispel all those myths.

In all seriousness, I want to say a word of appreciation and thanks to Members who have expressed their views in the debate this evening. Yes, we will have different views, but I have a responsibility in DFP as the Minister of Finance to do what is a challenging task in a very challenging fiscal environment. It is all about the choices that we make, and ultimately, we collectively will live with the choices that we make. The Member who spoke previously alluded to the fact that there are some who will take advantage of the benefits but will also take advantage of being able to be critical when it suits their political agenda. That is, unfortunately, the way of politics. That is the way things are.

I trust that when they do that, they will do it with factual evidence and will not make some of the spurious comments on budget allocations that have been made recently and even in the House tonight to try to give a particular view and cover to themselves that somehow they are above all the bad decisions that they think have been made.

7.15 pm

**Mr Lyons:** I thank the Minister for giving way. He is absolutely right that people will oppose the Budget but then might want to go out and take credit for some things. Surely, what is worse is that there are Members in the House who criticise or vote against the Budget, yet we have heard no solid, concrete or costed proposals from them on what they would do differently. Surely, this shows that some people are not fit to be in government or in charge of the Department of Finance and Personnel.

**Mr Storey:** I thank the Member. Obviously, some parties have already decided, before a vote is cast in the Assembly elections, that they will be in opposition, so they do not have much political aspiration anyway. When I go to the polls later this year, it will be with one very clear objective, which is to ensure that my party returns as a party of government and as one that will continue to give leadership in Northern Ireland. I do not want to play second-rate politics, and I do not want to be engaged in going with a confused message like “Are we in or are we out? Are we going to be in opposition?”. *[Interruption.]* I have to say that there are times when the Ulster Unionist Party discredits itself.

**Mr Nesbitt:** Will the Minister give way?

**Mr Storey:** No, I will not give way. I will not give way to the leader of a party who earlier this week put out information that was totally and absolutely —

**Mr Deputy Speaker (Mr Dallat):** Order, please. I am reluctant to intervene when the Minister is making a speech, but I have to remind him that he is dealing with the Final Stage of the Budget Bill. I ask Members to please be on their best behaviour. I do not expect anyone to be laughing or making remarks from a sedentary position. I am sure that all of us might want to go canvassing, but please do not start it in here.

**Mr Storey:** Thank you for those comments, Mr Deputy Speaker. I refer to the Member for South Antrim: I will take my seat in the House when ordered to do so by the Speaker and not by a Member from a sedentary position. If any Members want to make comments, they should remember that I am big enough and have been in the House long enough to be dealt with in a respectful manner.

Let me go back to the leader of the Ulster Unionist Party, who made a comment this week in relation to the OFMDFM cash advance. He claimed that somehow it was irregular. Let me put it very clearly on the record that I notified Members on 15 February that I had approved a request from the Office of the First Minister and deputy First Minister for an advance from the Consolidated Fund of up to £20 million. To be clear, as set out in my letter to the Executive, that cash advance does not constitute — let me underscore this in case the leader of the Ulster Unionist Party does not get it — an increase in OFMDFM's budget. It is simply a timing issue.

As Members will be aware, OFMDFM's spring Supplementary Estimate included an increase in the Department's net cash requirement of £25.7 million. Due to the timing of cash payments, up to £20 million of that cash was required in advance of the Budget Bill 2016 being given Royal Assent, at which point the advance will be repaid. In fact, I will recall for the House and for Members that it is not an unusual occurrence; indeed, Members will remember that, in November 2015, a cash advance was required from my Department. If we are going to have a debate and if we are going to be engaged in politics, let us do it, at least, on the basis of accuracy and telling it as it is and not on the basis of putting a spin on it to give the impression that somehow some parties are more over these issues than others.

Let me turn to the issues that were raised by Members. The Chair again referred to the memorandum of understanding. I have reiterated in the House — I repeat it again — that we continue to work with my officials to progress that work. I want to see progress being made on it. I welcome the Chair's comments about the review of the Budget process. That issue has been covered. I appreciate the comments, as always, that were made by Mr Cree on those issues. He is well aware of the comments that I have made about the progress that we want to make on the review of the Budget process, and I am keen to bring that work forward in the time that is available to us.

I now turn to the comments that were made by Mr Attwood. I preface what I say — he knows that this is the case — by commenting that, while we may have our political differences and disagreements — the same goes for other parties in the House — that does not change the fact that we want to have an engagement and genuinely respond to the issues that he raised. However, I have to say that I find it somewhat challenging to be brought to task in the House by the Member to explain two things. First, he wants me to categorically state where I stand in relation to the ongoing debate about Europe. Where has he been in the last few days? My party leader made that very clear, unlike others who have not decided, are going to decide or will see what way the wind is blowing when they think that it may be politically advantageous. It has been made abundantly clear where the DUP stands by the leader of my party. I have no difficulty supporting my leader on that or any other issue. It is probably an uncommon trait for

Members to support their leader, given the shenanigans that sometimes go on in other parties in the House.

In case the Member missed it, let me rehearse what my party leader said:

*"The Democratic Unionist Party has always been Eurosceptic in its outlook. At every stage in this European negotiation process we had hoped to see a fundamental change to our relationship with Europe. In our view we see nothing in this deal that changes our outlook."*

Let us be very clear. If we stay where we are with the deal that is on the table, we will not be able to regain control of our borders; we will not be able to regain control of our money; and we will not be able to regain control of our laws. I do not think that we could be any clearer on our position. However, the issue will be decided by the people of the United Kingdom. It will be decided by a referendum. It is not an election but a referendum. The DUP had hoped to see fundamental changes in that relationship, but there is nothing in the deal that changes our outlook. The people of the United Kingdom and the people of Northern Ireland will, ultimately, determine what their views are in the referendum.

That leads me to his second point. He raised concerns in relation to Westminster. I have no difficulty dealing with our sovereign Parliament at Westminster. The Member may be surprised to hear it, but it is the truth and a fact that I am a unionist. It is because we are part of the United Kingdom and the Union that we have the benefits that come to Northern Ireland.

The Member referred to page after page in the Budget Bill that refer to money that has come from Europe. If you look at the overall figure — it is only indicative; it is not definitive — for what we get from our sovereign Parliament at Westminster and then what we receive from Europe, you will see that it is equivalent only to something like 3%.

Therefore, the vast amount of money that comes into Northern Ireland — the money that pays for our health service, our education and our roads and that ensures that we have the delivery of services, day and daily — comes from our Exchequer at Westminster. Let us remember, however, that were we not in Europe, the Chancellor would have somewhere in the region of an additional £18 billion to £20 billion. You do not have to be a financial wizard to figure out that there would be a benefit if we were to have a share of the money that is going to the European Union daily.

Members have heard me say this before in the House. The debate that we are going to have, and this will be a debate that we will encounter more in the days that lie ahead, has to be based on facts, relevant figures and the reality of the situation. The figures in this Budget are relevant to the services that we deliver. I also want the focus over the next few weeks to be on ensuring that we return to this House people who have the best interests of Northern Ireland, within the United Kingdom, at heart.

I turn now to the Member's comments on what the Chair said about the annual Budget process. We already have an annual Budget process, whereby the Assembly votes on the Budget Bill. Even in the context of the Fresh Start Agreement, that does not preclude the Executive from setting a multi-year Budget. I know that the Member thinks that I was employed by DWP, and now, to a lesser degree or whatever, he thinks that I am employed by Her Majesty's

Treasury. I reiterate that I have no concerns about dealing with the Treasury. There are challenges in dealing with the Treasury, as there are challenges in dealing with DWP. I have to say that I would prefer to deal with Her Majesty's Treasury than some Finance Department in Dublin. Of course, in the year that it is, there is a centenary, I understand, of something that happened in 1916, and Members across the Floor will have wished for that centenary to have seen us dealing with the Finance Minister in the Republic. The reality is that that ain't going to happen. I have to deal with the Chancellor and Her Majesty's Treasury, and I have no difficulty in doing so.

The Fresh Start Agreement simply seeks to ensure that the Assembly does not vote through an annual Budget Bill that breaches Her Majesty's Treasury Budget controls, as set in the UK spending review. I see nothing alarming or concerning in that. In fact, I think that it is something that is right in order to ensure accountability. In the context of our relationship with the rest of the United Kingdom, it is the way in which those issues ought to be handled.

I know that welfare reform is an issue that the Member has experience of, and I would not for one moment belittle or take away from the huge amount of time that he spends reading about and analysing such issues. He keeps his eye on and is well informed about many of the issues in Parliament. The Member knows that, when I was Minister for Social Development, I always ensured that welfare debates bore in mind that we were dealing with people. In debating welfare, we are dealing with people's lives and income. We are dealing with circumstances that are immeasurably more challenging than those faced by any Member. As an MLA, I know all too well the many issues that my constituents face in parts of the constituency when they find themselves in difficult circumstances and have difficult financial choices to make.

### 7.30 pm

I will preface what I want to say with this: we can be very hard and harsh, and the talk about ripping £30 out of people's pockets makes it sound as though, somehow, we are a heartless bunch, and that we do not care about the disabled, children, the unemployed or those people in difficult circumstances. The reality for us, as an Executive and as an Assembly, is that we spend over £4.8 billion each year in our benefits system, and that is going to rise over the next number of years to somewhere in excess of £6 billion. I do not think that that should be interpreted as ripping £30 out of people's pockets. We need to set it in the context of help and assistance to those who are in need.

The Fresh Start Agreement set aside £345 million for welfare mitigation measures up to 2019-2020. Of course, the Member is well aware of the Evason report and that the Executive have agreed a process as to how they will deal with these issues. I do not believe that it is right for Members to seek from me or from any Finance Minister any assurance that there is not going to be one penny lost from people's incomes. There are changes coming, but there is a process that will ensure that those that we can mitigate will be mitigated. I still believe that, at the heart of it, there will be care and compassion.

Would I want to have more? Yes, any Finance Minister would like to have more. Would we like to go further? I am sure that we would, but here is the issue: when we decide that we want to spend more on welfare mitigation, we are

taking money from other places. So, when Members come to the House and refer to waiting lists in our hospitals, issues of capital or resource for our schools, or roads infrastructure, those are the choices that we have to make. I would be less than honourable if I came to the House and did not believe or did not know that we still had a safety net for our communities and our people in a way that reflects their needs and particular circumstances. I trust that the Member has some sense of understanding that it is not about being heartless; it is about being responsive to needs within the financial constraints that we have.

The Member then raised the issue of a partition. I find it strange that a party that failed to convince us of the merits of partition over 100 years now says that we have got partition, but it is partition in Belfast because we have partitioned off North, South, East and West, and we have partitioned Northern Ireland, which is now divided east and west. When the Enterprise Minister and I, as the Finance Minister, speak in the House, I do not see myself just speaking on behalf of one particular part of Northern Ireland. We are Ministers of the Executive for Northern Ireland, and every effort should be made to ensure that, whether it is in Londonderry, Limavady, Lurgan, Ballymena, Ballymoney, Dungannon or Downpatrick — I am going to have to go round you all — Magherafelt or Strabane or Cookstown, it is about ensuring that we deliver for all the people of Northern Ireland.

Yes, we can easily take figures and look at per capita spend, we can look at the visits of investors and then try to read into those figures that somehow a sinister plot is being hatched against those people and that somehow we do not want jobs in West Belfast, Londonderry or Strabane. I do, and I will continue to do, all in my power to ensure that people, irrespective of who they are or where they are, have access to good-quality jobs. If there is one thing that will help Northern Ireland to grow and be prosperous, it is employment. I do not see jobs for Roman Catholics, and I do not see jobs for Protestants: I see jobs for the people of Northern Ireland, and I think that we would all do our constituents a service if we would stop being so negative about this and welcome —

**Mrs D Kelly:** Will the Member give way?

**Mr Storey:** I will give way, but I want to give way to my colleague first.

I know what it is like, from my constituency, to suffer from unemployment. There are many people who, when they talk about other places, think that somehow to lose JTI was not painful, to lose Michelin was not painful and to lose Patton's was not painful. We realise in North Antrim, as much, if not more than any, the challenges that there are. Will that deter us from rising to those challenges? No, it will not. I think it should mean that we redouble every effort that we make to bring good-quality employment and opportunities to our communities.

I will give way to my colleague.

**Mr Lyons:** I thank the Minister for giving way on this issue, and I am very pleased to hear him knock on the head the idea that somehow there is discrimination against certain areas. The Member for West Belfast Mr Attwood mentioned the figures for North and West Belfast versus East and South. Surely one of the reasons why there has been so much investment in East Belfast and South Belfast is not because of who lives there or their religious

background but because East Belfast has the harbour estate and South Belfast includes the city centre. Surely those are the reasons why investors are going there; it is not because of any discrimination on behalf of any Department in Northern Ireland.

**Mr Storey:** Yes. I often bring people to visit this Building, and often we will go into the Senate. Members will know that in the Senate, the three friezes above the visitors' gallery depict the three most prominent industries that Northern Ireland had. Of course, that was when this Building was opened, and we know that we have lost our linen industry, we have lost our shipbuilding industry and there are challenges for our farming industry. Of course, if we were to put up there today who our main employers are, it would be a completely different presentation. I think we have to accept that it is not always going to be possible to have the numbers of jobs located in every town across Northern Ireland in the same way that we did in the past. We need to adapt to that change, and we need to recognise it. Surely the Member is not saying to us that people who live in West Belfast cannot actually cross the Westlink and cannot access the jobs that are available in other parts. I do not want to be derogatory about this, but I think we need to have a sense of realism.

I will give way to my colleague, who probably wants me to mention Banbridge and Portadown.

**Mrs D Kelly:** You are quite welcome to do that on any occasion, and, indeed, you are quite welcome to invest some of your cash into those constituencies, which are in great need. Minister, my point is on the construction industry, where we have seen a great downturn. Therefore, Minister, given your plea on jobs and your very passionate demand for employment, regardless of where the people come from or where the need is, would you not agree that the Minister for Social Development should step up to the plate and start building houses, particularly for the people in North and West Belfast, who have waited for far, far too long in an area where there are empty sites owned by the Housing Executive, and yet, for some obscure reason — or maybe not — the Minister will not build any houses on those sites?

**Mr Storey:** I think the Member knows the answer that I am going to give that. I was the Minister for Social Development, and now my colleague Lord Morrow is one of the few Ministers who can actually say that, during our tenure, we have built more houses than was the target in the Programme for Government. Do we want to do more? Yes, we do, but the decision and choice that is going to have to be made is whether the Member's party will support my colleague Lord Morrow when he brings forward proposals for the future of the Housing Executive. We have to recognise that the current structure and the way that the Housing Executive is created does not allow it to borrow money.

Let us put this in some reality. The Savills report made abundantly clear the amount of money we are going to have to invest in our housing stock over the next number of years. Where is that money going to come from? We might wish it to be different but the reality is that, for the Executive's maintenance budget and its capital requirements for building new houses, that money is not as available as we would wish. We are going to have to look at different models for delivery. When I was the Minister for Social Development, I was on the record as saying that in

this House. I am now Finance Minister, and I still believe the same thing.

The Member is right: if we get housing right, we will transform our communities by building, and the construction industry will see the benefits of that. I think that that will happen, but it will require the help and assistance of the party opposite, rather than them having sacred cows and saying, "We want to do this. However, to do that, you are not allowed to change this." I think it will be a challenge for the Member's party.

Let me say something, as well, on the issue of investment. I want to come onto the issue that the Member raised about corporation tax. Invest NI has secured approximately £550 million for investment in research and development. There are things that have been funded by Invest NI that are world-leading in their potential and the opportunities that they bring. That means that the agency is well on course to exceed its increased R&D investment target of £585 million. That is over the £36 million of investment loans that have been made to SMEs through the growth loan fund, against a target of £28 million. Yes, there are Members who undoubtedly are so begrudging that they do not even see that that is money that should have been spent; they would spend it differently. However, the companies that have been the beneficiaries and the recipients know who they want to thank for the money that they have received.

Mr Attwood then raised the issue of the A5. He seems to think that I have a cunning plan. Somehow, he thinks I am sitting waiting, very cunningly, on the Regional Development Minister not being able to spend her money this year, and then I have some secret plan that I am going to unveil. If I have such a plan, let me be very clear that it will be in North Antrim, so there is no secret about that.

On a serious point, let me talk about the public consultation. On 11 February, the Regional Development Minister announced publication of the new draft statutory orders and the new environmental statement for the A5 western transport corridor dual carriageway scheme and the commencement of the associated public consultation process. That process will run until 4 April this year and it is likely to lead — as the Minister was right to say — to a further public inquiry in autumn 2016. Subject to the outcome of that inquiry, the money is there to begin that work.

We were criticised when we did not align money to projects. We then aligned money to projects over the period of the incoming Executive, even though we will have new Departments, and the Ministers are not appointed to them.

We have now been criticised because someone has said, "If something happens, how will we deal with it?". We will have to deal with those circumstances. Let me reassure the Member and the House that we are committed to those flagship projects. The Member should take comfort from that.

Let me conclude my comments to Mr Attwood —

**7.45 pm**

**Mr Attwood:** Will the Minister give way?

**Mr Storey:** I will give way, yes.

**Mr Attwood:** The CBI, our hospitality industry, people from the food and drink sector who were in the Building today and all those who trade with Europe — none of whom you

referred to — will not be impressed by your enthusiastic endorsement of Brexit.

My question on the A5 was this: on the basis that the public inquiry will not start until the autumn and given the length of such things, the risk of legal challenge and the fact that, on the far side of it, the Minister will have to decide whether the A5 proceeds, how can you say to the House, in this financial year, that a budget line of £12 million or £13 million will be spent? That is unfortunate, but is that not the reality?

**Mr Storey:** The Member knows all too well, given the way in which we will profile the money and spend it, that that, for a variety of reasons, will always lead to challenges. The Member's colleague talked about building houses. We set targets, and sometimes targets are not met for the simple reason that there are issues with planning applications. I am glad that my colleague Lord Morrow has arrived to take some of the heat about building new houses.

We have made a commitment. We will have to deal with the circumstances as they are, and I trust that we can ensure that progress is made. The money has been committed, and we will do everything in our power to make sure that that project is delivered, along with the new children's hospital, the transport hub, the A6 and all the flagship projects. That is what we have to be held to account for, rather than the doom and gloom prospect that is being painted here tonight.

The Member also referred to infrastructure, skills and FDI. He is right: we are right to develop the infrastructure and to assist with the skills agenda. If we do not do that preparation and put in that investment, there will be challenges ahead for us. The Member referred to a number of organisations and to the European issue, and another raft of organisations has commented nationally on the issue. Over the coming weeks, we will see more and more of that as we get closer to the date of the referendum. I reiterate that that will be an issue when this United Kingdom decides its future, which it needs to do on the basis of the facts and the finance. If it is done on that basis, the outcome will still give us control over our future and over how we spend our money.

I recently heard a Minister — I cannot remember his name — talking about issues that he could have made progress on had he not been hindered by European legislation. My officials have said to me many times, "Minister, you could do this, but you need to be aware of state aid and European regulations". We have been shackled and fettered. Surely it is time for this United Kingdom to make up its mind whether it wants to be unleashed from those shackles or wants further shackles to be imposed.

**Mr Deputy Speaker (Mr Dallat):** Order, please. I hope that the Minister realises that I was extremely, I suppose, liberal earlier on, when Members talked about the Easter rising, Brexit and all sorts of things. When those come round a second time, I really have to exert my authority.

**Mr Storey:** I thank the Deputy Speaker for putting shackles on me, and I will conclude with a few comments in response to the debate.

If I miss some of the detail of the point raised by Mr Cree, I will write to him. He referred to tackling paramilitary activity, and funding of £10 million will be provided for that.

The strategy for its use will be produced by June of this year, and the money will then be released.

Mr Cree also referred to business continuity, which is a concern of the Civil Service generally. From speaking to senior managers and permanent secretaries, I know that dealing with the transformation fund and the exit scheme was challenging. However, an important factor in all the voluntary exit schemes supported by the transformation fund is business continuity, and the importance of being able to continue to provide essential public services has been central to the application of restructuring through the fund. The steering group will oversee the allocations from the fund, but it is for individual accounting officers to ensure that appropriate arrangements are in place to manage business continuity with each scheme. I have confidence that that is being done and confidence in the way that it is being handled. I have publicly paid tribute to my colleagues and staff for that, and I think that I can give the assurance that I believe that it will continue in that way.

I conclude by thanking those who have contributed. I have, I think, highlighted the main issues of concern raised by Members. On that note, I commend to Members the 2016 Budget Bill.

**Mr Deputy Speaker (Mr Dallat):** Before we proceed to the Question, I remind Members that the Bill requires cross-community support at Final Stage.

*Question put.*

*The Assembly divided:*

*Ayes 61; Noes 26.*

## AYES

### Nationalist

*Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, 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, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Storey, Mr Weir, Mr Wells.*

### Other

*Mr Dickson, Dr Farry.*

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

## NOES

### Nationalist

*Mr Attwood, Mr Diver, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Rogers.*

### Unionist:

*Mr Allen, Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.*

*Tellers for the Noes: Mr Cree and Mr McCrossan.*

<i>Total Votes</i>	<i>87</i>	<i>Total Ayes</i>	<i>61</i>	<i>[70.1%]</i>
<i>Nationalist Votes</i>	<i>37</i>	<i>Nationalist Ayes</i>	<i>27</i>	<i>[73.0%]</i>
<i>Unionist Votes</i>	<i>48</i>	<i>Unionist Ayes</i>	<i>32</i>	<i>[66.7%]</i>
<i>Other Votes</i>	<i>2</i>	<i>Other Ayes</i>	<i>2</i>	<i>[100.0%]</i>

*Question accordingly agreed to.*

*Resolved (with cross-community support):*

*That the Budget Bill [NIA 77/11-16] do now pass.*

*Adjourned at 8.06 pm.*

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# Northern Ireland Assembly

**Monday 29 February 2016**

*The Assembly met at 12.00 noon (Mr Principal Deputy Speaker [Mr Newton] in the Chair).*

*Members observed two minutes' silence.*

## Executive Committee Business

### **Departments Bill: Royal Assent**

**Mr Principal Deputy Speaker:** Before we proceed with today's business, I have some announcements to make. I wish to inform the House that the Departments Bill received Royal Assent today, Monday 29 February 2016. It will be known as the Departments Act (Northern Ireland) 2016.

## Assembly Business

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

**Mr Swann:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 29 February 2016.*

**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 February 2016.*

## Executive Committee Business

### Rural Needs Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, to move the Further Consideration Stage of the Rural Needs Bill.

*Moved. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**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 is a single group of amendments. The debate will be on amendment Nos 1 to 7, which deal with commencement and technical changes. I remind Members who intend to speak that, during the debate, they should address all the amendments on which they wish to comment. Once the debate 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.

If that is clear, we will move on.

#### **Clause 1 (Duty of public authorities to have due regard to rural needs)**

**Mr Principal Deputy Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to take amendment Nos 2 to 7. The amendments deal with the commencement of the Act and technical changes. I call the Minister of Agriculture and Rural Development to move amendment No 1 and to address the other amendments in the group.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I beg to move amendment No 1: In page 1, line 10, after "appropriate," insert "by order".

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 14, after first "a" insert "body or".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 3: In page 1, line 17, after first "a" insert "body or".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 4: In page 1, line 18, after first "the" insert "body or".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 5: In page 1, line 18, after first "a" insert "body or".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 6: In clause 3, page 2, line 16, after "(1)" insert "(c)".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

No 7: In clause 5, page 2, line 29, leave out "2017" and insert "2018".—  
*[Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**Mrs O'Neill:** The amendments that I have tabled for consideration today are a small number of technical amendments that will provide clarification of the clauses of the Bill as amended at Consideration Stage and an amendment relating to the commencement provision in the Bill.

Amendment No 1 deals with DARD's power under clause 1(3) to add, remove or amend any entry in the schedule that lists the public authorities to which the Act will apply. The amendment adds the words "by order" to clause 1(3) to clarify that any amendment to the schedule would be taken forward through subordinate legislation.

Amendment Nos 2 to 5 relate to clauses 1(4) and 1(5) and change each reference to "person" to "body or person". That is to reflect that the schedule includes both bodies and persons and to provide consistency with clauses 1(2) and 1(3).

Amendment No 6 relates to clause 3 of the Bill, which deals with the monitoring and reporting arrangements. Amendment No 6 clarifies, by including a more specific reference, the information that is to be published by DARD in its annual monitoring report.

Amendment No 7 relates to the commencement of the Act. At Consideration Stage, clause 5 was amended to include a time limit for commencement on 1 June 2017. As I indicated during that debate, I supported a specified time limit for the Bill's commencement. However, it will be important to ensure that the necessary supporting framework, such as guidance and training, as well as the new monitoring and reporting arrangements are in place prior to the new duties coming into force and that the public authorities concerned have sufficient time to prepare for the application of the Bill. To ensure an effective phased approach to implementation, I envisage that the provisions of the Bill could be commenced for Departments and councils approximately a year after Royal Assent, in 2017, and for the remaining public authorities listed in the schedule for a further year after that and not later than 1 June 2018. Therefore, I propose an amendment to clause 5 to change the time limit for commencement to 1 June 2018.

That concludes my comments on the seven amendments that I have tabled. I look forward to hearing Members' contributions to the debate.

**Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):** I, of course, represent the views of the Committee for Agriculture and Rural Development. The Committee has not considered the amendments and has taken no position on them, but, as Chair of the Committee, I am content that the amendments do not affect the policy changes that we wanted and gained at Consideration Stage.

Of course, my fellow Committee members can represent the views of their parties. As far as my party is concerned, amendment Nos 1 to 6 are technical, and we have no issue with them. Again, on amendment No 7, on the time frame for commencement, we have no real issue either. We support the amendments.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support all the amendments that have been tabled by the Minister. As she said, they are mostly technical in nature. Therefore, I do not need to go into the detail of any of them, as they have already been adequately explained by the Minister.

I will make one brief comment on amendment No 7. We all want to see the Bill and its duties put in place as soon as possible. It is vital that we get it right from the start, given that the bodies have been added at a late stage. It is important to ensure that the proper training and guidance is in place. It will allow the bodies listed to have the proper arrangements when they go ahead. With that in mind, the Minister has referred to a date no later than June 2018. This will allow training to start as soon as they are ready, as long as it is before June 2018.

**Mrs Dobson:** I welcome the opportunity to speak at this stage of the Rural Needs Bill. We support amendment Nos 1 to 6; however, we will oppose amendment No 7.

We must remember the Bill's origins. The rural White Paper action plan was approved by the Executive in May 2012 and formally launched by the Minister of Agriculture and Rural Development in June 2012. That is over four years ago. It is five years from the date of commencement currently in the Bill and six years if today's amendment is made. Six years? That should be enough for people to judge the sheer inefficiency of the entire process.

That plan, which was long awaited, was notable not just for what it included but for how much it lacked any strategic vision and measurable outcomes. Some people will look at today's Bill and think that it was a missed opportunity for the Department to really enshrine protections for our rural communities. It remains unhelpful that, for whatever reason, the DUP and Sinn Féin thought it necessary to block many of our previous amendments, which would have strengthened the Bill, including requiring mandatory training for key DARD staff and placing a legal duty on the Department to make sure that public bodies cooperated. That has dumbfounded most impartial observers and, I know from reading emails that I have received, many people working in rural support bodies. Nevertheless, I still have not heard any good reason today why the Department thinks that it is unable to implement the Bill within 15 months.

I quote directly from the Minister at the previous stage:

*"I am not opposed in principle to a time limit for the Bill's commencement; however, the precise date of this time limit will have implications for my Department and other public bodies."* — [Official Report (Hansard), Bound Volume 112, p376, col 2].

If those implications are that they need to ensure that they have met their statutory requirements under the Bill in a timely manner, I do not see why that is a negative thing. We need to remember that the public authorities in the Bill are not insignificant in size or scale. Bodies such as the Education Authority and the PSNI have bigger budgets and far greater staffing levels than DARD, so they should be in a position to adapt to it in a timely manner. It is up to the Minister, in her winding-up remarks, to make the case for an extension; if she does not, it is up to the parties to decide whether they are content for DARD to avoidably drag its feet for yet a further year.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Members for their contributions to the debate. I will pick up on the last point on the commencement date. I said at the previous stage of the Bill that I would accept the amendment tabled by the party in relation to the commencement date but might need to

come back to it. That is exactly what I am doing today. I am keen that we ensure that the Bill is all about enshrining rural people's rights in legislation. It is about making sure that we put protections in place so that, when policies and strategies are being developed, Departments and those bodies recognise and take into account the needs of rural dwellers.

The commencement date, with the amendment that I have tabled — amendment No 7 — will very clearly say "not ... later than ... 2018", so that does not prevent anybody who is in a position to move forward before that date from doing so. The fact that I have extended the list of bodies to be included under the legislation is something that I came to later in the consultation and as part of the Committee's scrutiny of the Bill. The fact that we have now added those bodies means that it is not inappropriate to allow some additional time for them to be ready. I am more interested in getting this right and that people embed their practices, with the proper guidance, training and advice available to them, to make sure that they carry out rural proofing in the manner in which we intended it to be done.

I thank all the Members for their contributions. I have clearly made the case for moving amendment No 7, and I thank the parties that have set out their support for the Bill going forward.

*Amendment No 1 agreed to.*

**12.15 pm**

*Amendment No 2 made:*

In page 1, line 14, after first "a" insert "body or".—  
[Mrs O'Neill (The Minister of Agriculture and Rural Development).]

*Amendment No 3 made:*

In page 1, line 17, after first "a" insert "body or".—  
[Mrs O'Neill (The Minister of Agriculture and Rural Development).]

*Amendment No 4 made:*

In page 1, line 18, after first "the" insert "body or".—  
[Mrs O'Neill (The Minister of Agriculture and Rural Development).]

*Amendment No 5 made:*

In page 1, line 18, after first "a" insert "body or".—  
[Mrs O'Neill (The Minister of Agriculture and Rural Development).]

**Clause 3 (Monitoring and reporting)**

*Amendment No 6 made:*

In page 2, line 16, after "(1)" insert "(c)".— [Mrs O'Neill (The Minister of Agriculture and Rural Development).]

**Clause 5 (Commencement)**

*Amendment No 7 made:*

In page 2, line 29, leave out "2017" and insert "2018".—  
[Mrs O'Neill (The Minister of Agriculture and Rural Development).]

**Mr Principal Deputy Speaker:** That concludes the Further Consideration Stage of the Rural Needs Bill. The Bill stands referred to the Speaker.

## **Criminal Cases Review Commission (Information) Bill: Legislative Consent Motion**

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

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Criminal Cases Review Commission (Information) Bill.*

This is a private Member's Bill sponsored by William Wragg MP, and it had the support of the Government when it received its Second Reading on 4 December 2015. The Criminal Cases Review Commission (CCRC) is the public body charged with investigating alleged miscarriages of justice, which involves it seeking a range of evidence and information, often going back years. Its skilled investigators, caseworkers and commissioners do that important work for potential miscarriages of justice in England and Wales and in Northern Ireland. Scotland has its own arrangements.

In the course of its work, the CCRC will look at information and evidence coming from a wide range of sources, including the police, the prison and probation services, the NHS, local authorities and other public-sector sources. The power to require that information, subject to judicial safeguarding, is set out in section 17 of the Criminal Appeal Act 1995. However, the CCRC will often need to look at evidence and information held by private sources, such as individual witnesses, solicitors, private security firms or private medical practitioners. Under the current legislation, the CCRC must rely on cooperation and voluntary disclosure, because it has no formal power to require evidence to be disclosed from non-statutory organisations.

In essence, the Bill seeks to redress a legislative oversight from 1995 and give the commission much-needed powers to request evidence from private sources. That is its sole function.

The Bill contains only two clauses. Clause 1 provides a power to obtain documents and other material from non-public bodies. Critically, as set out in clause 1(1), that power will be subject to the safeguards of judicial oversight and a Crown Court order, so the CCRC could compel a private individual or organisation to provide material only by order of the court.

The new disclosure requirements would apply notwithstanding any obligations of secrecy or other limitations on disclosure. Clause 1(3) provides that the commission shall not disclose any information without the consent of the person concerned.

The CCRC has sought that additional power for some time, and I am content that the contents of the Bill are necessary and proportionate. The commission believes that having the power on the statute book will be enough to persuade many private bodies to cooperate with the CCRC voluntarily, thereby avoiding the need to invoke the power to compel.

Clause 2 sets out the proposed territorial extent of the Bill, which is the same as that of the CCRC, being England, Wales and Northern Ireland. As the power already exists in Scotland, we had the opportunity to look at how it has worked there, where I believe that the process has worked well with no evidence of abuse.

I am, therefore, asking the Assembly for legislative consent to extend this Bill to Northern Ireland to ensure parity and consistency in investigations conducted by the

CCRC. Given the demands on the legislative programme, there will be no opportunity to legislate for this change via the Assembly, and it will be to our advantage and to the advantage of those who suffered a miscarriage of justice to implement this change in tandem with England and Wales.

I appreciate that the Assembly's preference, like mine, is that we ourselves should legislate on Northern Ireland matters wherever possible. However, in this instance, we are talking about minor changes to a body that has a wider remit than Northern Ireland. For those reasons, it is appropriate that we should seek a legislative consent motion (LCM), and I ask the Assembly to support it.

**Mr Ross (The Chairperson of the Committee for Justice):** I am pleased to speak on behalf of the Committee this afternoon.

As the Minister outlined, this legislation, introduced as a private Member's Bill at Westminster, will allow the Criminal Cases Review Commission to seek an order from the Crown Court requiring a person in the private sector to give the commission access to documents or other material in that person's possession or control.

I will briefly outline the Committee's consideration of the matter. The need for an extension to the commission's powers to obtain documents from private organisations and individuals, where it is reasonable to do so and under judicial oversight, was raised with the previous Chairperson and Deputy Chairperson by the commissioners in September 2014. At that meeting, the commission provided examples that highlighted the difficulties it encountered due to its lack of powers in relation to the private sector.

The Department of Justice undertook a three-month public consultation on proposals to extend the powers of the CCRC with regard to the private sector in Northern Ireland, including proposed judicial safeguards. The Department reported to the Committee on 17 September 2015 on the results of its consultation, advising that the 10 responses received were largely supportive of the change and the proposed safeguards. The Committee noted that the Attorney General and the Information Commissioner raised issues regarding human rights and data protection respectively but that sufficient provisions to mitigate those concerns could be put in place. In view of the general support for the proposal, the Department indicated its intent to legislate for this change.

The Department later advised that the Ministry of Justice intended to bring forward the same legislative change in England and Wales through the Criminal Cases Review Commission (Information) Bill, introduced in the House of Commons by Mr William Wragg MP in June 2015.

The Department further indicated that, as it would be unable to make the change by way of an Assembly Bill before the end of this mandate, the Minister was seeking the Committee's formal agreement for the legislative consent motion mechanism to be used. That would enable the introduction of the relevant provisions in the same timescale as in England and Wales.

Following consideration of information provided by the Department on the results of the consultation on proposals to extend the powers of the CCRC, the Committee for Justice agreed that it was content with the Minister's

proposal to extend its powers to enable it to obtain documents from private organisations and individuals, and for the legislative change to be made by way of an LCM.

The legislative consent memorandum in respect of the Bill was laid in the Assembly on 27 January 2016 and referred to the Committee for consideration on 28 January. At its meeting on 4 February, the Committee for Justice agreed that it was content to support the legislative consent motion in relation to the Criminal Cases Review Commission (Information) Bill. The Committee subsequently provided all MLAs with a copy of its report on the LCM, which was agreed at its meeting on 18 February. Therefore, I commend the motion to the Assembly.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like the Chair, we welcome the use of the LCM in this instance because of the work of the commission. I want to place on record our support for the work that the commission does. It has been useful in allowing people an avenue to explore whether there were miscarriages of justice. I think that there was a legislative oversight that has revealed that there is a gap in its ability to get relevant documentation to support a case. Therefore, we will support the motion.

**Mr Ford:** I do not believe that it is necessary to make any specific responses to the points raised by the Chair and Deputy Chair of the Committee except to make the point again that this was another example of good work being done between the Department and the Committee. I thank my officials and the Committee staff for the work that they did in putting it together. I certainly acknowledge the concerns that were raised and which the Chair highlighted, but I do believe that the issue of judicial oversight will ensure that these powers are not used disproportionately, will fall into line with what is already good practice in Scotland and will ensure that Northern Ireland remains on a par with England and Wales. With thanks to both the Members who have spoken in the usual lengthy debate that we have on these important matters, I again commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Criminal Cases Review Commission (Information) Bill.*

## **Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016**

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

*That the draft Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.*

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Iarraim cead an rún seo a mholadh. The regulations that we are debating today make an amendment to the Teachers' Pension Scheme (Consequential Provisions) Regulations (NI) 2015 to ensure that the teachers' pension scheme, which was created under the Public Service Pensions Act (NI) 2014, operates as intended. The proposed regulations make a small and technical modification to the law governing the teachers' pension scheme.

I remind Members that the Public Service Pensions Act 2014 provides the framework enabling legislation for the reform of public service pensions here. The design of the new teachers' scheme has been established, within the confines of the Act, and the scheme came into operation on 1 April 2015. The regulations before us today are simply the means to include a modification to the Pension Schemes (NI) Act 1993 to ensure that the scheme design for the teachers' pension scheme, which was widely consulted upon with members and unions, works properly within the wider framework of pensions law.

This modification is in addition to the set of modifications made to the Pension Schemes (NI) Act 1993 in the Teachers' Pension Scheme (Consequential Provisions) Regulations 2015. The consequential provisions were made in March 2015 and came into operation on 1 April 2015. At the time that the consequential provisions were made, necessary legislation to provide for the abolition of contracting out for defined benefit salary-related pension schemes had not yet been made here. It was therefore necessary to defer making consequential provisions that would ensure the protection of increases in guaranteed minimum pensions following the abolition of contracting out. With the introduction in June 2015 of the Pensions Act (NI) 2015, which provides for the abolition of contracting out, it is now necessary to make these proposed regulations.

In conclusion, this is a small, technical modification under the Public Service Pensions Act (NI) 2014 to provide for the protection of increases in guaranteed pensions after the abolition of contracting out. I therefore commend this modification to the House.

**12.30 pm**

**Mr Weir (The Chairperson of the Committee for Education):** The Department briefed the Committee on these regulations on 13 January 2016. As the Minister explained, the statutory rule is required to protect increases in guaranteed minimum pensions, following the abolition of contracting out. The rule appears to be beneficial and has been consulted on, with no objections being raised by stakeholders. Consequently, the Committee agreed on 27 January 2016 that it was content for the rule to be affirmed by the Assembly. The House may also wish to note that the Examiner of Statutory Rules had no comment to make on the draft rule.

Speaking as a DUP MLA, I say again that this is a fairly uncontroversial change that will be seen as being largely beneficial. Consequently, my party has no issue with the statutory rule and is happy to support it.

**Mr O'Dowd:** I welcome the Chair's comments and the Committee's examination of the statutory rule. I have nothing further to add to the debate.

*Question put and agreed to.*

*Resolved:*

*That the draft Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.*

## **Credit Unions and Co-operative and Community Benefit Societies Bill: Final Stage**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** I beg to move:

*That the Credit Unions and Co-operative and Community Benefit Societies Bill [NIA 56/11-16] do now pass.*

I apologise for being out of breath, Mr Principal Deputy Speaker. I have just dashed back from Antrim, where, the House will be delighted to know, the Mayor of London has given us another Transport for London order for 200 buses. That brings the total number of buses ordered to 1,000 and secures hundreds of jobs in Northern Ireland.

The Bill is the latest in a number of actions undertaken by my Department that are aimed at improving the legislative and regulatory framework that applies to credit unions and registered societies. Those sectors are of key importance to Northern Ireland, and the Bill's provisions will give them new operational freedoms and allow them to better serve their members and wider society.

Credit unions will be able to carry out new activities, permitting them to explore new commercial opportunities and to strike out in new directions. They will also enjoy a measure of deregulation for a number of the existing activities that they undertake, including the very welcome support that they offer to their local communities. Industrial and provident societies will also see deregulation. The Bill will remove unnecessary legislative requirements and give societies greater scope to engage with younger members and allow them to secure increased levels of investment. These sectors operate in a rapidly changing commercial environment. While the Bill represents a very positive development, my Department will continue to work with credit unions and societies to ensure that the sectors can continue to grow.

This is a somewhat complex and technical area, and I thank the Chairman and members of the Committee for Enterprise, Trade and Investment for their considered scrutiny of the Bill. I am grateful to them for the productive and positive way in which they worked with my officials and, in particular, for the suggestions that they put forward at various points, all of which helped to improve the Bill. I also thank Members for the keen interest that they have shown in the Bill during its passage through the Assembly.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire chomh maith. I thank the Minister. On behalf of the Committee for Enterprise, Trade and Investment, I welcome the opportunity to speak on the Final Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill.

The passage of the Bill through the House represents the culmination of almost eight years of work by the Committee for Enterprise, Trade and Investment in this and in previous mandates to enable credit unions to expand their range of services and to offer the same facilities that their counterparts in GB, and in the South of Ireland, have been able to offer since 2002 and 2003 respectively. I want to pay tribute to previous Committees and their membership and to former party colleagues, Mr Alban Maginness and Mr Mark Durkan, for their sterling work.

On 13 March 2008, the previous Committee for Enterprise, Trade and Investment commenced an inquiry into how to support credit unions here to expand their range of services. The Committee reported on 5 February 2009, and its report contained only eight recommendations, which were broadly accepted by the Department. However, there were a number of major difficulties in implementing the recommendations, as changes were required to primary legislation here and at Westminster. The appropriate legislation could not be put in place in this House until the appropriate changes had been made in Westminster.

On behalf of the Committee, and, no doubt, previous Enterprise, Trade and Investment Committees, I offer my sincere thanks to the Minister, to his predecessors, and especially to their officials in the Department, past and present, for their hard work, their expertise and the dedication and professionalism that they have demonstrated to help to get this legislation to where it is today. Their cooperation, their knowledge, and, indeed, their good working relationship with the Committee, and with Committee officials — whom I have to especially thank for the great work that they have done — have brought us to where we are today.

I would like to put on record the Committee's gratitude to the Irish League of Credit Unions and the Ulster Federation of Credit Unions and to the individual credit unions that participated in the Committee's call for evidence. Their experience as grass-roots practitioners is invaluable.

The passing of the Credit Unions and Co-operative and Community Benefit Societies Bill will provide a tremendous opportunity for credit unions across the North to fulfil their potential as trusted, professional, community-based financial advisers and financial service providers.

A number of amendments to the Bill were brought by the Department on the Committee's recommendation, and I do not propose to rehearse them here today as they were appropriately covered at Consideration Stage. However, a number of other issues arose during the Committee Stage of the Bill, and I would like to ensure that the Committee's consideration of those issues is put on the record.

Clause 3 permits a credit union to offer interest-bearing shares in addition to shares entitling the holder to a dividend. The Committee had some concerns that the introduction of provisions for interest-bearing shares may have the potential to create a two-tier system, by which some members held only non-interest-bearing shares, whilst others were able to avail of interest-bearing shares. The Ulster Federation of Credit Unions had concerns that the introduction of interest-bearing shares may tend to muddy the waters in relation to the traditional view of credit unions on the one hand as being solely owned by their members and banks, and, on the other hand, being commercial operations in business for the benefit of shareholders.

The Ulster federation did not think that interest-bearing shares was something that their members would be interested in. On the other hand, the Irish League of Credit Unions sees interest-bearing shares as an extra tool in a credit union's armoury for its asset-liability management. It believes that, based on the principle that a credit union is a smaller form of financial institution, it should be enabled to undertake and partake in any financial activities and offer services to its members. It believes that the credit union movement will have to be competitive, as the level of

uptake will be determined by the market in much the same way as a bank sets the interest rate at which a deposit account will be guaranteed over a one-year period.

The Irish league also helped to allay the Committee's concerns in relation to any perception of a two-tier system. Whether or not a credit union member avails of interest-bearing shares will have no impact on voting rights, and no concerns have been raised in jurisdictions where that facility has been available for some time.

Clause 6 removes the 3% minimum amount of dividend that must be paid before surplus funds can be applied to social, cultural or charitable purposes but retains the requirement for some level of dividend to be paid to members before surplus funds can be applied to those purposes. That was a key recommendation in the previous Committee's inquiry. Clause 6 provides the opportunity for credit unions to contribute back into the communities in which they operate. For that reason, the Committee very much welcomes that provision in the Bill.

As the legislation stands, a credit union could not make any contribution for social or charitable purposes unless it had declared a 3% dividend. In the current financial environment, that is a highly unrealistic expectation for any credit union. There is a provision for a maximum of 10% of surplus funds to be applied to such purposes, and the Committee agrees that that provides the appropriate balance.

There were some initial concerns during the Committee's pre-legislative scrutiny that expertise in social finance may be required to ensure that credit unions would not put their members' money at risk. However, having seen the legislation, both the Irish League of Credit Unions and the Ulster Federation of Credit Unions are content that there is sufficient protection in the provisions.

In relation to clause 8, Co-operatives UK highlighted to the Committee that current Northern Ireland legislation does not require the registrar to make a rigid distinction, at registration, between cooperative societies and community benefit societies but that the new legislation will create three separate legal forms where now only one exists. According to Co-operatives UK, that has caused significant uncertainty and concern for societies in GB. However, they remain hopeful that the Financial Conduct Authority policy will achieve the necessary refinement and flexibility. The Committee was content with the Department's assurances that it would review the legislative framework underpinning credit unions and cooperative and community benefit societies after completion of work on the Bill, including consideration of whether future legislative change was considered appropriate.

The passing of the Bill will unlock the potential of all credit unions to become full and trusted players in the financial services sector. As community-based organisations, credit unions know the communities in which they operate and their individual members. This legislation will enable them to compete on an equal footing with the for-profit sector and to act as trusted, objective and professional financial advisers and lenders to individuals and groups in those communities. As Chairperson of the Committee for Enterprise, Trade and Investment, I commend the Final Stage of the Bill to the House.

**Mr Dunne:** I, too, welcome the opportunity to speak on the Final Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill as a member of the ETI

Committee. I fully recognise the valuable role that credit unions play in providing financial assistance to people in need across Northern Ireland. Throughout the process of the Bill, we have seen the importance of this sector in everyday life in Northern Ireland. The Bill was designed to promote the continued growth and sustainability of the sector, and I believe that it will deliver the required change to create an improved service.

The success and significance of the service that credit unions provide here is backed up by statistics. Thirty-four per cent of our population hold a credit union account, compared with around 5% in the rest of the UK, and membership has doubled in the past decade. Regrettably, today, there are loan sharks around who often exploit the most financially vulnerable, and many of them often have greater resources and use attractive advertising as a means to lure people into unrealistic agreements. Credit unions are different, and that is why local credit unions that put the community at their heart are worthy of our support.

The three amendments will allow the sector to flourish. Clause 13A is an important one for the sector, given that credit unions will, for the first time, be able to admit companies and unincorporated associations into membership. The commitment to a review within two years is also an important step in providing the necessary protection to credit unions.

I welcome the progress that has been made, including the work of the Committee, and I am content to support the Bill.

#### 12.45 pm

**Mr Lunn:** Not being a member of the Committee, I have not been as close to the Bill as I would have liked, but I welcome and support its passage at Final Stage.

As the Minister said, the Bill will extend the remit of credit unions and give them operational freedoms and commercial opportunities. That is grand, because nothing stands still these days. The Chair of the Committee said that the Bill would enable credit unions to become full players in the financial services sector. As I have said before in these debates, that comes with a bit of a health warning. Frankly, the more you imitate banks, the more you become like banks and the more you become susceptible to the same pressures and regulation as banks; and we all know what has happened to them.

I hope that the sector continues its progress. It has always been a marvellously well run system in the North of Ireland, and I am sure that it will continue to be so. I have no doubt in credit unions' ability to continue to invest and lend wisely under the benign hand of the Financial Conduct Authority — we will see how they manage with that organisation. All in all, it is a good day for the movement and the sector. I wish them well for the future and welcome the passage of the Bill.

**Mr McKinney:** I support the Credit Unions and Co-operative and Community Benefit Societies Bill. As a member of the Enterprise, Trade and Investment Committee, I welcome its Final Stage. The wide scope of the Bill is to be welcomed. By way of background, as has already been highlighted, the Bill is an attempt to update and modernise the law relating to credit unions and industrial provident societies. As has been stated, both are an integral part of our economy and make a massive contribution by offering financial services and credit to

many individuals, including local businesses owners and those in the agriculture sector, who are the backbone of our economy.

The Bill has been long in gestation, but it is important legislation for the Committee. As has been stated, it is the outworking of a Committee inquiry in the previous mandate that made a number of recommendations to broaden the range of credit services that credit unions can offer.

It is important to remind the House, as I did at the previous stage of the Bill, of something that the SDLP holds dear: credit unions were established, with Ireland's greatest — John Hume — playing a pivotal role, to address the massive inequality in our society, when many vulnerable people were being exploited for profit, as mentioned by Mr Dunne. Some of that is still seen today in the payday loans and other short-term financial deals that exploit many people. I am glad that the Bill further protects the role that credit unions and other providers play in society, and I hope that it goes some way to alleviate the financial pressures that are put on people who are victims of extortionate payday loans.

It is important to take the opportunity to commend all those involved in bringing forward the Bill. I echo the comments of my colleague Mr Patsy McGlone. It has been an arduous task. I thank the Minister and his departmental officials for their continuous engagement with the Committee during its scrutiny of the legislation. I also thank the Irish League of Credit Unions and the Ulster Federation of Credit Unions, which attended numerous oral evidence sessions with the Committee to tease out the issues as they progressed. The Bill has been argely uncontroversial, and its clauses have the broad support of the sector, as was reflected in the Committee investigation.

I want to touch on one element that relates to further review. Both the Irish League of Credit Unions and the Ulster Federation of Credit Unions raised concerns about unincorporated bodies, in conjunction with their membership, being in the name of an individual rather than the organisation. They stated that that created something of an unequal playing field and some difficulties. Through further scrutiny by the Committee, in liaison with the Department, it became clear that there were complicated legal considerations. Due to that, with the pressing need for the legislation to proceed, the Committee was content to explore the possibility of a review clause in the Bill that would prescribe in law the actions to be taken by the Department to review how exactly an amendment to the legislation could allow for unincorporated members to be included.

In those circumstances we believe this to be the right course of action, and we look forward to the outcome of the review during the next mandate. I hope for a positive resolution that could provide a welcome boost in the opening of finance for businesses across Northern Ireland through the credit union movement.

To conclude, I reiterate that the SDLP supports the Bill. It is a step in the right direction and will go a considerable way towards bolstering credit unions and IPS regulations to ensure that they are best able and best placed to serve our community.

**Mr Bell:** I express my gratitude to the Chairman and members of the Committee and to Mr Dunne and Mr McKinney for their work and those very positive remarks. It is an example of the success of devolution that all of us

from right across the House have worked together on this. I also thank my officials for the work that they put in. I think sometimes that the brevity of this debate does not reflect the intensity of the work that goes on behind the scenes, in Committee rooms and in private briefings with officials. It is that work that leads to success.

Credit unions are of enormous importance. I could speak for hours on their value to many people, both individually like myself and collectively for families. I am glad that they have the support that they have in Northern Ireland, because that reflects the value that people in Northern Ireland place on them. I can remember back to when I had a Sunbeam that cost £50. I was joining the health service, and they told me that I was to be an essential car user and would be expected to have a reliable car at work every day. It was to the credit union that you turned for the loan for the second-hand car that allowed you to get a career.

There is a far greater story that has not been told about credit unions. One of the most inspirational firms that I have come across is First Derivatives. In many cases, it was not looked on favourably in terms of borrowing money, but a credit union lent them £5,000. If I understand it correctly it was Brian Conlon, working from his spare room, who used that £5,000 loan to develop an international business that now stretches from Newry to North America to the Far East. I was very excited to talk about some of the personnel in New York recently about their vision for the future and to see what can be done with a £5,000 loan. That talent has been multiplied by Brian Conlon and the first-class team at First Derivatives, who, as I say, have stretched from their Newry offices right through to New York and across to the Far East. That is testament enough to what can be done.

That just leaves me to commend the Credit Unions and Co-operative and Community Benefit Societies Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Credit Unions and Co-operative and Community Benefit Societies Bill [NIA 56/11-16] do now pass.*

## Enterprise Bill: Legislative Consent Motion

*The following motion stood in the Order Paper:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Enterprise Bill dealing with the Small Business Commissioner.*

### **Mr Bell (The Minister of Enterprise, Trade and Investment):**

Thank you, Principal Deputy Speaker. We are here today to consider the issue of extending the role of the Small Business Commissioner, contained in the Enterprise Bill, to Northern Ireland. The Bill will allow the Small Business Commissioner to provide general advice and information relating to dispute resolution and options for resolving disputes; a signpost service to mediation and arbitration services that are currently in operation; and to provide an in-house complaint-handling function in respect of payment or contract issues.

Extending the remit of the Small Business Commissioner to Northern Ireland is the most cost-effective way for small businesses across the region to benefit from the service, which is intended to support them in resolving disputes with larger businesses. Small businesses are not always sure where to turn for help in sorting out disputes with other businesses, and I am concerned that not enough small businesses are able to settle their problems with larger corporations sufficiently quickly. We know that some small firms suffer because of an imbalance in bargaining power when dealing with larger businesses. Some small businesses feel unable to challenge the contract terms proposed by larger businesses for fear of damaging their commercial relationship, and many do not have the time, money or expertise to make a legal challenge where they believe that practices are against the law. Those issues put small businesses under additional pressure and limit their opportunity for growth. They also, in some instances, put businesses at risk.

The Executive are determined to see small businesses thrive and grow in line with the Northern Ireland economic strategy. The establishment of the Small Business Commissioner will complement existing dispute resolution services and encourage a culture change in the way that businesses deal with each other. It will also deliver a consistency of service to small businesses across the United Kingdom when considering their commercial dealings with larger firms.

SMEs are very much at the heart of the Northern Ireland economy, and many of them trade with companies elsewhere in the United Kingdom. Clearly, we would not want to put them at an unfair disadvantage by not supporting the legislative consent motion (LCM). The consent of the Assembly is, therefore, being sought.

**Mr Principal Deputy Speaker:** I ask the Minister to confirm that he has moved the legislative consent motion.

**Mr Bell:** Yes, it is moved.

### **Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):**

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister of Enterprise, Trade and Investment wrote to the Committee on 20 October 2015 to advise that the Westminster Government had introduced the Enterprise Bill to the House of Lords. The Minister informed the Committee that

the Bill included a range of measures that are intended to support the growth of enterprise in the UK.

The LCM is to enable the extension to Northern Ireland of provisions in the Bill relating to the establishment of a UK Small Business Commissioner. The Westminster Government undertook a public consultation. Time pressures precluded consultation in Northern Ireland, would you believe it? However, in oral evidence to the Committee on 8 December 2015, departmental officials stated that the Department had engaged with a number of representative bodies in the North. The Department learned that late payments were an issue and small businesses would welcome the extension of the commissioner's remit to Northern Ireland.

The commissioner will be based in England and will provide an advisory service and will direct issues or complaints specific to Northern Ireland to the appropriate mediation or arbitration services based here or in the South of Ireland. The commissioner will not have the legal basis to make a legal ruling on any issues and will be obliged to report annually on any specific Northern Ireland items or issues.

The Committee is of the view that the legislative consent motion is the most appropriate means of enabling small businesses in Northern Ireland to access the services of a UK-wide Small Business Commissioner. The Committee supports DETI in seeking the Assembly's endorsement of the legislative consent motion. With that, I conclude, and I support the LCM.

**1.00 pm**

**Mr Dunne:** I, too, support the legislative consent motion.

It is important that the motion has been brought to the House. It aims to bring a greater level of support for economic growth to the small business sector in Northern Ireland through the establishment of the role of Small Business Commissioner here. The Small Business Commissioner will provide a level of support to our small business sector through assisting it to resolve disputes and empowering it for the future, while promoting a culture change in how business is done with one another.

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

The main purpose of the LCM is to boost productivity and business growth in this vital sector. We want to see our economy in Northern Ireland grow. It is such a crucial sector and worthy of our full support as we continue to see growth in our economy and a rebalancing of it. We must take every opportunity to support and encourage enterprise. The LCM, which will allow for the extension of the remit of the Small Business Commissioner across the UK, will ensure that our local small businesses are not unfairly disadvantaged and will provide them with the level of necessary support and protection. I welcome the motion and am happy to commend it to the House.

**Mr Bell:** I thank all who contributed to the debate. I put on record my thanks to my ministerial colleagues and the Enterprise, Trade and Investment Committee for the way in which they considered this important matter in a timely way, allowing the motion to be debated today. I very much appreciate the positive manner in which the issue has been dealt with and the agreement that there is from all sides of the House.

I commend the motion to the Assembly, with thanks to Members for their support.

*Question put and agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Enterprise Bill dealing with the Small Business Commissioner.*

## **Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** I beg to move

*That the draft Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 be approved.*

I seek the Assembly's approval of the statutory rule. It is being made under powers contained in the Debt Relief Act (Northern Ireland) 2010, which prescribes that the order must be laid in draft form for approval by affirmative resolution of the Assembly.

There are long-standing provisions in various pieces of Northern Ireland legislation that bar anyone who is bankrupt from engaging in certain occupations or businesses or from being a member of various boards, trusts and other public bodies. Following the enactment of the Insolvency (Northern Ireland) Order 2005, it became possible to place culpable bankrupts under continuing restrictions after their discharge from bankruptcy. The restrictions relate to taking credit and the name under which the individual can trade.

A review was then carried out of the various provisions in Northern Ireland legislation barring individuals who are bankrupt from engaging in certain occupations or holding certain offices. It resulted in the making of orders in 2008 and 2015 to amend the disqualification provisions. Consequently, some provisions were amended to substitute being subject to a bankruptcy restrictions order as grounds for disqualification. In other cases, being subject to a bankruptcy restrictions order was added as grounds for disqualification.

Under the Debt Relief Act (Northern Ireland) 2010, it became possible for individuals burdened by debt to apply to the official receiver for a debt relief order, provided that their total debt was less than £15,000 and they met certain other eligibility criteria. The Act also provided for the making of debt relief restrictions orders. As debt relief orders and debt relief restrictions orders are directly comparable with bankruptcy orders and bankruptcy restrictions orders, there was a need to further amend the disqualification provisions so that they apply to persons subject to debt relief orders and debt relief restrictions orders. The draft order that you are being asked to approve makes those necessary amendments.

The order has been agreed with the Committee and the Executive. I believe that it should now be approved by the Assembly.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister.

The Committee considered the SL1 at its meeting on 30 June 2015 and was content with the policy proposals. There were no changes to those proposals when the statutory rule was submitted to the Committee on 2 February 2016. In the Committee's consideration of the policy proposals, it noted that the order will amend disqualification provisions in various primary and subordinate legislation that already provide for the

disqualification of persons from office in the event of insolvency so as to extend those disqualifications to persons subject to debt relief orders and debt relief restrictions orders.

The Committee was informed that all Departments with legislation that would be amended by the proposed order were informally consulted, as were the Northern Ireland Assembly and the NIO. All Departments have agreed to the proposed amendments to the legislation for which they are responsible. On that basis, the Committee for Enterprise, Trade and Investment recommends that the draft Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 be affirmed by the Assembly.

**Mr Bell:** I thank the Committee Chair for his very positive remarks and contribution to today's debate.

The law as it stands bars individuals from holding certain offices if subject to a bankruptcy order or a bankruptcy restrictions order. As debt relief orders and debt relief restrictions orders are analogous to those orders, it is reasonable to expect that they should also be considered as grounds for disqualification from holding certain offices. Consequently, I commend the motion to the House.

*Question put and agreed to.*

**Resolved:**

*That the draft Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 be approved.*

## Renewables Obligation (Amendment) Order (Northern Ireland) 2016

**Mr Bell (The Minister of Enterprise, Trade and Investment):** I beg to move

*That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016 be approved.*

This statutory rule is being made under powers 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 NIRO, as it is better known, has been the main support mechanism for incentivising renewable electricity generation in Northern Ireland since 2005.

The NIRO has been subject to a number of changes in recent years. The draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016, which I am putting forward before the Assembly today, implements policy decisions to ensure that biomass material used for the generation of electricity is sourced responsibly and in a way that minimises any adverse environmental impacts. Similar provisions have already been introduced in Great Britain, and it is important that Northern Ireland adopts a similar and consistent approach on biomass sustainability.

In line with the rest of the United Kingdom, my Department undertook consultations in 2012 and 2014. The consultation in 2012 proposed enhancing the sustainability criteria for the use of biomass feedstock, and the 2014 consultation proposed technical adjustments to sustainability and to the reporting provisions for solid and gaseous biomass.

In total, six responses were received to both consultations, with support given to some proposals and concerns raised about or clarification sought on others. However, there was insufficient evidence provided to suggest that Northern Ireland should adopt a different position from the rest of the United Kingdom.

I now turn to the detail of the new provisions in the draft order. The first set of new measures is aimed at strengthening biomass sustainability criteria. Since June 2014, generating stations with an installed capacity of one megawatt and above, using solid or gaseous biomass, have been required to report only on whether they meet sustainability criteria. The draft order makes compliance with sustainability criteria mandatory for generating stations using solid or gaseous biomass, in order to receive support under the NIRO, as is already the position for bio-liquids. Those measures will ensure that renewable generation from local or imported biomass receives financial support only where that biomass delivers genuine greenhouse gas savings compared with fossil fuel and where it is sourced from land that is sustainably managed.

The draft order also introduces a new methodology for calculating an annual average greenhouse gas emissions figure for all biomass used by a generating station, excluding certain types of waste. This is to ensure that generators are not penalised if an individual biomass consignment exceeds the greenhouse gas target due to circumstances beyond their control, such as bad weather increasing transport distances. This is subject to the provision that each individual consignment of biomass

must not exceed an overall ceiling to ensure that each consignment delivers a good level of savings.

The draft order also makes minor technical adjustments to the sustainability criteria for non-wood fuel biomass that correspond to the land criteria for bio-liquids. It amends the reporting requirements for wood fuel to enable more effective monitoring of the use of different types of wood by the bio-energy sector, as well as making reporting provisions more workable for industry. Ofgem, which is responsible for administering the NIRO on behalf of the Northern Ireland authority for utility regulation, will regulate compliance with the greenhouse gas and land criteria.

In conclusion, Mr Deputy Speaker, I believe that the proposed amendments are necessary to ensure a consistent UK-wide approach to applying the principles of biomass sustainability and reporting provisions in the renewables obligation mechanism.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker. The Committee considered the SL1 at its meeting on 12 January 2016 and was content with the policy proposals. There were no changes to policy when the statutory rule was submitted to the Committee on 26 January 2016.

The amendment order is being introduced in parallel with similar legislation for the two renewables obligations in the UK. The proposed rule will introduce amendments to the Northern Ireland renewables obligation in relation to the reporting requirements and sustainability criteria for stations using solid biomass and biogas feedstocks to generate electricity. These amendments make compliance with the sustainability criteria mandatory for generating stations of one megawatt or above using solid biomass and biogas; they tighten the greenhouse gas emissions targets for 2020 and 2025 and average greenhouse gas emissions across the year; and they make technical adjustments to the reporting requirements and sustainability criteria for solid biomass.

There are no additional costs to the consumer arising from these amendments. The requirement to provide information on the biomass used and a sustainability audit report will impose some administrative costs on generators using biomass. Biomass generators below 1 MW are not obliged to provide a sustainability report. The Committee for Enterprise, Trade and Investment supports the Renewables Obligation (Amendment) Order (Northern Ireland) 2016 and recommends that it be affirmed by the Assembly.

**1.15 pm**

**Mr Bell:** My remarks may be repetitive, but I again want to thank the Chairman of the Enterprise, Trade and Investment Committee and its members for their support today. The proposed amendments will improve the efficiency and sustainability of the NIRO and ensure that the legislation remains fit for purpose. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016 be approved.*

**Mr Deputy Speaker (Mr Beggs):** Business has moved rapidly today, and we are well ahead of schedule. We hope to be in a position to proceed with Consideration Stage of the Licensing Bill in a few minutes. I propose, therefore, by leave of the Assembly to suspend the sitting until 1.30 pm.

*The sitting was suspended at 1.17 pm.*

*The sitting resumed at 1.30 pm.*

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

## Private Members' Business

### Licensing Bill: Consideration Stage

**Mr Principal Deputy Speaker:** I call Mrs Judith Cochrane to move the Consideration Stage of the Licensing Bill.

*Moved. — [Mrs Cochrane.]*

**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 is a single group of amendments which deal with licensing of outdoor stadia and related technical amendments. The debate will be on amendment Nos 1 to 13, inclusive. I remind Members intending to speak that, during the debate on the group of amendments, they should address all of the amendments in the group on which they wish to comment. Once the debate on the group is completed, any further amendments 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.

*Clause 1 ordered to stand part of the Bill.*

#### **Clause 2 (Meaning of "outdoor stadium")**

**Mr Principal Deputy Speaker:** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 13 inclusive. These amendments deal with the licensing of outdoor stadia and related technical amendments.

I call Mrs Judith Cochrane to move amendment No 1 and to address the other amendments in the group.

**Mrs Cochrane:** I beg to move amendment No 1: In page 1, line 12, leave out subsection (3).

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 12, leave out subsection (4) and insert

*"(4) After Article 2A of the principal Order insert—*

*'Meaning of "outdoor stadium"*

*2AA. In this Order "outdoor stadium" means any premises—*

*(a) which are structurally adapted and used, or intended to be used, for the purpose of providing a venue primarily for a variety of outdoor sporting events and other activities,*

*(b) which include one or more areas for indoor events and activities, and*

*(c) which are designated in regulations as a stadium which the Department considers to be of importance to the whole of Northern Ireland.'".— [Mrs Cochrane.]*

No 3: In clause 3, page 2, line 10, leave out "paragraphs" and insert "subsections".— *[Mrs Cochrane.]*

No 4: In clause 3, page 2, line 1, leave out subsection (4) and insert

*"(4) In each of the following provisions of the principal Order, for "(k)" there shall be substituted "(l)"—*

*(a) Article 2(4) (meaning of references to premises);*

*(b) Article 15(2)(e)(ii) (renewal of licences);*

*(c) Article 22(6)(c)(ii) (transfer of licences)."*—

*[Mrs Cochrane.]*

No 5: In clause 4, page 2, line 21, leave out paragraph (a).— *[Mrs Cochrane.]*

No 6: In clause 4, page 2, line 26, leave out subsection (3) and insert

*"(3) In Article 77A of the principal Order (the cross-heading before which becomes 'Indoor arenas and outdoor stadia' and the title to which becomes 'Attachment of conditions to licences for indoor arenas or outdoor stadia'), in paragraph (1), after 'indoor arena' insert 'or outdoor stadium'."*— *[Mrs Cochrane.]*

No 7: In clause 5, page 3, line 4, leave out "an".— *[Mrs Cochrane.]*

No 8: In clause 7, page 3, line 10, leave out subsections (1) and (2) and insert

*"(1) In Article 52A of the principal Order (the title to which becomes 'Indoor arenas and outdoor stadia'), in paragraph (1), after 'indoor arena' insert 'or outdoor stadium'."*— *[Mrs Cochrane.]*

No 9: In clause 7, page 3, line 15, leave out "inserted—" and insert "inserted; 'or' ".— *[Mrs Cochrane.]*

No 10: In clause 7, page 3, line 18, at end insert

*"(4) In Part 1 of Schedule 10A to the principal Order (penalty points for offences punishable with level 3 fine on the standard scale), in the entry for Article 52A(2), after 'indoor arenas' insert 'or outdoor stadia'."*— *[Mrs Cochrane.]*

No 11: In clause 8, page 3, line 20, leave out subsections (1) and (2) and insert

*"(1) This Act comes into operation on 1 September 2016."*— *[Mrs Cochrane.]*

No 12: In clause 8, page 3, line 24, leave out

*"is made by negative resolution and"*.— *[Mrs Cochrane.]*

No 13: In clause 8, page 3, line 27, after "order" insert

*"; and an order under this section containing such provision or such modifications is subject to negative resolution."*— *[Mrs Cochrane.]*

**Mrs Cochrane:** I welcome the opportunity to move the Consideration Stage of the Bill. As Members know, the proposal with the Bill is to do with the investment by the Executive in our national and regional stadia, namely the Kingspan Stadium at Ravenhill, Casement Park and the National Football Stadium at Windsor Park, as well as the dissatisfaction with current arrangements.

The Bill has changed very little between Second Stage and now, and there were very few amendments to be brought forward. The main amendment, amendment No 2, is about the definition of an outdoor stadium. I have tabled that amendment so that the new type of licence that will be created will be tied to there being business going on in the

stadium, making the licence ancillary to whatever is going on in the stadium at the time. During Committee Stage, there was a bit of discussion around whether that had to mean that a sporting event or something else was happening on the playing field or, perhaps, that something was going on in one of the function areas in the stadium. That amendment is really to clarify that issue by making it clear that it means any event that is going on within the stadium.

The other aspect of that amendment is that it removes from the definition the number of seats in the stadia. Through discussions at Committee and with the Department, we decided that it would be more appropriate to leave the designation of a stadium as being of regional or national importance up to the Department, to be made by regulations. So that is a change.

The other amendments really are technical in nature. Most of them refer to very minor changes or are proposed to bring some sections together. It is an alternative approach of putting all those changes to provisions in clauses 2(3) and 4(2)(a), where references are made to all categories of licence, in the same place rather than throughout my Bill.

That is really all that I have to say on the matter. The amendments are very technical in nature. I look forward to hearing what other Members have to say.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, Mr Principal Deputy Speaker. On behalf of the Committee, I thank the Member for bringing the Bill to Consideration Stage.

As has been outlined, the Licensing Order 1996 requires a person wishing to sell alcohol in the course of business to hold a licence. That is of relevance, as plans were announced in September 2010 for state-of-the-art, outdoor sports stadia to be developed at the GAA's Casement Park, Ulster Rugby's Ravenhill Park and the IFA's Windsor Park. Such outdoor stadia are not covered by the principal order, and parallels in respect of licensing arrangements have been drawn between the situation faced by the then Odyssey Arena and the planned outdoor stadia.

The development of the SSE Arena in Belfast, formerly the Odyssey Arena, led to consideration of the need to amend the principal order, as that type of facility was not envisaged when the order was formulated. Subsequently, the issue was addressed by the Licensing (Indoor Arenas) (Northern Ireland) Order 2004.

The Bill aims to apply the licensing provisions that apply to the SSE Arena to outdoor stadia. The Committee supports the Bill's aim to introduce a new type of licence applicable to outdoor stadia.

A Phríomh-LeasCheann Comhairle, before I make comments about the amendments before us, I will, with your indulgence, speak briefly about some of the key issues identified in the Committee's report that are pertinent to today's discussions. Those generally related to child protection issues, the operation of the licence in respect of functions and, though not directly related to the Bill, antisocial behaviour in residential areas linked to alcohol consumption in stadia during and after games. In my doing so, Members may note specific reference to the Kingspan Stadium. I should explain that there was a greater focus on the Kingspan Stadium in the Committee's report than the other two stadia currently under development — that is, Casement Park and Windsor Park

— simply because it is already in operation and, therefore, provides an insight into how an outdoor stadia licence could be applied in practice.

The Committee took evidence from Mrs Cochrane and a number of other key stakeholders. All stakeholders who gave evidence supported the key provision of the Bill — that is, that there should be a new type of Bill applicable to outdoor stadia — but it is fair to say that there were some differences of opinion on the checks and balances that should be applied to the operation of the licence. For example, in relation to child protection, the PSNI raised concerns about mixed retailing; that is, the selling of alcohol and non-alcoholic products from the same sales point. The Committee noted that mixed retailing takes place in the SSE Arena and queried with the PSNI if there had been an issue with it at that venue. However, they were not aware of any such problems. The Committee also noted that Mrs Cochrane stated in a paper to the Committee there had been no conditions placed on the licence in relation to the matter.

The Committee also noted in correspondence from the Kingspan Stadium that there are 14 food concessions that are not mixed retail. Those serve food and non-alcoholic beverage only and are the main conduit for all food and non-alcoholic beverage in the stadium. That, to the Committee, appeared to be a balanced approach to child protection in respect of mixed retailing and one that the other two stadia under development may wish to consider.

There was some wide discussion about under-18s being on licensed parts of the stadia after 9.00 pm and at sporting events that are primarily focussed on under-18s. However, one of the key aspects of the Bill is to exempt under-18s from that provision of the principal order. Why is that? The Committee heard evidence that the sports in question are increasingly family focused. Taking the example of Ulster Rugby, the Committee heard that 40% to 50% of the crowd attend as families. Should a match extend beyond 9.00 pm, that creates a significant difficulty as it still means that families in the licensed areas with children under-18 must either separate or leave the stadium.

However, clause 4 amends the 1996 Order to include outdoor stadia in the provision that allows a court to attach conditions to the licence at the time that it is granted or renewed. The clause also provides for a district PSNI commander of the district in which the stadium is situated to apply to the court to attach conditions to the licence at any time during the life of the licence. Therefore, the Committee felt that there were sufficient protections provided by the clause in respect of child protection.

The Committee heard evidence that the business cases of each of the governing bodies include provision for ancillary use of the stadia — that is, functions. The extent of that was not defined for each of the stadia, although it was suggested that, for Windsor stadium, it could be between 20 and 30 functions a year. The Committee also recognised that it was difficult to estimate the number or type of function that each of the stadia would hold. For example, functions could be held during the day, and organisers may wish to avail themselves of the licensed facilities while others may not. The number of people attending a function could range from tens of people attending a seminar to hundreds attending charity fundraising events.

Some members, as well as the sporting organisations, noted that that was common practice for modern-day sporting stadia and, indeed, was an essential part of stadia business models.

The Committee also acknowledged that the issues faced by residents on the day of a game, when thousands of fans may be present, are likely to be significantly different to those resulting from a function held in a stadium. However, the Committee also recognised and shared the concerns of residents on that and, importantly, on antisocial behaviour. The Ravenhill residents' group favoured the establishment of a stadium community committee along the lines of that convened by the management of the Aviva Stadium in Dublin. The Committee subsequently sought and obtained a commitment from Ulster Rugby that it would set up a similar committee to discuss and address residents' concerns. The Committee very much welcomes that development. In fact, the Committee wrote to the IFA and Ulster GAA with a similar request, and I am delighted, on behalf of the Committee, to report that, in the last number of days, the GAA has said that it is its intention to establish an event management committee that will have community representation. The IFA will continue with its community forum, which includes community groups and addresses issues relating to the development of the site and will also deal with event management in the stadium. I hope that those committees and fora provide residents with a platform to establish good working relationships with the stadia. We all look forward to seeing how that unfolds in the time ahead.

I believe that the Committee conducted a thorough examination of the Bill and was content with it as amended by the Member during Committee Stage. However, since the Committee concluded its consideration of the Bill, further amendments have been tabled by the Member that have not been formally considered by the Committee. I cannot, therefore, give a formal Committee position on them. However, I note that the majority are technical and do not change the policy intent of the Bill.

Amendment No 2, although not considered by the Committee, does not change the definition of "outdoor stadium" substantively. The inclusion of the word "sporting", for example, helps to clarify in the minds of many of us the type of event that can take place in an outdoor stadium. Amendment No 11 was considered by the Committee and simply states the date on which the Act comes into operation. Amendment Nos 12 and 13 address an issue relating to negative resolution, which the Member proposes after having taken further advice and which she has explained. The remainder of the amendments are minor or technical, and I have nothing further to say other than that I accept the Member's argument that they will simply enhance the coherence of the Bill in a drafting context.

In conclusion, I will add that, as Chair of the Committee, I believe that the reform of our licensing laws is well overdue. The Committee for Social Development has discussed that on a number of occasions throughout this mandate, and it is fair to say that it expected that it would have been able to consider a Bill on licensing reform long before now. Indeed, we thought that it might have been on its way about two years ago, but, for whatever reason, that never happened. Therefore, on behalf of the Committee — this point has been made very clear — I encourage whoever the Minister is in the incoming Department

for Communities in the next mandate to bring forward comprehensive licensing legislation so that we can deal with the licensing law in a comprehensive and mature fashion. On that basis, the Social Development Committee supports the Bill.

Let me say, a Phríomh-LeasCheann Comhairle, with your indulgence, that it would be remiss of me, when we are talking about sporting stadiums, not to congratulate Carl Frampton, who today is now the WBA and IBF super-bantamweight world champion. That is a great credit to him, his family and the people here whom he comes from. On behalf of everybody here, I offer our congratulations to Carl and give our best wishes to him and his wife, Christine, and their family so that they may live long to enjoy continued and further success.

**Mr Campbell:** I will start where the Chair left off and append my congratulations to Carl Frampton. It was certainly clear on Saturday night that the Ulster boys were making all the noise everywhere they went. We wish him every success for the future.

In acknowledging the progress made thus far with Ms Cochrane's Bill, I will say that the vast majority of the amendments that we are discussing are mainly technical. I do not wish, therefore, to waste time analysing them, as they do not fundamentally or structurally change the Bill.

#### 1.45 pm

The 9.00 pm threshold, which has been alluded to several times, was the subject of some scrutiny by the Committee, particularly in respect of the games — quite a few games — at the Kingspan Stadium that commence around 7.00 pm or 7.30 pm and therefore run close to the 9.00 pm threshold. Certainly, if people want to stay on after the game, the 9.00 pm threshold affects them, particularly if they are families, and quite a few of those attending the games are. Therefore, an issue arises of access to alcohol by those under 18 years of age.

The other issue that came up in Committee was residents' concerns, and a number of residents made representations to the Committee. If a large sporting arena is close to a residential development, it is paramount that the organisers of the events liaise closely with residents, if there is a formal residents' structure in the area, to make sure that access to and departure from an event are done promptly and in a manner that does not give rise to concerns among residents. A number of issues, although not directly related to the Bill, are, hopefully, being resolved. The Ulster Rugby people, I understand, are busily engaged in a much more comprehensive discussion with residents, and hopefully that will allay any fears.

The Member tabled a number of technical amendments. There may be one or two other minor amendments that Members may wish to consider in the next day or two, which I am sure we will reach at Further Consideration Stage next week.

**Mr Beggs:** I, too, pass on my congratulations to Carl Frampton. There is a relevance with this legislation in that, at some point, an outdoor stadium may be required for a world title fight. It is important that we update our legislation.

I would like to indicate my continuing general support for the Bill. I am pleased with amendment No 2, which would

change the definition of "outdoor stadium", as it removes a degree of ambiguity and enables the Department to produce regulations on the issue. It is an important way to deal with the issue because who knows what may come in the future? By doing it in this fashion, we will future-proof the regulations and allow them to be adjusted if there is a need.

In amendment No 11 the Member has sought to bring forward the commencement date. I understand, as a result of conversations, that that is feasible and that the Act could come into being as of 1 September 2016. Having a firm date is much better than not defining a date. I indicate my support for that.

Like others, I view many of the amendments as minor or technical, and I support them. During the Committee Stage, Ulster Rugby agreed to set up a committee to improve communication with residents. I hope that other outdoor stadiums will follow that initiative to enable them to be aware of and address any issues that might arise with the communities in which they are located.

**Mr Dickson:** I am sure that Mrs Cochrane, when embarking on her quest to bring the Bill, did not think that, on the day that we would be having the conversation at Consideration Stage, she would be being congratulated for the work she has done to prepare the Bill, alongside congratulations for Carl Frampton, who has brought incredible glory to Northern Ireland and who is someone we should all be very proud of today.

I am proud of the work that my colleague Mrs Cochrane has done in bringing forward a private Member's Bill. I have seen at close hand the work required to develop that Bill, the amount of time that has been spent on consultation and the very determined way in which she has worked with the Committee. As a member of the Committee, I have to say that the Committee staff and the members of the Committee have reciprocated all of that work in a very professional way.

There are key elements in the Bill, and she has worked very hard to overcome concerns, for example with regard to residents. I also believe that she has comprehensively answered the question in relation to how children and young people below the age of the right to consume alcohol are dealt with in a practical manner inside the stadia. I think that there are great lessons that can be learnt from all of that. I also believe that the way in which the naming of the stadium has been dealt with at clause 2 is helpful to allow the Department to provide for regulation because, as other Members have said, we do not know but we hope that perhaps there will be further improvements to stadia facilities in Northern Ireland. There may be another sport coming along that will want to have an outdoor stadium home, and it would be foolish for us not to include that in the legislation.

It would be remiss of me not to make reference to the comments made by the Chair of the Committee about the need for a comprehensive review of licensing laws in Northern Ireland. While that issue is not necessarily linked to the Bill, I think that the Bill demonstrates the complexity of the existing licensing laws that we have. It demonstrates some of the confusion that there is out there, and, sadly, we have not been able to deal with other organisations that have been knocking on the door of the Committee to have issues for them resolved, for example Drumbo stadium. I believe that there are other ways in which we need to

amend our licensing laws, both to protect people in respect of the consumption of alcohol and to allow opportunities for it to be made available where that is appropriate. I am content with the work that my colleague has done on the Bill, and I note that the vast majority of the amendments are of a technical nature.

**Mr Douglas:** I rise as a member of the Committee for Social Development. I also pay tribute to Carl Frampton. I was watching him fight on Saturday night, and I posted a photograph on Facebook with one word, "Yes". What a great ambassador for Northern Ireland.

Obviously, we are at Consideration Stage, and I pay tribute to Mrs Cochrane for bringing the Bill forward. She has certainly worked very hard on it, and she has been through all the rigours of having been questioned by the Committee at different stages. In fact, on the day of our meeting on 28 January, she had been up the whole night, only getting to bed at 6.30 am. As the Member who spoke previously said, there has been general support for these amendments. When I first saw them, I was quite shocked; but then I realised that they are just technical, so I am very happy to support them.

During the Bill's passage, I raised an issue around the Kingspan operators having some sort of advisory community forum. A number of Members raised that issue. We met the Ravenhill residents group, which raised a number of issues. Mr Principal Deputy Speaker, you will be familiar with one of the issues that I raised. In the past, there have been problems in the Cregagh estate with parking when the stadium was being developed. From speaking to residents, including some of my family who live on the Cregagh estate, I know that the Kingspan officials met a whole range of people and have worked very hard to iron out those problems. I was delighted to hear that they would also set up some sort of community forum advisory group that would include residents from Ravenhill Park and the adjoining Cregagh estate. I was pleased to hear the Committee Chairman say that the GAA is in the process of setting up some sort of community forum, similar to the IFA.

I am happy enough with the amendments, which, as I said, are technical. As my colleague Gregory Campbell said, a few minor amendments may be tabled over the next day or two. I am content with the work that has been done to date and I support the amendments.

**Mr Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. This debate will continue after Question Time, when the next Member to speak will be Mr Jim Allister.

*The debate stood suspended.*

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

2.00 pm

## Oral Answers to Questions

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

**Mr Deputy Speaker (Mr Beggs):** Questions 5 and 7 have been withdrawn.

#### Age Discrimination Legislation

1. **Mr Gardiner** asked the First Minister and deputy First Minister for an update on proposals relating to age discrimination legislation. (AQO 9721/11-16)

**Mr M McGuinness (The deputy First Minister):** Mr Deputy Speaker, with your permission, I will ask junior Minister Jennifer McCann to answer this question.

**Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister):** In remaining committed to eradicating harmful and unjustifiable age discrimination, we developed a consultation document to seek public views on proposals to extend age discrimination legislation. The consultation closed in October last year, and there was a significant response to it. Officials are finalising a comprehensive analysis of the responses to each of the consultation questions to provide us with an overall picture of the views emerging from the consultation process. While many people welcomed our proposals, the responses also present a number of fundamental challenges. We want to consider those responses carefully and make sure that we have agreed a clear and robust policy position before considering all the options available to us for bringing this legislation before the Assembly.

**Mr Gardiner:** I thank the Minister for her reply thus far. Can the Minister provide us with an update on the legal complaint from the Northern Ireland Commissioner for Children and Young People (NICCY), complaining about the way OFMDFM has conducted the consultation process?

**Ms J McCann:** I can confirm to the Member that on 21 October last year, the Children's Commissioner's office lodged a section 75 pre-complaint letter with OFMDFM. The Department then issued a response to that letter, and NICCY then lodged a formal section 75 complaint in respect of an alleged failure to comply with the Department's equality scheme in this consultation on age-related goods, facilities and services. It is now up to the Equality Commission to decide whether it investigates that complaint.

**Mr Lyttle:** The Alliance Party supports the extension of anti-age-discrimination legislation to all ages, so I ask the junior Minister what, in her assessment, are the key reasons why OFMDFM will fail to deliver legislation to protect older people from discrimination in the delivery of goods, facilities and services, as was committed to in the Programme for Government.

**Ms J McCann:** The Member will be aware, as we have had a number of meetings with the Member and the OFMDFM Committee on this issue. We went out to consultation to find out what people thought of our position. As I said in

my previous answer, fundamental issues emerged from the responses to that consultation, with the Children's Commissioner and the Children's Law Centre being involved in taking a formal section 75 complaint about alleged failure to comply with the Department's equality scheme. We are now left in a position where we will look at the consultation responses before we come forward with any robust policy decision on that.

**Mr Maskey:** I thank the junior Minister for her responses so far. Can she elaborate any further on any specific issues that have been raised in the consultation?

**Ms J McCann:** While the legislation that we are bringing forward in this area was broadly welcomed by those who responded to the consultation, there were, as I said, a number of fundamental challenges as well. One, from the Commissioner for Children and Young People, expressed disappointment at the exclusion of people under 16 from the scope of any proposed legislation, and that was echoed by other organisations and individuals. A number of respondents also expressed disappointment at the proposed exception to allow financial service providers to continue to use age as part of a risk assessment. So there are fundamental challenges for us in bringing that forward, and we need to listen to what those organisations and individuals have said.

**Ms Sugden:** I do not believe for one minute that the Department had any intention of introducing the legislation before the end of the mandate. I think that that is a disgrace because, by not doing that, we are failing a significant part of our society. On behalf of the Department, will the junior Minister put on record its commitment to move that legislation as soon as possible in the new mandate?

**Ms J McCann:** I certainly will put that on record.

## Urban Villages

2. **Mr Dallat** asked the First Minister and deputy First Minister how much money they have allocated to the Strategic Investment Board for the delivery of the Together: Building a United Community Urban Villages programme. (AQO 9722/11-16)

**Mr M McGuinness:** With your permission, Mr Deputy Speaker, I will ask junior Minister McCann to answer this question.

**Ms J McCann:** We have allocated £2.1 million to the Strategic Investment Board (SIB) for the delivery of the Urban Villages programme in 2015-16. That funding covers staffing costs for the SIB team and revenue funding for scoping and early engagement work in each urban village. These activities include capacity building; working with children and young people; and a series of creative and educational projects being taken forward by organisations such as National Museums, Libraries NI, NI Screen, and the Armagh Observatory and Planetarium.

The urban village team is currently undertaking a programme of engagement within each of the five urban villages, and stakeholder engagement workshops are taking pace until next month. The outcome of that engagement will be the creation of an integrated development framework for each urban village, which will detail the capital and revenue projects identified from the extensive stakeholder engagement.

**Mr Dallat:** The Minister will no doubt be aware that, in a couple of weeks' time, Members of the Assembly will go on the hustings to give an account of themselves. Does she seriously believe that enough has been done to build our communities? Given that only one peace wall has fallen, this really has been cooked in a darkened room.

**Ms J McCann:** I am not really sure what the Member's supplementary question is, but I have indicated to him the amount of money that has been spent on Urban Villages thus far. Quite a lot of work has been done already on the one in the Bogside and Fountain area of Derry, which, although not in the Member's constituency is in his immediate area. We have also brought money into communities through the social investment fund. So, I think that there has been a lot of investment in the community infrastructure. Indeed, I have seen at first hand some of the work done as a result of money provided by the strategic investment fund and Together: Building a United Community. Two weeks ago on Saturday, I was at a seminar where hundreds of young people who took part in the United Youth programme and summer camps came together to meet people from different communities, sometimes for the first time in their life. They came together to build friendships and relationships that will, hopefully, last a lifetime and lead to reconciliation. So, a lot of work has been done through that particular strategy.

**Mr Campbell:** The junior Minister referred to work being done in various areas, including Londonderry. Is she able to give the House and the wider community any idea of where she sees the community across Northern Ireland being in, say, five years' time, at the end of the next Assembly mandate, after the Together: Building a United Community programme has had a chance to roll out?

**Ms J McCann:** As I said in my previous answer, I and the other junior Minister have been going out and speaking directly to, in particular, young people from the United Youth programme and the summer camps, as well as people in the Urban Villages who are going to be in shared housing and shared education. I would like to think that that work will be taken forward in the next mandate. I think that it is very important work, particularly for young people in our community. We need to show leadership and the way forward for people to be able to come together. We have built peace, but now we need to build reconciliation. I am hopeful that that will continue with the Together: Building a United Community strategy. That is not the only strategy; other things need to be done as well. It is about basing it on equality and equality of opportunity, particularly for all our children and young people.

## EU Referendum Date

3. **Ms McGahan** asked the First Minister and deputy First Minister for their assessment of the proposed date for a referendum on membership of the European Union. (AQO 9723/11-16)

**Mr M McGuinness:** The proposed referendum date is Thursday 23 June. That will leave just six weeks between the Assembly election and the EU referendum. A considerable part of the referendum campaign will run in parallel with our local elections. A lot is at stake, and clarity is needed to fully explore the implications of staying in or leaving the European Union. We would have preferred that the debate leading up to the referendum be kept free

of other campaigning distractions. In a joint letter with the First Ministers of Scotland and Wales, we made our concerns known to the Prime Minister. The First Minister and I will meet the Foreign Secretary in London tomorrow, and we will press him for an informed public debate on the referendum, conducted in commonplace language that is clearly understood by all.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. What damage does he feel would result from an exit from the EU?

**Mr M McGuinness:** This will obviously be a huge debate over the next weeks and, indeed, months. People have said that, if there was a decision to exit Europe, we would effectively be walking into the unknown. The reality for us is that we have received significant support from the European Union, and we would, for example, lose access to the structural funds, which were something in the region of £982 million over the period 2014 to 2020. That is made up of things like the European regional development fund, INTERREG, Peace IV and the European social fund. Common agricultural policy funding is worth approximately £2.5 billion in 2014-2020, and we would lose access to competitive EU funding, which, in the four years from 2011-12 to 2014-15, amounted to £95 million. So there are implications.

When we have to answer questions of this nature in the Assembly, particularly from the perspective of the Office of the First Minister and deputy First Minister, I am always very conscious that there will be differences of opinion at times about how we should answer them. I say that respectful of the positions of other parties, like, for example, the DUP. Everybody is obviously entitled to their position in the debate. My sense of it is that we would lose out considerably for our farming community, our business community and the work that is going on in our universities. A lot of parties in the Assembly have expressed their opinions, and we await with interest what the Ulster Unionists have to say. It will be a big debate in the time ahead.

**Mr Attwood:** Does the deputy First Minister agree that the fact that the Prime Minister was in Northern Ireland at the weekend demonstrates that the votes of people in Northern Ireland will be critical come the June referendum? In that regard, as things stand, it seems that many farmers, many in small and medium-sized enterprises, many in the CBI and many in the community and voluntary sector — indeed, a critical mass of people in Northern Ireland — are very clearly in favour of staying in Europe.

**Mr M McGuinness:** I think that the Member is correct. It is certainly my view that there is no doubt that the strength of opinion in the North among the business community, farming organisations, the community and voluntary sector, the universities, educational establishments and, of course, the majority of parties in the Assembly is for staying in Europe. David Cameron was here at the weekend. Boris Johnson was here this morning, and the First Minister and I met him in what was a good news story with the £62 million investment in 200 more buses from Wrightbus that will secure jobs for 300 people for the next short while. During our visit to Antrim this morning, the media were very focused on the fact that he was here and on his views and opinions. He was asked about it, the First Minister was asked about it and I was asked about it, and we all stated our positions. I am in the “stay in” camp, and I think

that the damage that would be done to us in the North and to the island of Ireland by an exit from Europe makes a compelling case for staying in. Look at the number of organisations and political parties in the North who are in favour of staying in. I believe that, when it comes to a vote, an overwhelming majority will vote to stay.

2.15 pm

**Mr McCarthy:** Does the deputy First Minister not think that, given the obvious rejection by the British Prime Minister of your and the First Minister's request, as well as the request from Scotland and Wales, for a meeting to postpone the date of the referendum, he will be snubbed once again as regards a request for another meeting?

**Mr M McGuinness:** The meeting that the First Minister and I are attending tomorrow is with the Foreign Secretary in London. Obviously, the joint letter that we sent with Wales and Scotland was not favourably received by the Prime Minister, who appears hell-bent on going ahead with the referendum in June. However, the die is cast, and we now have to deal with the ongoing debate that will run over that period. There is a very real danger that the debate will become a Punch and Judy show between the British Prime Minister and Boris Johnson. That debate will continue over the next number of months. The debate is very important because the implications of an exit from Europe, for us in the North and for the island of Ireland are very profound.

**Mr Allister:** Leaving aside the novelty of the deputy First Minister and Sinn Féin campaigning on a “Brits in” platform, does he at least acknowledge the fact that every penny that we receive from Europe is just some of our own money coming back to us, because we in this nation — the United Kingdom — are a huge net contributor?

**Mr M McGuinness:** I acknowledge that all sorts of figures have been bandied about in recent times to reinforce the arguments of certain individuals. What I am arguing is very clear and simple: any exit from Europe would be hugely detrimental to our farmers, our business community, our educational establishments and the community and voluntary sector, as well as to the island of Ireland as a whole. My interest in the debate relates to what is good for every one of Ireland's 32 counties, including the six that reside here in the North.

## Local Economy: International Promotion

4. **Mr Poots** asked the First Minister and deputy First Minister, given the planned reduction in corporation tax, to outline how they will promote the local economy internationally. (AQO 9724/11-16)

**Mr M McGuinness:** The sustainability of the local economy is the core of our Programme for Government. It is important to recognise that, since 2011, in the face of a global economic collapse, the Executive have succeeded in growing our economy. Over 40,000 new jobs have been created over the past five years, with almost 10,000 in the last year alone. Retaining those jobs and continuing to attract new opportunities continues to be a priority, especially in light of the recent devastating news at Bombardier. Next month, the First Minister and I will visit the United States and will use that opportunity to promote local businesses and the advent of a reduced corporation tax at a series of meetings with prospective investors on the east and west coasts. Our itinerary will

include one-to-one meetings with senior executives from companies across a full range of sectors, including two major speaking opportunities with CEO-level contacts in New York and Silicon Valley, California.

We have taken a long-term view on promoting our position with targeted regions around the world, and the establishment of bureaux in Washington DC, Brussels and Beijing is a clear signal of the Executive's commitment to this strategy. Through their work in collaboration with Invest NI, I am confident that we will continue to attract further foreign direct investment and new jobs.

**Mr Poots:** Does the deputy First Minister recognise that quality people are a key aspect of selling ourselves internationally and that, therefore, training and universities are of huge importance? What commitment can he give that the universities and training sector, which has come under huge pressures in the last two years in particular, will be given the support that it needs to give international investors a quality workforce so that ordinary local working-class people who do not have jobs will be trained and well placed to receive those jobs?

**Mr M McGuinness:** I absolutely agree with the Member. In a very successful five- to six-year period, when the previous First Minister and I, along with the then Enterprise, Trade and Investment Minister — now the First Minister — travelled extensively to the United States, we successfully brought more foreign direct investment to the North than at any other time in the history of the state. That was a remarkable achievement, given that we did it in a world economic downturn. The Member is correct: if we are to continue to be successful, particularly in the context of a lower rate of corporation tax, it is vital that we support our educational establishments so that we produce sufficient numbers of people with the skills to take advantage of the opportunities that will clearly be presented.

The First Minister and I are very focused on the issue. Obviously, in the aftermath of the Assembly election, with the reduction in the number of Departments from 12 to nine, we are amalgamating the Department of Enterprise, Trade and Investment with the Department for Employment and Learning. That sends a clear signal of the need to ensure a joined-up approach to attracting foreign direct investment and providing potential investors with the skills that they require.

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas fosta leis an LeasChéad-Aire.

My thanks to the deputy First Minister for his answers. You mentioned the importance of the US, and you head to the US shortly. I was in New York at the weekend, and you will be happy to know that our friends in business and Irish-American politics are looking forward to your upcoming visit. I am too diplomatic to say that they are more interested in the fact that the First Minister will make her first visit as First Minister.

**Mr Deputy Speaker (Mr Beggs):** Will the Member come to his question please?

**Mr Ó Muilleoir:** Perhaps you could tell us about the importance of that visit and your trip to the west coast.

**Mr M McGuinness:** As I said in the previous answer, the First Minister and I absolutely appreciate the contribution that North America has made and the support that we have received. I am particularly delighted that Drew O'Brien of

the State Department will arrive later this week with a high-powered delegation of people who are looking at potential opportunities. When you consider that the vast bulk of our foreign direct investment has come from the US, meeting potential investors in the United States is very important.

The conversation on corporation tax is a vital one, given that there will be intense interest. The previous First Minister and I, on the occasions that we were in the United States over many years, had conversations with some of the highest-profile business people in the world, and the question of our continuing involvement in Europe always came up. No doubt that will be a feature of the conversation when we go there. I still think that the First Minister and I have a compelling case to make about the potential opportunities that are there not just for potential investors but for us in getting our young people into employment, which is a vital consideration for all of us as we move forward.

**Mrs D Kelly:** The deputy First Minister will, I am sure, agree with me that, when international investors look to locate here, they want to look at quality-of-life issues as well and the availability of public services. Does he join me in calling for greater investment in our public services, across health and education, as those are key factors that investors consider when looking to establish a business in the North?

**Mr M McGuinness:** I agree with the Member: it is vital. Quality of life has an impact on those who come to explore potential investment in this part of the world. Education is critical to that. That is why we hope that the returns from our visit to the United States will be considerable, given that we have predicted that, if, on the basis of affordability, we can reduce the rate of corporation tax to 12.5%, we can create something between 30,000 and 37,000 new jobs. That is absolutely vital for employment for our young people and those currently out of work.

As we go forward, we will have to deal with the challenges that an increased interest in potential investment in the North poses for us. The Member is right to identify the issue of skills: skills are of critical importance. That means that we have to ensure that the education establishments are well equipped and well enough funded to ensure that we have the output to meet companies' needs. The point that I made earlier is also hugely significant: a very clear declaration of our intent to do something about that is the amalgamation of DEL and DETI into the Department for the Economy.

**Mr Kennedy:** Given the uncertainty of the outcome of the general election in the Republic of Ireland and the fact that we are now in the dying days of the Obama Administration in Washington, what is the likelihood of meaningful engagement with the American Administration around St Patrick's Day?

**Mr M McGuinness:** The Member mentions the election south of the border. I am, of course, delighted that our party performed very well, with an increase in our vote of something like 50% and a new batch of young TDs. I am particularly delighted that there are quite a number of women among them.

It is my sense that forming a Government in the South will probably be a lengthy process, with no Government being formed until some time after Easter. My sense is that it will be some sort of arrangement between Fine Gael and Fianna Fáil — either a grand coalition or a willingness by Fianna Fáil to support a minority Fine Gael Government. It

is still very unknown to all of us how it will work out in the period ahead. It is a scenario that impacts on all of us, but, no doubt, the Taoiseach will travel to the United States. The First Minister and I are meeting President Obama, and we will obviously have a conversation with the Taoiseach while we are there.

The US is of huge importance to all of us, and I do not think that, given the support that we have received from it over many years, there is a party in the House that does not accept that. The US has been absolutely invaluable to the peace process and to how we develop our economy in a way that delivers benefits to our people. It is therefore hugely significant, but I do not think that President Obama leaving the White House, as he will do at the end of the year, will change the American attitude to the North. They will retain that interest, whether it be former Secretary of State Clinton in the White House as president or, God forbid, Donald Trump.

**Mr Deputy Speaker (Mr Beggs):** Question 5 has been withdrawn.

### Junior Minister Role

6. **Mrs McKeivitt** asked the First Minister and deputy First Minister to outline the rationale for retaining the role of junior Minister in the Executive Office, given the proposed reallocation of functions in the Departments Bill. (AQO 9726/11-16)

**Mr M McGuinness:** The junior Ministers in OFMDFM will cease to hold office on 5 May, the date of the Assembly election. No decisions have yet been taken on the appointment of junior Ministers to the future Executive Office or to any other Department following the planned restructuring. Such decisions will be informed by an assessment of the responsibilities and business needs of each Minister.

**Mrs McKeivitt:** Does the Minister anticipate the role of the junior Minister changing or evolving in the Department?

**Mr M McGuinness:** Given the decisions that we took in the Fresh Start Agreement on the reduction in the number of Departments and given the number of areas of responsibility that we have given over to other new Departments, we will have to give serious consideration, first and foremost, to whether we need junior Ministers in the Executive Office or whether they might be better employed supporting bigger Departments, such as the Department of Health or the Department for the Economy.

That will have to be considered over the next while. Of course, the duty and responsibility to finalise an approach on how we utilise the presence or otherwise of junior Ministers will fall to whoever has responsibility to take the Executive forward in the aftermath of the Assembly elections.

2.30 pm

**Mr Deputy Speaker (Mr Beggs):** That is the end of our period for listed questions. We now move on to 15 minutes of topical questions.

### Trade Missions

T1. **Mr Rogers** asked the First Minister and deputy First Minister whether the Executive have discussed or have plans for trade missions in Great Britain and Europe. (AQT 3561/11-16)

**Mr M McGuinness:** We are always very focused, particularly through Invest and the work of the Minister of Enterprise, Trade and Investment, to engage everywhere with all those who potentially are interested in trading with us. Obviously, it is back to the whole debate around Brexit; the amount of trade that takes place between this part of the world and Europe is absolutely phenomenal. The work that we are involved in obviously centres around our office in Brussels. We opened a new bureau about a year ago in Beijing in China. Of course, the bureau in Washington works consistently on our behalf and is very connected to Invest NI in terms of its trade missions. That work is ongoing all the time. Invest is very much involved in ensuring that, wherever there are opportunities, whether in Britain, Europe, the United States, the Far East or China, we have the ability to move at very short notice to ensure that we take advantage of them.

**Mr Rogers:** Thank you for that answer. Given the visit of the Prime Minister last weekend and his failure to acknowledge that 23 June is not a great time for a referendum, does OFMDFM have any plans to meet him to discuss the deal that he got out of Europe?

**Mr M McGuinness:** Obviously, "the deal" — I put that in inverted commas — has been put out there by the British Prime Minister. The die is cast. Quite clearly, there is going to be a public debate about that over the next while. I do not know what the opinion polls are saying about how narrow the vote is between in and out, but, going back to the question from your colleague MLA Attwood, I think he made a fair point when he said that, in the context of this being a very close-run thing, the votes of people in Scotland and here in the North of Ireland are going to be very important. That is why it is unavoidable for us to not have a debate around the issue of in or out. From our perspective, those who will argue to stay in will be making the case that as many people as possible who subscribe to that agenda should go out and vote for it. Likewise, respecting the position of other parties, an opposite argument will be made. At the end of the day, it will be a democratic decision of the people, but I hope that it is a democratic decision in big numbers to stay in.

**Mr Deputy Speaker (Mr Beggs):** Question 2 has been withdrawn.

### Teebane Memorial

T3. **Mr I McCrea** asked the First Minister and deputy First Minister to state how far the deputy First Minister's condemnation goes of the disgraceful attack on the Teebane memorial during the weekend. (AQT 3563/11-16)

**Mr M McGuinness:** I was unaware that there was an attack, but, if that is the case, I unreservedly condemn it. Anybody in our society who believes that that makes any useful contribution to moving away from conflict and towards a normal society is mistaken. Those engaged in such activities are enemies of us all, in my view.

**Mr I McCrea:** We have heard the deputy First Minister's words of condemnation — rightly, I believe — but will the deputy First Minister condemn outright those who took part in this disgraceful, murderous attack on people in my constituency? What steps will he take to ensure that, long after this event — 24 years ago on 17 January — those responsible are brought to justice?

**Mr M McGuinness:** That brings us into the whole area of how we deal with the past and its legacy. During the Fresh Start negotiations, we made huge strides forward by agreeing the mechanism and structures that were required to deal with that. Obviously, we have a problem with the whole issue of disclosure and the British Government's approach to it. The Secretary of State has, on a number of occasions over the last number of weeks, expressed her belief that this can be resolved. I hope that it is, because victims on all sides of the community deserve to see those institutions up and running and the menu of options that many of them seek made available to them.

### Information Retrieval Commission

**T4. Mr Allister** asked the First Minister and deputy First Minister whether the deputy First Minister intends, by way of example to other IRA men, to provide information to the information retrieval commission when it is established. (AQT 3564/11-16)

**Mr M McGuinness:** That brings us back, once again, to the negotiations we participated in prior to Christmas and the huge progress made. There is not much point in establishing an organisation like the independent commission for information retrieval, or the other organisations that we agreed to, if we do not encourage people to participate, thereby ensuring that families who have been victims of the conflict get some information and the resolution that they seek.

**Mr Allister:** If that is so, perhaps the deputy First Minister will answer the question. Will he, as an officer commanding in the IRA, lead by example and give information to the information retrieval commission, if it is to afford any hope to the many innocent victims of his IRA?

**Mr M McGuinness:** On a number of occasions, I have made it clear that Sinn Féin policy was to argue for the establishment of an independent, international truth commission. We did not achieve that, but what we have done is compromise on the structures and mechanisms that we agreed on prior to Christmas. I further make the point that there is not much point in establishing them if people are not prepared to go forward. If I am required to go forward on any point of relevance to me, I am absolutely willing to do so.

**Mr Allister:** Will you also tell the police what you did?

**Mr Deputy Speaker (Mr Beggs):** Order. Conor Murphy is not in his place. I call Barry McElduff.

### Cyanide Processing: County Tyrone

**T6. Mr McElduff** asked the First Minister and deputy First Minister whether the deputy First Minister and OFMDFM share the serious concerns of many people in the Greencastle/Rousky/Gortin area of County Tyrone about a proposal to locate a cyanide processing plant at the heart of the community in that area. (AQT 3566/11-16)

**Mr M McGuinness:** As the Member knows, I am very aware of the deep and genuinely held concerns, shared by many people, regarding the potential environmental impacts on the locality, particularly from the use of cyanide to extract gold from ore mined in the Sperrin Mountains in a proposed processing plant. Although the issue has not come before the Executive, it is clear that these concerns need to be addressed fully, openly and inclusively, involving all the communities affected by any potential environmental or health implications for the area.

**Mr McElduff:** I thank the deputy First Minister for his answer. What engagement has he had, or will he have, with the community? Indeed, what contact will his office have with the community in the Greencastle/Rousky/Gortin area regarding the issue? I note that there is very serious concern about the impact on public health and the environment generally.

**Mr M McGuinness:** I was pleased to meet representatives of the local communities, including a meeting on 15 February. Having spoken with them, I have no doubt whatever that their concerns are genuine and are motivated by the best interests of their communities. This has developed into a neuralgic issue for the local community. We have to ensure that the interests of local communities are protected, particularly when concerns are raised about the use of materials that could be detrimental not just to the environment but to people's health.

### Panel on Paramilitarism

**T7. Mr Campbell** asked the First Minister and deputy First Minister to outline the likely progress over the next few months with regard to the panel on paramilitarism. (AQT 3567/11-16)

**Mr M McGuinness:** The First Minister and I met the panel just a few weeks ago. The panel is effectively beginning its work. They have already touched base with a number of key sectors and stakeholders. We will look forward to receiving their report when their work is completed. They are now effectively up and running, and we wholeheartedly support the work that they are involved in. We hope that it will bring to the fore what is an important debate, which is for whatever armed organisations are out there to recognise that they make no contribution whatever to our society other than a detrimental one. We need to see coming out of the panel's report something that will be a further discouragement to groups that, in a foolish and misguided way, think that they can destroy these institutions and effectively plunge us back to the past. That is not an agenda that the First Minister and I have any intention whatever of kowtowing to.

**Mr Campbell:** The deputy First Minister refers to detrimental contributions by paramilitarism. Would he not agree with me that that has always been the case? It does not hold much water when, every time that I and others have indicated to him his past involvement in paramilitary groups, which was equally detrimental, he has denied involvement in or knowledge of every incident mentioned to him, which leaves people with the conclusion that he was the most overpromoted —

**Mr Deputy Speaker (Mr Beggs):** Would the Member come to his question?

**Mr Campbell:** — second in command (2IC) in paramilitary history in the history of the world.

**Mr M McGuinness:** Is it not just as well for all of the people out there, who we represent, that I am not as bitter as the Member who has just spoken? I spent a year in the Office of the First Minister and deputy First Minister with Ian Paisley during which we built up not just a good working relationship but a friendship that lasted until the day he died. We had many conversations about many things. I know that the Member held the Reverend Ian Paisley in a very high regard: in all the conversations that Ian Paisley and I had, not once did we recriminate about

anything — not once. In the eight years that I worked with Peter Robinson in the Office of the First Minister and deputy First Minister, all that we were interested in was making this place work, making the Executive work, delivering for our people, getting jobs, trying to improve people's lifestyles and standing together against the activities of those who would plunge us back to the past.

I just think that it is a pity that we still have small-minded MLAs in the Assembly. One of them has just spoken, and another spoke a very short time ago. Fortunately for all of us in the Assembly, the vast majority of people are not like that. *[Interruption.]*

**Mr Deputy Speaker (Mr Beggs):** Order. Question 8 has been withdrawn. As Mr McNarry is not in his place, I call John McCallister.

2.45 pm

## Irish Government

**Mr McCallister:** I am sure that the deputy First Minister will be keen to have as much contact as possible with the incoming Irish Government.

T10. **Mr McCallister** asked the First Minister and deputy First Minister whether, in light of the Irish election results, the deputy First Minister thinks the d'Hondt process should be exported to enable an Irish Government to be populated. (AQT 3570/11-16)

**Mr M McGuinness:** Is it not interesting that our institutions are the most stable institutions on the island at the moment? *[Interruption.]*

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr M McGuinness:** On radio interviews over the weekend, I heard people make the same proposition that the Member for South Down has just made.

Obviously, the political landscape in the South has changed. Going into the election, we were the fourth-largest political party; we are now the third-largest political party, with a batch of new TDs. That opportunity has to be used sensibly. It is my sense that we will see a Government formed, probably around Easter or after. If that is the case, it appears to be shaping up to be the Fine Gael party and the Fianna Fáil party coming together. That in itself would represent a dramatic development, given that, for the first time in elections south of the border, both those parties recorded less than 50% of the vote. The landscape is changing fairly dramatically.

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments.

*(Mr Speaker in the Chair)*

## Culture, Arts and Leisure

**Mr Speaker:** Mrs Pam Cameron is not in her place.

### Pigeon Clubs

2. **Mr Clarke** asked the Minister of Culture, Arts and Leisure whether her Department has provided any financial assistance for promoting pigeon clubs. (AQO 9737/11-16)

### Ms Ni Chuilín (The Minister of Culture, Arts and Leisure)

I thank the Member for his question. My Department and Sport NI have had a number of meetings with representatives of the NI pigeon association and Robin Swann MLA to explore options regarding funding, the recognition of pigeon racing as a sport, charitable status, rates relief and other avenues of support that may be available. The process to formally recognise an activity as a sport is the responsibility of the four sports councils. At present, Sport NI and the sports councils in England, Scotland and Wales do not recognise pigeon racing as a sport. Any application to recognise the activity as a sport would have to be agreed. In addition to meeting representatives of the NI pigeon association, my officials met the Charity Commission to explore the implications for pigeon clubs seeking charitable status and subsequently provided advice and guidance to the association.

**Mr Clarke:** I thank the Minister for that answer. I was not aware of the issue until it was raised, and I am glad that my colleague from North Antrim has raised the issue of pigeon clubs; I did not understand the value of it. However, Minister, in your answer, you did not allude to what your Department will do to recognise it as a sport, a step that could open more avenues for the clubs. Will you outline what your Department will do to help recognise pigeon racing as a sport?

**Ms Ni Chuilín:** The association has been advised by my officials — I think that it has been happy with the advice given thus far — on the procedures for recognition and the processes to go through with Sport NI. In the interim, we are looking at getting the Charity Commission to give them support. They are happy with the support they have been given. It has been a long time in the making, and, at least, I am trying to do something about it.

**Mr Cree:** Is the Minister surprised that the DUP is interested in promoting pigeon clubs when they voted recently against rates relief for community and amateur sports clubs?

**Ms Ni Chuilín:** I can feel an election coming on. I am not for one minute comfortable with getting into an argument between the Ulster Unionist Party and the Democratic Unionist Party: I prefer to watch from a distance.

Certainly, it is good that everyone is, at last, trying to recognise the work of the pigeon association. The people involved in that have been lobbying for some time to get that recognition, regardless of the position on rates relief for sports clubs.

That is a positive step forward. In particular, I commend the Member's party colleague Robin Swann for his work. I hope that, when the recognition proceeds, that will also enjoy full party support.

### Rugby

3. **Mr Ross** asked the Minister of Culture, Arts and Leisure to outline the programmes her Department has to develop rugby at grass-roots level. (AQO 9738/11-16)

**Ms Ni Chuilín:** I thank the Member for his question. Responsibility for the development of grass-roots rugby here rests in the first instance with the governing body for the sport, the Irish Rugby Football Union, through its Ulster branch, Ulster Rugby. Since April 2010, my Department has provided over £1.6 million to rugby through a number

of funding programmes to assist in the development of the sport, at grass-roots level in particular. The performance focus programme provides funding to Ulster Rugby to improve the quality of coaches and provide participation programmes in the game of rugby in clubs and schools. Active Communities is a Sport NI National Lottery-funded initiative that aims to increase participation in sport and physical recreation in communities across the North. Since April 2009, the funding provided to rugby through that programme has resulted in over 42,000 participants, including girls, young and older people and those with disabilities, taking part in the sport.

Funding was also provided to rugby from the Active Awards for Sport programme towards costs such as equipment, coach education, coaching fees and venue hire. In addition, within the current financial year, my Department has allocated an additional £114,000 of funding through promoting equality, tackling poverty and social exclusion through Ulster Rugby, with the key objectives of increasing rugby participation in school-age children, encouraging more young girls to get involved in the sport, creating fitness development programmes and developing club opportunities that cater for individuals with disabilities.

**Mr Ross:** I thank the Minister for a comprehensive answer. I am sure that she will agree that, with the Women's Rugby World Cup coming to these shores next summer and, indeed, the under-19 women's football championships, there is a real opportunity to get increased participation amongst young women and girls, in particular, in sport. What does the Minister intend to do in the run-up to that, and as a legacy of those events, to make sure that we get more females participating in sport, particularly rugby?

**Ms Ní Chuilín:** The Member is right: it was a comprehensive answer. He will have heard from the answer that a substantial amount of money is provided to Ulster Rugby, particularly given the work that it does at grass-roots level, including its work with young women and girls. It is important that that continues, not only because of the events that the Member mentioned, such as under-19 soccer for women, which we are giving support to and which, I believe, the Executive will be giving support to, as it does excellent work, but because of Ulster Rugby. It has gone to the communities surrounding Ravenhill, now Kingspan, and worked with hard-to-reach communities. That legacy in those communities and, indeed, in schools across the board is exemplary. I believe that the funding that we have invested in Ulster Rugby is well spent.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answers. Can she be sure that rugby is being developed at all grass-roots levels across the North?

**Ms Ní Chuilín:** Yes, I am assured of that. Sport NI's Active Communities programme has made a significant contribution, but I believe that the credit must go to Ulster Rugby and everyone involved in it through community groups, and in schools and clubs. There are Active Communities rugby coaches in the council areas of Antrim and Newtownabbey; Belfast; Mid Ulster; Lisburn and Castlereagh; Newry, Mourne and Down; Ards and North Down; Derry City and Strabane; and Fermanagh and Omagh. I believe that that is as broad and wide-reaching as you will get. Once again, I put on record the work that Ulster Rugby, Ulster GAA and the IFA have done with this fund. It has been nothing short of remarkable, given some

of the work that they are picking up from other bodies and agencies. They are now bringing a more comprehensive approach to rugby across the North.

## MAC Repairs: Cost

**4. Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to outline the cost of the repairs required to the MAC in Belfast. (AQO 9739/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. The total cost of the repairs required for the MAC facade and pipework is estimated at £938,000. Indeed, it is almost £1 million. That figure includes the replacement of the stone facade and pipework as well as the cost for management and supervision of the works, which include professional and legal fees.

The cost of addressing the outstanding building snag list is being assessed, but it is estimated to be in the region of £160,000 to £180,000. Remedial work was carried out to the roof following recent dislodgement of the aluminium panel. The cost to date of that work is approximately £5,000, but the full cost is still being assessed. The cost to date of repairing the lintels, lantern, pipework, installation of the fall-arrest-system netting and the erection of scaffolding is currently at £55,000.

To date, approximately £28,000 has been spent on the various reports commissioned to address the defects identified in the building.

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for her answer. Can she outline any reports of inspections that took place on the MAC during construction work there?

**Ms Ní Chuilín:** There have been various reports certainly going into some of the problems that I outlined in my answer to the Member's primary question. Certainly, Ground Check Limited was commissioned to undertake an inspection of the stone cladding to the facade of the MAC. That inspection was carried out in April 2015. Ground Check was also commissioned to undertake a descaling operation to remove damaged or defective pieces of stone from the facade of the MAC.

In July 2015, Access Rescue Consulting at Height (ARCH) was commissioned to carry out a survey of the facade to check the safety of the netting and identify potentially loose material. ARCH is engaged on an ongoing basis to carry out regular checks to the facade. In September 2015, Consarc Design Group was commissioned to review the condition of the external stone work. Again, in January 2016, during exceptionally high winds, as the Member will be aware, a panel was dislodged from the MAC's roof. It took an immediate inspection to secure it. In February 2016, BuroHappold provided a report on defective pipework that has also been discovered.

**Mr Dunne:** I thank the Minister for her answers. I think that we are all concerned that an award-winning building is now literally falling apart. Does the Minister agree that the public should not pay twice for that work at a cost of almost £1 million? I understand that the contractor has gone out of business. Will she give us an assurance that all will be done to try to recover those costs and to ensure that this occurrence will not happen again?

**Ms Ní Chuilín:** I certainly agree with the Member: it is regrettable that almost £1 million of public money is being spent certainly not only to carry out repairs but to cover some of the outstanding healthy and safety related work. I assure the Member, and indeed every Member, that my Department, through the Arts Council, will pursue, as much as possible, full recovery of the money. It is an award-winning building, and many people have gone through its doors. This has certainly raised a lot of concern, particularly given the amount of money that was spent from the public purse in the first instance.

**Mrs Overend:** I thank the Minister for her response. Can she provide an update on the legal situation with respect to essential repairs at the MAC, which were due at the end of the month? Considering that today is a leap day, they have had an extra day.

**Ms Ní Chuilín:** Certainly, there have been many reports, which I outlined to Cathal Ó hOisín. Reports on the legal situation and indeed others, particularly with regard to the last point that was raised by Mr Gordon Dunne, are still being pursued. When those reports are in front of me, they will certainly go very quickly to the Committee for Culture, Arts and Leisure, and I will ensure that they are copied to the Member for information as well. It is unfortunate that, given the amount of money that was spent on the MAC, we are now having to invest additional scarce moneys from the public purse to repair a building that really should not need so many repairs, given that it is quite a young building. Those reports will go to the Committee and certainly to the Member thereafter.

3.00 pm

### Soccer: Subregional Stadia Programme

5. **Mr McCartney** asked the Minister of Culture, Arts and Leisure for an update on the subregional stadia programme for soccer consultation. (AQO 9740/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. The subregional stadia programme for soccer 12-week consultation, as the Member will be aware, commenced on 30 November 2015 and ran until 22 February 2016. During that period, consultation events were held in Craigavon, Ballymena, Belfast, Omagh and Derry to seek views and feedback from stakeholders. I am content that there have been over 1,100 responses to the consultation. That demonstrates the level of interest in the subregional programme. A report detailing the responses is currently being prepared, and I intend to publish it as soon as possible, subject to requests for confidentiality. Careful and detailed consideration and analysis of the responses, as I mentioned, is now being undertaken and will help to inform the final programme going forward. I want to acknowledge and thank all those who have taken the time to respond to the consultation.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer and welcome the consultation and the interest. As we take this forward, will there be some sort of regional programme, particularly for GAA and rugby? In light of the 2023 World Cup, will there be some sort of joint ventures to ensure that we can bring that to Ireland?

**Ms Ní Chuilín:** To take the Member's last point first, the Executive have endorsed the Rugby 2023 World Cup bid,

and I believe that that commitment still stands. In relation to the consultation that went out into the subregional programme, we already knew before the consultation started that there would never be enough money to cover all the needs, particularly going across the whole of the North. To that end, we already commenced a full business case to look at a phase 2 subregional programme for soccer and a phase 1 subregional programme for GAA and rugby. I do not anticipate that business case being ready until late spring or early summer.

**Mr Humphrey:** Will the Minister join with me, since we share a constituency, in congratulating Carl Frampton on his great victory on Saturday night in uniting the IBF and WBA titles in Manchester? In relation to regional stadia, does the Minister envisage government money being used to upgrade the Brandywell Stadium in Londonderry?

**Ms Ní Chuilín:** There is no funding from my Department going to the upgrade of the Brandywell. Any funds that I put in were around Daisyfield and the Showgrounds. I believe that Derry City Football Club has applied to other Departments, and I wish it well in that. I accept the Member's sentiments in congratulating Carl Frampton, but I also congratulate Conrad Cummings, Ryan Burnett, Marco McCullough and Luke Wilton. I believe that the work that those boxers have done has been exemplary. They are role models for a lot of young men and women going forward in the world of boxing.

**Mr Diver:** Are the moneys to fund the subregional stadia programme going forward likely to come from the £100 million borrowing that was agreed at Stormont House?

**Ms Ní Chuilín:** I appreciate that the Member is relatively new here, but the subregional soccer money was already built in to an Executive decision that was made in March 2011. Anticipation of additional needs for the three sporting bodies will mean a fresh bid, but the £36 million for the subregional programme, which is a remainder of the £62 million, is coming from this mandate. The programme has attracted a lot of attention. There is a lot of demand out there, and even in the Member's constituency, you can see a coming together of clubs in relation not only to promoting sport but promoting health and well-being and physical activity with local groups and communities. I believe that that is the way forward.

### Cultúrlann Uí Chanáin

6. **Ms Maeve McLaughlin** asked the Minister of Culture, Arts and Leisure to outline her Department's investment in the music academy and Cultúrlann Uí Chanáin. (AQO 9741/11-16)

**Ms Ní Chuilín:** I thank the Member for her question. Between 2007 and 2009, DCAL provided a total of £483,000 towards the construction of Cultúrlann Uí Chanáin through the north-west challenge fund. In 2014-15, through the north-west social and economic development programme, I allocated £150,000 towards the refurbishment of the Manse building at 35 Great James Street to establish an Acadamh Ceoil — a music academy — which officially opened at the beginning of this month. The project was part of my continuing commitment to establishing a legacy from the City of Culture across the north-west. In addition, an Gaeláras, which manages Cultúrlann Uí Chanáin and, indeed, the music academy, has received support through the Arts Council's annual

funding programme of £139,000 in each of the years towards the last financial year.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer and, indeed, for the focus she has had on Derry and the north-west for quite a number of years. Will she confirm how much DCAL has invested in the north-west since the City of Culture ended in 2014?

**Ms Ní Chuilín:** The Member will be aware that the City of Culture for 2013 received £12.8 million, and, between January 2014 and March 2015, I secured more than £6 million. That includes more than £2.5 million for resource and £3.5 million for capital. Since the announcement of the legacy programme, an additional £2.2 million has gone in, bringing that up to a total of £7.92 million. That is over £20 million in the Member's constituency.

## Rowing

**7. Mr Campbell** asked the Minister of Culture, Arts and Leisure to outline her plans to develop the sport of rowing and build on the success of Coleraine rowers in the Olympic Games of 2012. (AQO 9742/11-16)

**Ms Ní Chuilín:** I thank the Member for his question. Responsibility for developing the sport of rowing and building on the successes of the 2012 Olympic rowers from Coleraine rests, in the first instance, with the governing body. My Department and Sport NI have worked very closely with the Ulster branch of Rowing Ireland and local rowing clubs, including Bann Rowing Club, to provide financial and practical support to further develop rowing. In the last five financial years up to March last year, Sport NI invested almost £1 million in rowing, which is an average of £200,000 per year. That is a significant increase from the investment in the three years prior to that, 2007-2010, when the total investment was £256,000.

**Mr Campbell:** Does the Minister agree that the sport of rowing yielded a very considerable haul at the last Olympics through Alan Campbell, who is no relation of mine, and the Chambers brothers, and that the developing sport now means that younger rowers are coming on exceptionally well? Does she also agree that we want to see more gold medals for Britain on the podium at the next Olympics?

**Ms Ní Chuilín:** I would like to see gold medals for every nation that competes, and I know that Bann Rowing Club has a very strong cross-community ethos that is reflected not only in its athletes but in the whole community. I would actually say that most people, regardless of which country or nation an athlete chooses to represent, think those athletes deserve all our support. Bann Rowing Club has done a great job. It does exemplary work in that sport and, outside that, builds and develops good relations in the constituency.

**Mr Dallat:** I am sure it was an omission or error on the part of Gregory Campbell to forget to mention that Bann Rowing Club has represented Ireland, as well as Britain, in events. Will the Minister assure us that future athletes who may also wish to represent Ireland or Britain will, in fact, have the finance to encourage them, given that rowing is not marbles and is an expensive sport to participate in?

**Ms Ní Chuilín:** I think the Member would recognise and accept that, since coming into this Department, I have had to be very consistent in my support for every athlete,

regardless of who they decide to represent. That should be the case for every MLA in the Chamber. It is hard enough to have the commitment and discipline and to make sacrifices to compete without people here making silly political points that do not reflect where people are at.

I believe that the work that Bann Rowing Club has done in not only Coleraine but right across this island has been respected and accepted by all rowing clubs. I congratulate the club on its achievements. I know there will be more successes, given the work it has done and the investment it has made. My Department and Sport NI, I have absolutely no doubt, will continue that relationship.

**Ms Sugden:** We are incredibly talented on the north coast, but I believe the level of our success has led to some complacency in the Executive because they think that will carry us through.

What support will the Minister offer generally to rowing and other sports to ensure that we do create that important legacy when we have this level of success?

**Ms Ní Chuilín:** Certainly, it is easy for the Member to talk about complacency. I would like to think that if she has any concerns, she should bring them forward to not just my Department but other Departments. I know that Sport NI, and indeed all the athletes from the Member's constituency, are very happy with the level of support that they have received thus far. They certainly could do with more money, but the thresholds that they have, particularly going into the Olympic and Paralympic Games, are set at the same rate right across. If they need other support, and perhaps even some sponsorship, I will be happy to talk to sponsors, as I have in the past. There are many parents in this Chamber. One thing is common when it comes to success at games: when those athletes are training, they are giving up their family life and making many sacrifices. It is up to us to make sure that we have their back and their corner. I am prepared to do that. I know that my officials will continue that, as will Sport NI.

## Casement Park

**8. Mr Swann** asked the Minister of Culture, Arts and Leisure for an update on the redevelopment of Casement Park. (AQO 9743/11-16)

**11. Mr Lunn** asked the Minister of Culture, Arts and Leisure what contingency measures exist in the event that the rebuild at Casement Park cannot proceed in 2016. (AQO 9746/11-16)

**12. Mr McCausland** asked the Minister of Culture, Arts and Leisure for her assessment of when the Gaelic Athletic Association will be in a position to seek planning permission for the redevelopment of Casement Park. (AQO 9747/11-16)

**Ms Ní Chuilín:** With your indulgence, Mr Speaker, I will take questions 8, 11 and 12 together.

The redevelopment of Casement Park remains an Executive Programme for Government commitment as an integral part of delivering the regional stadia programme. It is a project that I am fully committed to delivering. Following the concerns raised in April 2015, a project assessment review (PAR) was carried out in June 2015 by the British Cabinet Office. A panel of independent experts was selected by the Central Procurement Directorate

(CPD). The PAR report was published on 7 August 2015 and confirmed that the Casement Park project not only was achievable but could be delivered. On that basis, the Department is not planning for failure and is working with the GAA to ensure the successful delivery of this Programme for Government commitment.

The GAA has already engaged its project team to work on a new planning submission for Casement Park. Since the judicial review decision, the GAA and its team have carefully considered the judgement to ensure that any new planning application fully addresses the points raised in that judgement. Initial meetings have been held with key stakeholders, including the safety technical group, to provide the necessary assurances required to support a robust new planning application. The GAA is preparing a detailed programme that will fully address the tasks associated with successful delivery of the Casement Park stadium.

**Mr Swann:** I thank the Minister for her answer. Can the Minister confirm that the new application for the refurbishment of the stadium will include all the new safety features, including emergency exiting procedures?

**Ms Ní Chuilín:** In every application that anyone makes around sports grounds, but particularly Casement Park, safety and emergency evacuation procedures will be front, right, left and centre. They will be an integral part of the application. Even though emergency evacuation was not part of the refusal it certainly has been raised since, so I give the Member — indeed all Members — the assurance that that will certainly be done before any new planning application is submitted.

**Mr McCausland:** Can the Minister confirm, as has been reported in social media, that the advertising hoarding along the front of Casement Park was erected without planning permission? If that is the case, will she call on the GAA to ensure that the illegal advertisement is removed within the 14 days specified?

**Ms Ní Chuilín:** I certainly cannot confirm that it was erected without planning permission, and I will not be calling on the GAA to remove it. If the GAA erected a hoarding that did require planning permission, it is up to it, in the first instance, to seek that, albeit retrospectively.

**Mr Speaker:** I call Ms Rosaleen McCorley for a very quick supplementary.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra go dtí seo. Thank you, Mr Speaker, and I thank the Minister for her answers thus far. Did Mr Dominic Walsh ever raise concerns about safety in regard to the redevelopment of Casement Park?

**Ms Ní Chuilín:** No. Mr Walsh never raised any concerns with me at any time about safety. In the early stages of the programme, Mr Walsh was a member of the sponsor board programme until March 2012. The regional stadia sponsor board is chaired by me, and its membership includes representatives from not only the governing bodies but Sport NI. Mr Walsh did not raise it there. The sponsor board and programme board meetings would have provided Sport NI and, indeed, Mr Walsh with an appropriate forum and opportunity to raise any concerns. He did not do it then, and he has never done it since.

3.15 pm

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

## Boxing: Reception for Carl Frampton

**T1. Mr Clarke** asked the Minister, given the great victory that Carl Frampton had on Saturday night, what plans she has to host a reception for him in Parliament Buildings on his return. (AQT 3571/11-16)

**Ms Ní Chuilín:** As the Member will be aware, we have had receptions for athletes who have achieved a lot in the past. We plan to do that on 9 March in the Lakeland Forum in Enniskillen, where we will look at all of the successes and achievements of all athletes who have competed at different levels. I anticipate and hope that not just Carl but all of the other athletes who performed on Saturday evening will be more than welcome to that.

**Mr Clarke:** I thank the Minister for that answer. I want to focus primarily on Carl Frampton, given that he had the victory on Saturday night. In one of his speeches since then, he has said that he would love to have a fight in Windsor Park in Belfast. Given that there was a sell-out match in Manchester and we have the champion from North Belfast, which, indeed, is your constituency, what will you and your Department do, Minister, to support his ambition to have that fight in Northern Ireland at Windsor Park so that people in Northern Ireland can enjoy it here rather than having to travel elsewhere?

**Ms Ní Chuilín:** I visited Windsor Park last week, and I have to say that its redevelopment is very impressive. I think that it would be a great backdrop for any boxing bill. I am not a boxing promoter. It is up to the boxing promoters to bring forward opportunities, not just for Carl but for other boxers. In the past, we have met Barry McGuigan, Carl Frampton and many other professional boxers. Where there are opportunities, as there was in Titanic, to provide such a spectacle for us to enjoy, we will certainly do all that we can to help. In the first instance, it is really a matter for the boxing promoters.

## Dungiven Sports and Leisure Complex

**Mr Diver:** In the Minister's earlier answers, she referred to an ongoing package of funding that her Department has made available for cultural legacy projects connected to the City of Culture across the north-west. Obviously, we are aware that the new sports and leisure complex in Dungiven is one of the projects that has been able to benefit from that. We much very welcome that facility as the people of Dungiven are certainly deserving of it.

**T2. Mr Diver** asked the Minister of Culture, Arts and Leisure what pot of legacy funding the funding for the Dungiven sports and leisure complex was taken from. (AQT 3572/11-16)

**Ms Ní Chuilín:** I made bids to ensure that there was a legacy for the City of Culture, and, thankfully, that was approved. I have made subsequent bids for Coleraine, which received £1.6 million, and for Dungiven, which received £2.2 million. I believe that there will be further funding applications for support for Ballymoney through the legacy programme, working in conjunction with Derry City and Strabane District Council and, indeed, others.

The Museum of Free Derry received money, as did many others. I am happy to write to the Member with those details. I believe, particularly given the legacy of underinvestment in the city, it is completely appropriate that each of the Departments bid to try to redress the balance somewhat.

**Mr Diver:** I thank that the Minister for her answer. With that in mind, was there a high level of awareness or consultation with, in particular, arts and cultural organisations that were involved very deeply in the City of Culture year on eligibility for that funding and on how this funding was likely to be rolled out?

**Ms Ní Chuilín:** There absolutely was. In fact, we have a DCAL office in the city and we worked with those projects through 2013, and we are still there and working with them. Indeed, I have visited many of the programmes, and they all came together in clusters, particularly around neighbourhood renewal areas and through those partnerships and fora and presented the best case. It was really good example to other areas. When you want to look at how an area puts its best foot forward, that is it. All of those groups and individuals will not only have been aware of but have been a part of and have supported the bids for legacy programmes.

### Glentoran Football Club: New Stadium

**Mr Lyttle:** I add my congratulations to double world champion Carl Frampton, his camp and his family. I congratulate him not only on the skill and dedication that he shows to his craft but on the dignity and respect with which he treats others, which, I believe, unites a community behind him.

T3. **Mr Lyttle** asked the Minister of Culture, Arts and Leisure whether, after years of underinvestment in East Belfast in the context of subregional soccer stadium funding, she believes that it is vital that Glentoran Football Club is granted the funding necessary to develop a new stadium to drive sporting and community development in the constituency. (AQT 3573/11-16)

**Ms Ní Chuilín:** The Member is aware of the work that Glentoran and many other clubs in his constituency have done primarily for the health and well-being of young men, but I would like to see more young women coming forward. That needs to be shown in any bid that will be made as part of any future application. Glentoran has done a great job in that regard, and I believe that that will stand the club in good stead for any future support.

I join the Member in congratulating not just Carl Frampton but his entire family, who also make sacrifices. He has been over there for almost four months, sacrificing his family life in order to compete at the level at which he did on Saturday. That is something that every Member in the House can support.

**Mr Lyttle:** I thank the Minister for her response, and I commend her for the work that she is doing to support grass-roots development in soccer. When will the final programme for the subregional soccer stadia funding be announced?

**Ms Ní Chuilín:** I am sure that the Member was listening intently to some of the responses that I gave earlier in relation to the consultation process. There were over 1,100 responses, and we will bring a lot of them together

and do a quick but thorough analysis of them. Given the fact that some people may have wished their submission to remain confidential, I will have those removed, and I will publish that analysis. The purpose of that is to inform the application process, and I hope that that process will be open some time in April or, if not, the end of April/beginning of May. It is really important that the momentum that has been built up thus far on this means not only that it happens but that people see an outcome from something that was announced in 2011 but will not realise its potential until 2016 and after.

### Irish Language

**Mr Ó Muilleoir:** Ba mhaith liom ceist a chur ar an Aire. Amárach, tosaíonn mí na Gaeilge. Le linn do thréimhse chuir tú béim mhór ar chúrsaí Gaeilge agus ar chur chun cinn na Gaeilge. Ar mhaith leat, is tú ag breathnú siar, labhairt ar chuid de na ceachtanna a d'fhoghlaim muid?

T4. **Mr Ó Muilleoir** asked the Minister of Culture, Arts and Leisure whether, given that tomorrow is the start of Irish language month and that the Minister has put great emphasis on the promotion of the Irish language, it would be appropriate in what may be her last Question Time to reflect on the successes of the Irish language during her period in office and on the lessons learned. (AQT 3574/11-16)

**Ms Ní Chuilín:** It is my last Question Time, and I want to use the opportunity to thank the Speaker, the Principal Deputy Speaker, the Deputy Speakers, the Speaker's Office and the Business Office and everybody else who is involved, including the Whips.

The work that has been done to raise awareness of Seachtain na Gaeilge, which is now Mí na Gaeilge, not just on this island but right across the world, has been massive. Already, we are preparing, as part of Seachtain na Gaeilge, a tráth na gceist, which is a quiz that will happen in Cultúrlann McAdam Ó Fiaich in Belfast and will take in participants and competitors from New York and elsewhere via Skype. The awareness of this, from the very young to the very old, has been huge and continues to grow, and that is absolutely great. What will we do from tomorrow onwards? It is a question of "Watch this space".

**Mr Ó Muilleoir:** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas fosta leis an Aire. Níor luaigh an tAire Líofa, ach tá súil agam go ndéanfaidh sí sin. Ar mhaith leat, a Aire, tréaslú le gach duine a rabh baint acu le láidriú na Gaeilge le linn do thréimhse? Tá ráfla láidir ann go mbeidh tú ag glacadh páirte i Rith 2016 a thagann arais i mbliana.

The Minister did not mention Líofa, which she is certainly entitled to do because it has been one of the great successes of her tenure. Will she join me in congratulating the Irish groups that have strengthened the Irish language during her tenure? Rith 2016, the biennial run, comes back to Belfast this year. Minister, there is a strong rumour that you will take part; maybe you will let us know.

**Ms Ní Chuilín:** I thank the Member for his question and some of his sentiments. Even though I took only a very small part in the last Rith, I was happy to do so. I took the baton from Conradh na Gaeilge and passed it on to, I think, Cumann Mhic Reachtain and others. I am easily impressed when it comes to running short distances — I am a short-distance rather than a long-distance runner —

and I was impressed with the number of people from all backgrounds and none who were involved in it. That will be the case this time.

I am very proud of my Department's work on Lóifa and of the 17,000 people — that number is still growing — who have registered with Lóifa and are, like me, learning the Irish language. I hope that that will endure into the next mandate. One thing is for sure: regardless of who the next Minister is — I wish them well — the growth of the Irish language and the interest in it and the commitment of those involved will prevail.

**Mr Speaker:** For a heart-stopping moment, I thought that he was referring to the Speaker doing the run.

### Marching Bands: Funding

T5. **Mr G Robinson** asked the Minister of Culture, Arts and Leisure to outline the grants available to marching bands that wish to replace uniforms and instruments. (AQT 3575/11-16)

**Ms Ní Chuilín:** The Member will be aware that we are looking at options on instruments for all bands, not just marching bands. The Arts Council has never funded grants for uniforms, and I do not believe that it will do so in the future, because there has been a strong public interest test. There is certainly an interest in the acquisition and teaching of music, and a lot of bands have done that very well. I do not anticipate the Arts Council taking forward funding for uniforms.

**Mr G Robinson:** I thank the Minister for her reply. Does she agree that involvement in marching bands is a positive way for young people to learn a skill and to enhance their knowledge of their culture and heritage?

**Ms Ní Chuilín:** I certainly would agree, and I believe that the few instances of some bands marching and conducting themselves in a very poor way in my constituency is not reflective of where many of them are. The bands forum and others need to step up and ensure that there is a code of conduct. They also need to ensure that, when there are breaches of that code of conduct or of public order, they are responsible for ensuring that such breaches and incidents such as that outside St Patrick's Church in my constituency are never repeated.

### Marching Bands: Funding

T6. **Mrs Cameron** asked the Minister of Culture, Arts and Leisure how much money has been allocated to band culture in the past five years. (AQT 3576/11-16)

**Ms Ní Chuilín:** I am happy to give the Member that information in writing, but there has been a lot of investment not only from my Department through the Arts Council but from the Ulster Scots Agency, which has invested in musical tuition. I will happily get the Member that in writing. I believe that many Members will be surprised when they see the investment that has gone into marching bands in particular.

**Mrs Cameron:** I thank the Minister for her answer. Will she tell us why she stopped funding to the bands culture? Does she value the contribution that bandsmen make to Northern Ireland?

**Ms Ní Chuilín:** Applications from bands and the funding stopped because the money was not there. I am working

with colleagues in the Executive to bring forward a new scheme. I hope that the new scheme and the funding for it will be announced in a matter of weeks. Marching bands, by and large, play a very good role, particularly in small communities, where they pass on traditions, musical tuition and all that knowledge from one generation to another, and I would like to see more of that, rather than the ugly scenes that we see from time to time. I am happy to persist in securing a new fund for all bands, not just marching bands.

**Mr Speaker:** I call Mr Paul Frew. We probably do not have time for a supplementary question, Paul.

### Mixed Martial Arts: Funding

**Mr Frew:** While we were all engrossed in watching Carl Frampton win his second belt on Saturday night, Ballymena's very own Alan Philpott became the new Lonsdale bantamweight champion in mixed martial arts.

T7. **Mr Frew** asked the Minister of Culture, Arts and Leisure what support she can give the mixed martial arts, which is a growing sport in Northern Ireland. (AQT 3577/11-16)

3.30 pm

**Ms Ní Chuilín:** I am just going to say, getting to my feet very quickly, that I think that we need to do more. I certainly met Danny Corr, and I follow the work that he and others do in mixed martial arts right across the community but particularly in the Member's constituency. I believe that the work that he, his team and others do is absolutely brilliant, particularly in working with children and young people who are a bit hard to reach. Now that they have shown that they can compete on a world stage and get that reputation, I think that we need to try to get more investment.

**Mr Speaker:** Time is up. That is the end of Question Time. Congratulations, Minister, on completing your mandate. I ask the House to take its ease while we change the top Table.

**Mrs Cameron:** Mr Speaker, I want to apologise to the Minister for not being present for the first question, which was mine.

**Mr Speaker:** Thank you very much.

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

## Private Members' Business

### Licensing Bill: Consideration Stage

*Debate resumed on amendment No 1, which amendment was:*

In page 1, line 12, leave out subsection (3).— [Mrs Cochrane.]

*The following amendments stood on the Marshalled List:*

Nos 2-13

**Mr Allister:** In speaking to the amendments, I want to begin with amendment No 2. In various presentations to the Committee, the sponsor of the Bill spoke at length about clause 2 and, in fact, proffered the Committee three different options as to how she proposed to amend clause 2, indicating that the third of those options was her preference. Yet we find today that the amendment tabled is a different option altogether; it is not one of the three that was tabled to the Committee. It is different in a number of significant ways in that it removes from the Bill any reference to a qualifying stadium being "a regional or national stadium", which was, of course, the primary premise of the need for this legislation: that we are dealing with regional or national stadia. Yet, we find that, at Consideration Stage, that qualifying criterion has been removed, with apparently little, if any, notice. We also find that the qualifying criterion of 8,000 permanent seats has been removed. So, what we have now is a much broader embracing amendment than any ever notified to, or discussed by, the Committee.

**Mrs Cochrane:** I thank the Member for giving way and for raising that issue. The reason why the amendment that has been brought before you today is slightly different from the final one that I discussed with the Committee is on the basis of conversations that I had with the Office of the Legislative Counsel (OLC) about making sure that this was really tied down to our three regional or national stadia. The OLC felt that using the term "Northern Ireland", which I thought he would possibly support, would be more appropriate in allowing the Department to draw up its regulations.

On moving away from the provision on the number of seats, a strategy for subregional stadia is out for consultation, and there was a fear that one of those could end up with 8,001 seats and may, therefore, allow it to fall into that category. So the safer way to ensure that the policy intent of this is for our stadia of regional or national importance was to remove the information on the number of seats and allow the control to lie with the Department, so that the Department must stipulate, through regulations, whether or not a stadium is of that importance.

**Mr Allister:** I hear what the Member is saying, but it is quite clear that the Bill, as originally drafted, and the amendments, as originally intended, maintained an infrastructure that set certain thresholds that have now been removed. It has now been gifted to the Department to be as flexible as it wishes, with the language now simply being diminished to that which it considers to be:

*"of importance to the whole of Northern Ireland."*

That is a much wider embrace than the Bill as originally drafted. The removal of the threshold inevitably has that consequence.

**Mrs Cochrane:** Will the Member give way again?

**Mr Allister:** Yes.

**Mrs Cochrane:** As I said, it will be made through regulations that will come before the Social Development Committee that the Member sits on. He will have the opportunity to put that in. You may find that the number of seats will be specified in the regulations, but it was felt that the regulations could be drawn up in a much more beneficial way than putting that aspect into the Bill. It was felt that the amendment was more restrictive than how I left it before. That is why I tabled the amendment.

**Mr Allister:** I would certainly need a lot of persuading that the amendment is more restrictive. It seems to be more inviting of travel in a variety of directions rather than being more restrictive.

I suppose that the fundamental point I was making was that not only does it make changes that were never flagged up, but it flies in the face of quite extensive presentation to, and consultation with, the Committee. It surprises me that, if these were issues that would ultimately manifest themselves in amendments, then the Member was not aware of them at the point when she was engaged with the Committee and has left it until this point, having persuaded us of option 3 in her original proposals, and has come forward with a different amendment.

I want to move on to other aspects of the Bill. At Second Stage, the Member indicated a greater flexibility than is manifested in the amendments, in that she said that she was receptive to ideas such as putting a restraint on the licence on the occasions when stadia were being used for junior events; but that does not appear at all in the Bill. I regret that there was no support for my suggestion at the Committee that this needed to be in the Bill.

The purpose is to create licences to facilitate sporting events, and I am also disappointed that there was no attempt to restrict the licence from a 365-day a year licence to one in which the stadia are actually in use for those purposes. What we have created is a year-round licence for the stadia rather than one for the occasions when they are thought to be necessary and required. I am also —

**Mrs Cochrane:** I thank the Member for giving way again. He is aware that it is a new form of licence. It is a licence that is specific to a stadium and is ancillary to an event occurring in a stadium. On the notion of a 365-day licence, we will not be opening pubs in the stadiums. The licence is ancillary to an event.

If our stadiums, that have been invested in by the Northern Ireland Executive, could manage to run events 365 days a year, I would be immensely surprised. It would mean that they were really, really, realising the full potential of the stadiums. I do not see that happening; that is not in the business plan. The licence will always be ancillary to an event.

**Mr Allister:** If that is correct, there would be no reason why, in consequence, the licence could not have been restricted to the days of such events. If it will only apply to events, why do we need to legislate for something over and above and beyond that? That is what we are doing.

The further point that I want to make is that we heard evidence from affected residents. Apart from, perhaps, making some sympathetic noises to those residents, in the end, the Bill is essentially in the form that caused their concern in the first place.

Yes, there is an undertaking, which is mentioned in the Committee's report, that there should be a consultative committee that includes residents' representatives. Ulster Rugby has gone on record to say it is amenable to that, but there is no statutory requirement for it. That lasts only as long as Ulster Rugby wishes. I think that, too, is perhaps a deficiency in the Bill.

Those are my concerns about how this Bill has been fleshed out and where it takes us. I think that the concerns of the residents have not been copper-fastened in the manner in which they perhaps ought to have been.

**Mrs D Kelly:** I welcome the opportunity to contribute to the debate on this private Member's Bill. I congratulate the Member on all her hard work in getting the Bill to this stage. I also congratulate the Committee who assisted in terms of timing. Given the workload of the Committee, that was no mean feat. I congratulate the Chairperson on ensuring that the Bill got through.

Unlike Mr Allister, my disappointment was that the Member had to put forward a private Member's Bill. When it comes to licensing, we in Northern Ireland lag greatly behind others and are disenfranchising large sections of the licensed trade and, indeed, tourism. It is the regret of my party that the amendment tabled by the Committee in relation to Drumbo Park and other such stadia and our party's amendment to deal with the under-18s issue were found not competent within the confines of this legislation. I hope that a new Assembly mandate will see an overall licensing Bill brought forward that would bring us more in keeping with the times. It is some seven years since my party colleagues Social Development Ministers Margaret Ritchie and Alex Attwood consulted on an extensive redraft of the licensing regulations. Unfortunately, that has been sitting with the Executive now for the past number of years.

It is fair to say that this Bill will assist stadia in attracting international events. In sporting events, it will contribute to the experience of people using the stadia and watching the sport, because these events are about more than watching; they are, in the broadest sense, a leisure pursuit. I think the Member has taken good account of many of the concerns raised by a broad gamut of stakeholders.

I have spoken privately to Mrs Cochrane in relation to the residents' concerns and have sought and got assurances from the management at Kingspan that there will be proactive engagement with local residents, because their views have to be taken account of. Whilst I recognise that that cannot be in the Bill, I strongly urge Kingspan to live up to the commitments given to the Committee and the proposer of the Bill.

**Mr Campbell:** I thank the Member for giving way. On that point, which was raised earlier, does she accept that, although it is essential that Kingspan and Ulster Rugby liaise closely with the residents to minimise any disruption, it would be virtually impossible to enshrine anything like that within a legislative process?

**Mrs D Kelly:** I agree entirely with the Member. The view was expressed by a number of consultees that you could not

have that in the Bill, but it is about being good neighbours. I must say that I was surprised at the attitude of the PSNI when they gave their response to the Bill at Committee. It seems to me that they, along with others, should be policing the antisocial behaviour outside the venue quite robustly. It is not always down to the management of the pubs, clubs or stadia to ensure that happens. I am a strong supporter of the management committee living up to the expectations and commitments given.

### 3.45 pm

If it helps, Mr Deputy Speaker, because many people are worried about the increase in alcohol consumption in society, I spoke recently to Addiction NI. The statistics that it has show that the greatest increase in alcohol addiction is actually in the over-50s, drinking at home. Addiction NI now holds stalls to educate and give people information outside the off-licences within major supermarkets. So we need to get a reality check in terms of where many of the problems actually lie these days. They are not necessarily about the family, or the person, going out to enjoy an afternoon of sport or whatever other event might be held within a stadium. I finish by saying that my party supports the amendments but regrets that a private Member has had to bring forward such legislation.

**Mrs Cochrane:** I thank all Members for their contributions to the debate. The Chair of the Committee brought forward a comprehensive outline of the Committee process, and I agree with him that our licensing laws need reform. Northern Ireland is a very different place to what it was in 1996 — in a good way, I believe — and our legislation needs to reflect the different society that we now live in.

I would have liked to have been able to take forward changes to other areas of the legislation, but I hope that bringing forward this small change as a private Member's Bill has at least put the issue of licensing firmly on the agenda, and that it will be taken forward in a comprehensive manner in the next mandate. One of the very positive things that has come out of this process is the establishment of the stadium community committees, to which Mrs Kelly and others referred. Our three major stadia are situated in residential areas, and it is important that lines of communication are open to address any concerns and provide information to residents.

Some of the issues raised at Committee were not necessarily in relation to the licensing itself, which is what my Bill is about. Even those that were in relation to it were, admittedly, small in number. When you delve a little deeper, you find that what my Bill actually does is restrict the licensing arrangements, so that a stadium cannot now have a licence until 1.00 am, unless it is for just a small function area. Before, the stadium could have done that through an occasional licence, so what we have done is brought some protection to residents of those areas.

One of the other issues that has been talked about at some length at Committee Stage, which Mr Allister and others have raised, is in relation to some of the aspects for under-18s. As a mum of a seven-year-old and an 11-year-old, I obviously understand those concerns, and I am still considering whether there are any other amendments that I could bring forward in that area. I believe that we need to balance the child protection issues while, at the same time, allowing alcohol to be sold in a responsible manner. I have discussed how the current set-up, which actually expects

children to be separated from their parents after 9.00 pm if a game is going on later in the evening, is not acceptable. I have had some really good conversations regarding alcohol-free zones and potential licensing restrictions when an event is predominantly geared to under-18s. I know that that was one of Mr Allister's points, but I actually raised it before he did; I brought it forward the very first time I went before the Committee, and I have looked at it in some detail.

Currently, Ulster Rugby at the Kingspan Stadium — the one that is finished and already operating — has already put in place really good operational practices. It has a family stand which is alcohol-free, and it only operates certain hospitality areas during, for instance, the Schools' Cup final. There is no law to make Ulster Rugby do that, but yet it still does it. I do not see any reason why it would move away from that responsible approach in the future. However —

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

**Mrs Cochrane:** Yes, I will.

**Mr Allister:** I understand and acknowledge that, to date, there has been self-regulation. However, the Bill was, perhaps, an opportunity to take it beyond self-regulation and make sure that there would be no slipping back on that, particularly bearing in mind that the primary sponsors of Ulster Rugby are drinks companies and, therefore, the perpetual pressure from the sponsors is to maximise sales. In those circumstances, might it not have been more prudent to have within the Bill the sort of self-regulation protection that we are now going to have to rely on, in the hope that it continues?

**Mrs Cochrane:** I thank the Member for his intervention. I did not think that Kingspan made alcohol, but maybe I am wrong.

**Mr Allister:** Sponsors.

**Mrs Cochrane:** Sponsors? You are probably referring to the Heineken Cup or the Guinness Pro12. The sponsors of the tournaments, yes, but not Ulster Rugby in general.

There is an option to place conditions on the licence. That is set out clearly in clause 4 and should allay any fears. Conditions can be placed on a licence by the court, either at the time of application or at any time during the life of the licence or, indeed, at renewal stage by input from the district commander. I had considered whether there was any way in which I could put those in the Bill while allowing the stadium to operate seamlessly. I had a lot of discussion with the Department about that, but any of the options that I looked at could have had unintended consequences. It really comes down to the fact that our three stadia are not of exactly the same design. The most appropriate place to put the conditions is on the individual licence. When you come forward, with the plans in front of you, to apply for your licence, you can delineate certain bar areas. If you want to have extra restrictions in place for certain events or whatever, that is the time to do it. I feel very strongly about that.

Even recently, I have had further engagement with the PSNI and the licensing people at Belfast City Council, because, when a licence is being applied for, they are the two statutory consultees. I wanted to be able to provide them with some information on some of the discussions that I have had and on some of the possible operational solutions. It is important that they are aware of why there is a policy intent still to have some sort of protection and to balance that with the operational requirements. Not

putting restrictions in primary legislation does not mean that they should not be taken forward, perhaps, as I say, by conditions. If we follow that approach, there will be bespoke licences created for each stadium on the basis of their mapping. That will allow the good, family-friendly practices to continue but, at the same time, allow that bit of flexibility, should the need arise.

To sum up, I thank Members for their contributions and ask them to support the amendments to allow the passage of the Licensing Bill to the next stage.

*Amendment No 1 agreed to.*

*Amendment No 2 made:*

In page 1, line 12, leave out subsection (4) and insert

*"(4) After Article 2A of the principal Order insert—  
'Meaning of "outdoor stadium"*

*2AA. In this Order "outdoor stadium" means any premises—*

*(a) which are structurally adapted and used, or intended to be used, for the purpose of providing a venue primarily for a variety of outdoor sporting events and other activities,*

*(b) which include one or more areas for indoor events and activities, and*

*(c) which are designated in regulations as a stadium which the Department considers to be of importance to the whole of Northern Ireland.'".— [Mrs Cochrane.]*

*Clause 2, as amended, ordered to stand part of the Bill.*

### **Clause 3 (Licences for outdoor stadia)**

*Amendment No 3 made:*

In page 2, line 10, leave out "paragraphs" and insert "subsections".— *[Mrs Cochrane.]*

*Amendment No 4 made:*

In page 2, line 14, leave out subsection (4) and insert

*"(4) In each of the following provisions of the principal Order, for "(k)" there shall be substituted "(l)"—*

*(a) Article 2(4) (meaning of references to premises);*

*(b) Article 15(2)(e)(ii) (renewal of licences);*

*(c) Article 22(6)(c)(ii) (transfer of licences).".— [Mrs Cochrane.]*

*Clause 3, as amended, ordered to stand part of the Bill.*

### **Clause 4 (Attachment of conditions to licences)**

*Amendment No 5 made:*

In page 2, line 21, leave out paragraph (a).— *[Mrs Cochrane.]*

*Amendment No 6 made:*

In page 2, line 26, leave out subsection (3) and insert

*"(3) In Article 77A of the principal Order (the cross-heading before which becomes 'Indoor arenas and outdoor stadia' and the title to which becomes 'Attachment of conditions to licences for indoor arenas or outdoor stadia'), in paragraph (1), after 'indoor arena' insert 'or outdoor stadium'."— [Mrs Cochrane.]*

Clause 4, as amended, ordered to stand part of the Bill.

**Clause 5 (Temporary continuance of business)**

Amendment No 7 made:

In page 3, line 4, leave out “an”.— [Mrs Cochrane.]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

**Clause 7 (Requirements with respect to sale of intoxicating liquor)**

Amendment No 8 made:

In page 3, line 10, leave out subsections (1) and (2) and insert

“(1) In Article 52A of the principal Order (the title to which becomes ‘Indoor arenas and outdoor stadia’), in paragraph (1), after ‘indoor arena’ insert ‘or outdoor stadium’.”.— [Mrs Cochrane.]

Amendment No 9 made:

In page 3, line 15, leave out “inserted—” and insert “inserted; ‘or’ ”.— [Mrs Cochrane.]

Amendment No 10 made:

In page 3, line 18, at end insert

“(4) In Part 1 of Schedule 10A to the principal Order (penalty points for offences punishable with level 3 fine on the standard scale), in the entry for Article 52A(2), after ‘indoor arenas’ insert ‘or outdoor stadia’.”.— [Mrs Cochrane.]

Clause 7, as amended, ordered to stand part of the Bill.

**Clause 8 (Commencement and short title)**

Amendment No 11 made:

In page 3, line 20, leave out subsections (1) and (2) and insert

“(1) This Act comes into operation on 1 September 2016.”.— [Mrs Cochrane.]

Amendment No 12 made:

In page 3, line 24, leave out

“is made by negative resolution and”.— [Mrs Cochrane.]

Amendment No 13 made:

In page 3, line 27, after “order” insert

“; and an order under this section containing such provision or such modifications is subject to negative resolution.”.— [Mrs Cochrane.]

Clause 8, as amended, ordered to stand part of the Bill.

Long title agreed to.

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

I ask Members to take their ease as we move to the next item of business.

4.00 pm

**Assembly and Executive Reform (Assembly Opposition) Bill: Final Stage**

**Mr McCallister:** I beg to move

*That the Assembly and Executive Reform (Assembly Opposition) Bill [NIA 62/11-16] do now pass.*

As I said in various debates, the driving factor for the Bill has always been to deal with the historical divisions that plagued us for so many years, while recognising the successes that we have built on for almost 18 years. How do we do that? The absolute necessity is to provide good government by getting to a point at which a Government can function as a collective, make decisions and be held to account for those decisions by a properly constituted opposition.

It is fair to say that the Bill has been subject to a decent amount of scrutiny. We probably never thought that we would see this day; like others, I was not totally convinced that we would make Final Stage. So far, we have had 15 hours of debate; over nine Committee meetings; a Consideration Stage of nine and a half hours over two days; some 52 votes in Committee on clauses; 20 Divisions at Consideration Stage; and another five Divisions at Further Consideration Stage.

**Mr Campbell:** I thank the Member for giving way. Despite his lack of confidence or lack of faith in the progress of the Bill, there has been, as he outlined, a very significant degree of consultation and discussion. Would he not agree that, however much people complain in the discussions that we have from time to time about the state of play at Stormont, its capability to reform is exemplified in this discussion today and how far his Bill has progressed?

**Mr McCallister:** I am grateful to the Member. The point is worth reiterating. Sometimes the Assembly is at its best in its Committees and when it deals with the legislative process. I have often referred to the Executive as “dysfunctional”, but I was always confident that the Committee and the Assembly would see the wisdom of what I was proposing. I am pleased that we are at this stage and hope that the Assembly sees fit to pass the Bill at Final Stage.

Reform is necessary, as Benjamin Disraeli said. In a progressive country, change is constant and inevitable. You always need change. Politicians rose to the challenge in 1998 — some of you were involved at the time — of lifting us out of a very dark chapter in our history and setting us on another path. As I have often said, if, in those times, the Assembly achieved very little, it got people talking to each other. However, that has changed now: there is a hunger from the people whom we represent to get on with governance and delivery and to move to a much more mature politics where policy matters. They expect the Executive and the Assembly to deliver.

This Bill is about reforming these institutions. It would be a significant change to have a place called “opposition”. I was once involved in a debate about opposition, when someone said, “There is no place called opposition”. I hope that, after today, that is no longer the case and that we will have a place called opposition. The big challenge will be to make sure that people stand up and have the

courage to take up the role as an oppositional party. So, that is a huge reform that can be passed in the Bill.

Like all Bill sponsors, whether Ministers or not, I did not get everything that I would have liked. I break the Bill into a couple of main areas. The Bill has emerged from all the votes, all the stages, including two amending stages, and amendments that have been tabled with its opposition side largely intact and enhanced. It is enhanced by putting in an 8% threshold; that is better than in Fresh Start. The entire debate on the Bill has helped to move some of the provisions from the Stormont House Agreement to what is in Fresh Start. I suggest that the Bill has made civic society and other organisations start to use some of the language that it has helped to put into our politics. It got people thinking about what collective government means, so much has been achieved on the opposition side. The 8% is hugely significant, as is having it in the Bill that there will be an Assembly debate on a legislative timetable. We have seen in the past few months how difficult it is to cope with a rush of legislation.

The areas of the Bill that I would have liked to see more progress on, but, alas, could not persuade Members on, are very much how our Executive arm of government works and around collective cabinet Government. However, the Bill has helped to focus minds on what some of the other reforms mean; for example, reducing the number of Departments and changing OFMDFM from having departmental responsibilities to being a coordinating Department. All those changes help to drive the point about collective government. I will quote from the manifesto of the Northern Ireland Council for Voluntary Action (NICVA) in which it challenges the Northern Ireland Assembly to look at and reform the use of petitions of concern.

*“Cross-departmental collaboration should be hardwired into the culture, budgets, operating systems and performance management of government and its agencies.”*

To me, that sounds very much like a single legal entity of a Government.

*“The Northern Ireland Executive should operate with collective responsibility for the decisions it takes and the implementation of the Programme for Government.”*

The Bill established important debates on a collective cabinet Government, petitions of concern and whether, in our new system, some of the arrangements from Fresh Start will mean more than just, “Do not table something that will annoy me, and then I will not have to use a petition of concern”. Will we get to the point where it will mean more than that? The very useful part of having that debate, here and in Committee, is that it has entered the mindset and political talk of many parts of our society. Those are conversations and reforms that we will have to revisit.

I would have liked to see changes on designation. We, as unionists, have to ask ourselves this: why is nationalism, as a collective, still so afraid of that change? As we want to develop, mature and see those changes over time, we have to look at how we progress that issue. The difficult one for nationalism to ask itself is this: why stick to the system of designation when even the Human Rights Commission questions whether it is truly compatible with the European Convention on Human Rights? Those

are things that we will have to revisit at a future date. It was always aspirational for me to have that included in a schedule to trigger that debate.

Some of the debate that exercised the Committee for a considerable time was on the way that we might elect a Speaker in the future, including moving to weighted majority, holding a secret ballot and how you would run that process. That was the subject of significant debate from the Committee, academics and across the board. That has been a good process for our politics in Northern Ireland.

After all of the votes, we have emerged with the main components of the Bill strengthened and enhanced. All of the things that people and Members associate with opposition are included in the Bill. For example, speaking rights are in clauses 7 and 8; supply days are in clause 8, the chairmanship and deputy chairmanship of the Public Accounts Committee is in clause 9 and changes to speaking rights being down to party strength is in clauses 7 and 8. The Bill also gives you the ability to question and hold to account. It gives you a place called “opposition”, giving our electorate the chance to change our Government, which is something that has been sadly lacking to this point.

I am very pleased with what has come out at the other end of so many hours of debate and scrutiny. Some of the Committee Stage was useful for me. I listened to the debate on whether to change some of the language in the Bill so that it fits in more with our model of government. A PR electoral system will virtually always give you a coalition and will sometimes give you quite difficult decisions to make, as we have seen from our friends in the Republic of Ireland. All those things and all those safeguards are there.

There has been broad agreement from all parties. Most of the disagreements between Sinn Féin and me have not been about what an opposition looks like. Instead, they have been about how we get there; either through legislation or Standing Orders. I come back to the point that legislation would enshrine it. Some would debate whether that legislation should be passed at Westminster. Why would you do it in Westminster when you have the power to do it here? Westminster legislation would just say what the Northern Ireland Act 1998 says, namely:

*“standing orders shall include provision for.”*

That is what this does.

We, as an Assembly, have to mature. Today is a good day for the Assembly. It is a good day to pass the Bill and show that we are fit to reform, that we are ready for reform and that we are capable of reform. That is a huge milestone for the Assembly.

**Mr Sheehan (The Deputy Chairperson of the Assembly and Executive Review Committee):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Bill's sponsor for his opening remarks and welcome that the Bill has reached its Final Stage.

It is fair to say that the Bill has evolved considerably from what was introduced and scrutinised by the Assembly and Executive Review Committee. Key provisions of the Bill, as introduced, such as the formation of the opposition by technical groups, the establishment of a Budget Committee, the renaming of the Office of the First and

deputy First Minister and the proposal for Departments to be a single legal entity, have been removed.

The extensive schedule for reforming the Assembly and Executive was also removed and replaced with a significantly reduced one. The revised schedule provides for an Assembly and Executive transfer-of-responsibilities motion, which, subject to cross-community support in the Assembly, may request that the Secretary of State brings forward legislation so that the arrangements and time frames for agreeing the terms of the Programme for Government are dealt with as reserved, rather than excepted, matters.

#### 4.15 pm

The Committee considered all those issues during Committee Stage. Whilst the Committee divided and did not support the initial clauses and amendments to the Bill, its deliberations on those provisions and, in particular, the views of academics who responded to the Committee's call for evidence, may prove useful to those charged with reviewing the relevant Standing Orders to reflect the provisions in the Assembly opposition Bill. Indeed, the need for legislation to require Standing Orders to be amended to provide for an official opposition was a matter that Members extensively debated during the Committee Stage. The Committee considered the views of the academics and the Bill sponsor on the advantages and risks of legislating for an official opposition in the Assembly. The Committee did not take a formal position on that matter.

The Committee also considered in some detail the implications of the Bill, as drafted, for the underlying principles of power-sharing and cross-community support enshrined in the Good Friday Agreement. Many of the original clauses in the Bill and, in particular, the provisions of the schedule, which were of considerable concern in that regard, have been removed from the amended Bill that is before the House. Those included the replacement of cross-community support with weighted-majority voting, the election of the Speaker, the threshold for the nomination of a Minister, and the proposal for a simple majority for Budget approval. Furthermore, the revised Bill provides that cross-community support is required for the passing of the Assembly and Executive transfer of responsibilities motion in the House. Those amendments go some way towards addressing the concerns expressed by some members of the Committee on the issue.

As the sponsor acknowledged during the Further Consideration Stage debate, the scrutiny undertaken by the Assembly and Executive Review Committee made a huge contribution to shaping the Bill before us today and some of the thought processes on it. On that note, I place on record the Committee's thanks to the Bill sponsor, who actively engaged with the Committee, and the stakeholders, who submitted written evidence and provided formal oral evidence during the Committee Stage.

**Mr Attwood:** Taking up Mr Sheehan's last point, I place on record my acknowledgement of the assistance of the Bill Office during the passage of this legislation. As I have said before, there is a particular burden on the Bill Office in the frenzy of business that is before the House in the last days of the mandate. My experience and, I am sure, the experience of all parties and Members, is that it has more than measured up to that responsibility.

Similarly, I acknowledge John McCallister, who was right to take time and, indeed, some pleasure, given the tone of his contribution, to scope out the contents of the Bill, as is, before the House. That represents and reflects Mr McCallister's achievement as sponsor of the Bill all those months and years ago. I very much wish to place that on record in respect of the Bill Office and the sponsor.

An American politician once said that he demanded the right to dissent because there was much to dissent from. The SDLP as a political party was born of democratic dissent. That is part of the DNA of the SDLP. At a time when the powers that be, who were in this Building and who managed this part of Ireland, resisted the democratic dissent of people, the SDLP was born of that democratic dissent, because much was wrong in our society that needed to be remedied. Then, through years of democratic struggle, the SDLP, its constituency and all like-minded people on this island in particular, went about, through democratic struggle, shaping that dissent into political platforms and programmes, which, eventually, were captured in not just the Good Friday Agreement but many interventions that shaped our society in ways that were different from the past, be it in policing, housing, human rights and all the rest.

Given that sentiment and the DNA of the SDLP, consistent with the democratic structures that were endorsed by the people of Ireland in the Good Friday Agreement, we recognise that creating a place called opposition or a place for more formal dissent in the Chamber is actually healthy for our democracy. Whether any party that is entitled to Government office on the far side of this mandate chooses that office or not, and whether all who may be entitled under democratic mandate to go into a Government do so and nobody chooses to take up the place called opposition, as Mr McCallister refers to it, this place and our politics will be better for the fact that there is nonetheless that place for dissent, constructive opposition or whatever words you might want to use to describe it. I note of course that it should be the aspiration of all parties — and I presume that it will be the aspiration of all parties — to go into a Government in order to have the responsibility to more critically shape the society and the new order of politics that were born with the Good Friday Agreement.

There is of course a slight contradiction or tension between all the hours that were invested in the Bill through the consultation, the work of the Committee, the various stages on the Floor of the House and all the amendments — all that effort and the endless hours undertaking that work in order to bring about measures to reform how this place operates — and the legislation that is going through Westminster at this very moment that is also about reform of this place and how it operates. A minimum amount time and reference to this Chamber is ongoing in respect of its contents. At the moment, in Westminster, we have a piece of legislation that will govern the Programme for Government of this place, the ministerial oath, the commitments that are made by MLAs and our Budget processes, yet for all the time that was rightly invested in shaping the Bill up to Final Stage, there is virtually little reference to all that work in Westminster to the membership who will be responsible and will have to subscribe to these new ways of doing business.

Before we leave this Chamber for purdah in two or three weeks, people will be asked to endorse some of that

approach through a legislative consent motion (LCM). People should judge the LCM on the merits of the arguments that are being presented in that regard, but it does not take away from the fact that this Bill has been subject to very rigorous interrogation, yet other matters are being subjected to minimum interrogation in this place. Yet, all Members who aspire to be returned here and any other person who may be elected here on the far side of this mandate will, when they sign up to membership of this House, have to commit to a new oath. I hope that they do commit to that new oath, because it is meant to mean that in word and deed, unequivocally, every Member of the House upholds the rule of law. Without going further, because I probably will be going on the wrong side of the Deputy Speaker's ruling, you know what I am talking about: we will all, as Ministers or Members, have to commit unequivocally in word and deed to support the efforts of the rule of law in this part of Ireland.

I recognise the elements of the Bill that have got through. We were concerned that, in some of the discussions that we had with Mr McCallister and some of the amendments that are coming before the House, there was a danger that we would throw out the baby with the bathwater; that the necessary architecture of the Good Friday Agreement, given our bitter experience of politics and life in this part of Ireland for so many years, could all somehow too quickly be put in jeopardy, and that the baby of the structures of the Good Friday Agreement, the principle of inclusion and the protections for people would somehow too quickly be put in jeopardy. That is why, rightly, in my view, those matters were opposed, up to and including a petition of concern.

In taking forward a proper measure of reform in order to test the temper of this House on the far side of the mandate in respect of various matters, as well as creating the formal structures for opposition and the responsibilities of opposition that Mr McCallister outlined in his opening speech, we think that that is a good measure of reform, done with a fair bit of wisdom but not straying beyond the necessary protections and architecture of the Good Friday Agreement, which, even though politics has not served it well, has served the people of Northern Ireland well.

**Mr Kennedy:** I was not prepared for the sudden end to Mr Attwood's speech. He does not normally end so quickly, but we enjoyed his contribution all the more, I think.

I welcome the opportunity to speak on the Final Stage of the Bill. This Bill has had a rather more tumultuous journey than most that pass through this House. It is fair to say that the current version is almost unrecognisable from that which was first introduced. I am sure that, to a degree, that may disappoint the sponsor of the Bill, but successfully guiding a Bill through the House when you are not a Member of one of the two largest parties is no easy task. At times, it looked as though the Bill was set to be buried by the measures brought forward in the Stormont House Agreement and the subsequent so-called Fresh Start Agreement, but, seemingly, against all the odds, here we are at Final Stage.

There has been much said during the passage of the Bill, and I do not intend to repeat what I have said at previous stages, but the issue of opposition is one that the Ulster Unionist Party is passionate about and one that I will spend a few moments on later. We have attempted to introduce opposition structures to this House via Westminster, with Lord Empey tabling amendments in

the House of Lords in an attempt to make it a reality, and we argued for its necessity at the Stormont House talks. Sadly, the March 2015 deadline set at those talks for the introduction of opposition measures was not met.

We remain totally convinced of the need for opposition structures to be put in place. The reasons why this Assembly was structured as it was in 1998 have been acknowledged at all stages of the debate, but we should always aspire to improve what we are doing and move in time with our ever-evolving society. It is clear from the increasing disconnect that we are failing to do so when it comes to the structures of this Chamber.

One of the problems faced by anyone attempting to lead on this issue is that most parties and Members of this House have differing ideas as to the shape of opposition and how it should be formed. The Bill faced the issue of having to reconcile the needs of the two main parties trying to force through their preferred way of doing things. I am thinking, in particular, of what is outlined for speaking rights for opposition parties in this House. We have seen the allocated business days reduced and attempts to enhance speaking time and widen the scope of questioning voted down. That is unfortunate, and I warn that, ultimately, it will prove to be quite foolish.

I am not sure whether it was arrogance on the part of the DUP that it perhaps thinks it may never be a party in opposition or whether it was simple insecurity over the prospect of facing greater scrutiny, but whatever its reasons, I am left slightly perplexed by the limiting of these rights.

#### 4.30 pm

Regardless of the many hurdles faced, I hope that we will now see opposition structures in place for parties to occupy should they wish following the next Assembly election. I think we all know about the public disconnect from the House; I do not think there is a party or Members that have not acknowledged that publicly. I hope that we can see a shift in how we operate here. I have hope that, with an opposition in place, the public may view this place differently.

I do not think — the sponsor will probably concede this point — the final Bill is perfect. I do not think it is what many of us envisaged, but I hope that we will see an opposition in place, post-election, whatever the make-up here. I think that would be something that could revitalise the Chamber, and, on this day in the leap year, the Bill may not be a leap, but I think it represents some progress.

**Mr Lunn:** I think it is a good day for the Assembly that the Bill will finally pass today. Mr Kennedy said he hoped that the sponsor would not be disappointed. There is absolutely no reason why he should be disappointed. I know the Bill has been well shredded since its inception, but, as the sponsor said, the opposition part of it is largely intact. That is perhaps the most important part of the Bill and perhaps the bit he would have selected if all else had to fail.

I must say that there have been times in the passage of the Bill when I did not expect it to go any further than the point it had reached at various stages. We had the unedifying spectacle of Sinn Féin voting against every clause in the Committee, and the DUP was not helping much by abstaining. There was then the removal of the schedules through a petition of concern. But for all that, we are where we are, as they say, and we now have a Bill that will lead to the establishment of opposition systems here. I think that is

a good day. I must also say that I would prefer to see it done this way rather than through Fresh Start because, frankly, I have more faith in this process than I do in Fresh Start.

Just to run through the Bill but without going into any great detail, where the formation of the opposition is concerned, the 8% threshold is a major success and addition. In no particular order, the opposition will have a right to chair the Public Accounts Committee. When I arrived here nine years ago, I thought it was the convention that a non-Government party would be selected to chair the Public Accounts Committee. Of course, the very first day I was here I discovered that was not the case and that the two major parties could do whatever they liked. They decided to keep the chairmanship of the Public Accounts Committee with one of them — with a Government party. They have continued in that vein ever since. So, there are many reasons why the establishment of an opposition system here will have beneficial repercussions for this place.

Clause 6 is about the first and second questions during topical questions to the First Minister and deputy First Minister coming from the leadership of the opposition. That is an excellent idea. The speaking rights and enhanced speaking rights for the opposition, which are in clauses 7 and 8, and even the membership for the opposition on the Business Committee, is a very good idea. I think there is a lot to be proud of in the Bill, and I say that directly to the sponsor. He has done a good job to take it this far. The financial assistance and, of course, the transfer of responsibilities motion will bear fruit, I guess, down the line.

I am not going to speak at length about this. It is a good day for the Assembly, it is a good day for the sponsor and it is a good day for democracy in this place. Thank goodness we cannot petition a Bill at this point because I think that probably would have happened again. But we will see what happens if we have to move to a vote. I really hope we do not have to divide on this; there does not seem to be any point at this stage in the cycle.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. I think that Mr Lunn described Sinn Féin opposing all the clauses at Second Stage as a spectacle. That is one description of it, but our position was clear from the outset, and we told the Bill's sponsor about it at the first opportunity. The Fresh Start Agreement created the basis for an opposition without having to legislate; it could be done administratively and by convention.

One of the most illuminating parts of Committee Stage was that, despite the myth that people propagate about opposition, as if it is somewhere enshrined by legislation in the great annals of democracy, we very much find that not to be the case. As a matter of fact, most opposition models come about by convention, changing Standing Orders and a democracy maturing to the stage at which it can be trusted not to have one idea dominating another.

Another illuminating fact that emerged during Committee Stage was that, when the Research and Information Service examined 21 parliamentary systems, it found only four in which the chair of the Public Accounts Committee was in the opposition. So, there are myths.

I have been on the Assembly and Executive Review Committee for a long time. At one time, perhaps in my naivety, I thought that it would be good convention, good practice and a better way to bring about democratic accountability to have the Chairs of the scrutiny

Committees coming from parties that did not have a Minister. Lo and behold, when you go to Westminster, you find that the Chairs of most scrutiny Committees are from the same party as the Government. Sometimes this model of opposition is portrayed as the paragon of virtue, and, when you examine it, that is very much not the case.

Over the weekend, because of the nature and length of the count in the Twenty-six Counties election, the pundits in the studios got plenty of time to talk about things that were not relevant to the election process. It was interesting in a discussion yesterday that the net result of the outcome of the election was that a lot of smaller parties and independents did well. The proposition was made that maybe this was the time to do away with the nonsense that an opposition is effectively cut out by the Government: it is opposition in name but with not many speaking rights, and it is not this great paragon of virtue.

The pundits said that it was similar to Westminster, where the Opposition are there in name, but the Government, if they have the majority, steamroller through legislation. Indeed, one said that this might be the time to give the Committees in Leinster House some substance by following the model of the Assembly in the North. We found that out during Committee Stage —

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

**Mr McCartney:** Go ahead.

**Mr Lunn:** I am fascinated by all this but, for clarification, is Mr McCartney saying that he does not think that an opposition model is desirable? Is he also saying that he thinks that the Chair of the Public Accounts Committee should be a member of a Government party, given the amount of scrutiny required?

**Mr McCartney:** All I am trying to point out, perhaps not very successfully, is that people have a perception that democracy equals opposition, and that is not necessarily true. The opposition model can be abused or used by Governments to steamroller through legislation, saying, "Sure you have an opposition and all the rights", which are sometimes not there.

The main point I am trying to make is that, in the context of the Assembly as it now sits, Fresh Start gives hope and aspiration to those who want to go into opposition. John McCallister has presented his Bill very well. He consulted and discussed with various parties, but most of the clauses state that Standing Orders must do something.

Since Second Stage, we have been very clear that, when you say that, it gives rise to the Assembly being able to do it without legislation. A Fresh Start, in my opinion, provides the model and the context and is perhaps the right fit for what should proceed. That is why we said to John McCallister, being consistent in our approach, that if you sign up to the Fresh Start Agreement you are signing up that you can do it without legislation. If you come in here and start to have legislation, you might say that we might have the spectacle of someone signing up to something and then not doing what they said they were going to do. At least we are consistent from that point of view.

**Mr McCallister:** I am grateful to the Member for giving way. The Member will probably be familiar with the Northern Ireland Act, many parts of which talk about Standing Orders and which is very prescriptive. As has been said here many times, the advantage of the Bill is

that it engaged the Assembly in the process and made sure that everybody could shape and look at what is happening, not by somehow having Standing Orders drawn up. Indeed, after Stormont House, Standing Orders were not drawn up, and, as Mr Kennedy pointed out, that failed to be delivered.

**Mr McCartney:** Standing Orders can be drawn up only by going through the Committee on Procedures. That is the convention, the process and the legislation, so it is now up to the Procedures Committee to provide Standing Orders on how we take forward A Fresh Start. Indeed, if your Bill is passed, it will be up to the Procedures Committee to shape whatever comes out of it and what you are trying to bring about. Throughout the process, I have been trying to make the point — I hope, successfully — that we feel that A Fresh Start provided the model for opposition, and that is why we stood in opposition to each and every clause.

As we said to the sponsor of the Bill, the evidence from one of the academics was very striking to us as a party. It was pointed out to us that we have one system, consociationalism, that was designed for a particular purpose and that, when you try to move away from that or fuse it with another system, you could create Frankenstein's monster. We do not want to be part of any such process. We have said in debates that the sponsor of the Bill may be well intentioned, but, sometimes, as the saying goes, the road to hell is paved with good intentions. That is why we were cautious and stood opposed. I do not think that some of those elements around cross-community weighted majorities will feature as we go forward.

In conclusion, I thank John McCallister for the way that he conducted this at all stages. In fairness, when we said that we would not support this, there was no political point-scoring. I think that he took it in the spirit in which we engaged and the spirit in which we said that. Similarly, the Committee staff took us through the Committee Stage and provided us with excellent research. I think that we are all in a better place to examine how, based on A Fresh Start, the Procedures Committee should progress the issue around the need or an aspiration for opposition. Once the opportunity is presented, we will see how many people take it up.

**Mr Allister:** I commend the sponsor of the Bill for his tenacious pursuit of the issue. Despite many obstacles and attempts to derail all and everything to do with his Bill, he has salvaged and maintained some semblance of the Bill, although by no means all of it. It was never a Bill that was in the terms that I personally would have written because it still maintains at the very heart of our structures the poison that spreads the disconnect between these institutions, including this House, and the public, namely the continuing outrageous provision of as-of-right places for anyone in government. There has just been an election in the Irish Republic, and, of course, there was a bit of an object lesson in how democratic processes can work.

There is no suggestion whatsoever that the public should not be allowed to vote a party out of government; indeed, many used that option when they voted a couple of days ago. There is no suggestion whatsoever that there should not be a robust place for opposition, nor that any party should have an as-of-right place in government in that arrangement. Yet here, within the arrangements of the Belfast Agreement, we maintain that hideous position that the electorate are simply told that there are as-of-right

places for parties in government — the very antithesis of due democratic process.

#### 4.45 pm

It is also interesting that the party that in the Assembly during the course of Mr McCallister's Bill has done most to try to derail it, namely Sinn Féin, after its failure to attain its ambitions in the Southern election, falling significantly short of what it hoped to attain, has as the height of its ambition now in the Irish Republic to form the opposition. Yet, in this House, on every vote on this Bill, it has sought to deny even the right to have an opposition. What it preaches and what it wants to practise elsewhere on this island, it seeks to strangle at birth in Northern Ireland and seeks to deny even the very beginnings of an opposition with the very faltering steps that this Bill seeks to take in that direction. Sinn Féin stands exposed as anti-democratic in its approaches to democratic institutions by virtue of the stance it has taken in this House.

Likewise, of course, some in the Committee who were, perhaps, ashamed of following their Committee stance in the full glare of debate in this House, also sought to kill off the Bill and refused to support its clause-by-clause analysis. Nevertheless, I welcome the fact that some progress has been made with the Bill and I trust that this will be the beginning of the building and re-establishment of due democratic process within these institutions. If these institutions ever want to recapture public alignment and connection, then they need to be based on the sustaining and growing of democratic norms rather than their suppression.

It is no surprise that if you say to an electorate that it can elect any sort of Government provided that it, as of right, contains certain parties, you diminish the electoral process and many people ask themselves, "What is the point?". If the Bill begins to dismantle some of the very ugly scaffolding of the Belfast Agreement, then it serves a purpose in that regard. I trust that it will be the start of that. I also welcome the fact that while the ink was barely dry on the misnamed Fresh Start, the Bill and the support that it garnered as it moved through the House has, in fact, bypassed one of the weaker aspects of that and has, somewhat, liberated the circumstances in which an opposition can be formed; that is to the good.

It continues to be wrong that if a party leaves the Executive during the course of an Assembly, as the Ulster Unionist Party did in this Assembly, it cannot form an opposition. Who knows what that party is going to do in the next one? It obviously does not know because it has been ducking and diving on that issue for some time. The issue that took it out of the Executive seems to have been long since forgotten, whether or not it goes back.

If, at a point during an Assembly, specific circumstances arise and a party, by leaving the Executive, qualifies on the formula of comprising 8% of the House, why should it not be able to form an opposition? I think that those in the House with a vested interest have tried to sustain as much as they can of the failing structures of the House by forcing parties to make their choice at the beginning and wanting them to hear the revving engines of the chauffeur-driven cars before they decide whether they really want to be in opposition.

I commend Mr McCallister for his tenacity and for the progress that he has made. I, of course, wish that the Bill had

been more comprehensive and had reached more into the very basis of democratising the House, but so far, so good.

**Mr Agnew:** When it comes to the pace of progress in our Assembly and our political processes, I generally use the phrase that I am proud that we have come as far as we have but frustrated that we are not going further, faster. That is certainly how I feel about the Bill. I commend the sponsor for bringing it forward, for taking on — I know the difficulty of this through my experience — the challenge and for tackling something that most people said we in the Assembly, never mind an individual Member, could not do because we did not have the power. It is testament to Mr McCallister that he sought to bring forward the Bill. He has worked hard to get agreement on it, and, whilst he has not got everything that he would have liked, it is fair to say that the skeleton of the original proposal is intact.

Whilst I congratulate the Member, I condemn the House. We had an opportunity to really improve governance in Northern Ireland, and it was an opportunity wasted. We wasted the opportunity to abolish the petition of concern. We wasted the opportunity to abolish community designation. We wasted the opportunity to introduce collective responsibility, and we wasted the opportunity to introduce a mechanism by which we can hold Ministers to account.

I welcome the fact that we will have the opportunity to form an opposition. Whether or not that is taken up in the next mandate, time will tell. I welcome the provisions on extra speaking rights, resources and positions for an opposition. However, we in the House have failed to implement some of the fundamentals of good governance, such as collective responsibility. The shame of that is that we face another Assembly term where we could see one Minister taking another Minister to court. We could see the unenviable prospect of a party in government voting against the Budget but staying in government or claiming, "That wasn't us. It was them", when one Minister does something unpopular, yet staying in government. It is those factors that undermine the performance of the Assembly and its perception in the eyes of the public.

The failure to at least reform petitions of concern — in my view, they should have been abolished — will cause dismay outside this Building. People are frustrated by the time that is wasted debating sometimes very good and worthwhile proposals — from my point of view, probably none are more important than the proposals for equal marriage for same-sex couples — and they see them voted down by petitions of concern despite the will of the House to pass them. Increasingly, the public understand what that blocking mechanism is, and increasingly they are frustrated by its use.

How many parties have gone into an election saying that they want to move Northern Ireland forward, to make progress or to take credit for continuing their role in the peace process? Yet we have an Assembly that instils within it the divisions that have caused the problems in our society. We continue to enshrine the need to define ourselves as unionists, nationalists or those like me who refuse and are simply labelled "Other", whether we accept the term or not. It is a system that, in fact, denies the cross-community parties, whose vote is cross-community and whose electorate is cross-community, a say in cross-community votes. That is undemocratic, and, as Mr McCallister pointed out, it is arguably in breach of human rights.

The Bill is a step in the right direction, but it is far from a great leap forward.

**Mr McCallister:** I am grateful to colleagues who have participated in the debate, many of whom have participated from the outset and have spoken in every debate that we have had on the Bill.

I will turn to a few of the comments and respond to them. Mr Sheehan responded on behalf of the Committee. It is important to have it on record that I am incredibly grateful to the Committee, its membership and its support staff for the work that they did. I am also grateful to the witnesses who came forward and gave evidence or written submissions to the Committee. That was an invaluable process in shaping some of the thought processes, listening and asking how some of the language that we were using fitted in with some of the model. I am grateful to Mr Sheehan and the AER Committee for that process.

I am grateful to Mr Attwood and the SDLP for the way that they engaged, particularly at Consideration Stage and Further Consideration Stage. He made a point about the workings of the Bill Office and how incredibly hard they worked. I was working on amendments with some of the Bill team here and you would have thought that it was the middle of the day, but it was something like 10.45 pm and they were still working incredibly hard on those amendments. Mr Attwood, other parties and I made amendments, and the commitment is incredible. That highlights why we need a legislative timetable, and why I am so pleased that that is included in the Bill.

#### 5.00 pm

I know what pressure some of the Bill team were under, and I support Mr Attwood's words.

I liked very much Mr Attwood's quote about demanding the right to dissent as there is much to dissent from. I think that it is very true that when we look —

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

**Mr McCallister:** Certainly.

**Mr Attwood:** It was not my quote but that of Robert Kennedy.

**Mr McCallister:** Alex Attwood, Robert Kennedy, Danny Kennedy — I will try to hoke out a Danny Kennedy quote later on. *[Laughter.]* Sorry, I missed hearing who it was from, but I think it is a brilliant quote because it covers the argument as to why we need an opposition in here.

I listened to Mr Attwood talk about the principles of the Good Friday Agreement. I am probably one of the few unionists who openly says, when anybody is listening, that I am a supporter of the Good Friday Agreement; I voted for it in 1998 and have never changed my mind. People born on the day when the Good Friday Agreement was signed will be old enough to vote in the 5 May election. So it is fair to say that they have come of age, and we have a chance today to show that we have maybe at least matured and are changing.

The Member made reference to other business going on at Westminster. This Assembly is probably the most powerful devolved institution in the United Kingdom, and, if we get a functioning Government, we could be in a position to get

more responsibilities, such as tax-varying powers. I think that delivering in good government is critical.

As regards Mr Kennedy's comments, I may be able to quote him now. He made a point about needing the backing of the two big parties. It is fair to say that Sinn Féin set out its position back in mid-November, around the beginning of Fresh Start, and it has not changed from that position. To their credit, that made it quite easy for me, because I knew exactly where they stood, and I expect them to push the vote to a Division today. That means that, if you count in the 28 Members of Sinn Féin and 38 Members of the DUP, everyone else around here becomes an essential swing voter. It is up to the other parties to decide what stands or falls. If one of the large parties says no to everything and the other says yes, it is left to the SDLP, Ulster Unionists, TUV, Greens, Alliance and the independents to swing the vote. It is not all about whether or not there is a division between the two main parties in government, as there is an opening which we can use to get things through. That is why working with all the parties is important to deliver that.

I must say to Mr Kennedy that I have never been entirely sure what he wants or expects an opposition to look like. Lord Empey's amendments, which he cited, mentioned speaking rights, which are included at clauses 7 and 8 in this Bill; supply days, which are at clause 8; chairmanship and deputy chairmanship of the Public Accounts Committee, which is at clause 9; and making speaking rights proportionate, which are at clauses 7 and 8. The one bit that Lord Empey had wanted was that one Member could form the opposition, and I probably attempted to do that, setting the threshold a bit higher with technical groups. He voted against it, but —

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

**Mr McCallister:** I am quite happy to.

**Mr Kennedy:** I thank the Member for his comments, and it seems that I am a member of a party, amongst other parties, who are now "swingers". I do not think that that term has ever been levelled before, but clearly some people are enjoying the thought of the potential of being swingers. *[Laughter.]* The fundamental reason for Lord Empey's attempts in the House of Lords is that he, like me and my party, trusts Westminster legislation so that others cannot tamper with it for political convenience in this Assembly or a future one. Even through Standing Orders, there are mechanisms by which parties locally can deploy measures that would be in their favour, whereas Westminster legislation is more firmly based.

**Mr McCallister:** I am grateful to the Member. I notice that he did not deny the allegation of being a swinger; he seemed to accept it with some relish.

On the substance of his point about Westminster versus here, I am never convinced that Westminster has served him or his party that well at times. Consider the changes to OFMDFM that were made at St Andrews. It has proven very difficult for the Ulster Unionists to counteract the argument that you need to vote for the larger party or a member of Sinn Féin is going to be the First Minister. That is very difficult. So, they are trusting Westminster with this when we have the power to do it. As I said at Second Stage on that argument about Westminster legislation, the House of Lords made it quite clear, in the several debates where the Lord Empey tried to introduce that, that it would

not do it without this Assembly's saying. That is a sign that the Assembly has matured.

On the point about the opposition, I entirely accept that the original schedule has gone. I will cover Mr Agnew's points on this. However, we have established a principle of asking for matters to be moved from excepted to reserved status, and that is important. On the broad substance of the Bill, I have copies of the Bill at introduction and as it stands before us. There are 24 clauses in the original and 18 in the one before us. The clauses that are missing are the renaming of the Office of the First Minister and deputy First Minister as the "Office of the First Ministers"; the single legal entity government; two clauses on technical groups; and one on membership of the opposition that was a change to the Committee. However, the broad substance of how an opposition would work — speaking rights, chairing the Public Accounts Committee, the rights that it would acquire, financial obligations and speaking times — all remains in the Bill. So, in opposition terms, it is still a significant reform to get through the Assembly.

I am delighted with getting so much of the first start of the Bill included. I happily concede that I would have liked much more of the schedule to go through. I would like to have put limits on the d'Hondt mechanism and changed the way we run the Chairs and all of d'Hondt as one piece. I would have liked the change on designation; I am happy and comfortable to move away from that. I would like to have gone to weighted majority vote and I think that those things, over time and at some point in the future, will happen. I think that the Bill, in those terms, has set off a useful debate.

Mr Lunn mentioned that the opposition proposal was largely intact, and I am grateful to him for all his help and support. He has more faith in this process than in Fresh Start; that seemed to be a recurring theme.

The move to the 8% threshold is a major success, in that it reduces the level at which an opposition can be formed and triggers opposition rights on the Business Committee. He puts it very well when he says that the transfer of responsibilities motion will bear fruit further down the line. That is an important point.

In response to Mr McCartney's point about the Public Accounts Committee, I say that even recommendations from groups such as the World Bank all very much point towards having the opposition chair the PAC as being the model of best practice. His party colleagues made much of presenting alternatives in the Republic of Ireland's election. They said that they opposed things such as water charges, and, indeed, they opposed Irish Water being a body altogether. Opposition gave them the space to do that. The trouble with our system is that at times we have had Government and opposition, but they have all been the one people. That is when you look as though you are a dysfunctional mess, and that has to change. The Government obviously want to hold on to their office, so one of the key roles of an opposition, as was said, is to drive a functioning Government. An opposition, if it is looking like a credible alternative, puts enormous pressure on and drives into that functioning Government a consensus that may not need to be there under another system. That is important.

Mr Allister happily said that this may not have been the Bill that he would have written, and I should probably take that

as a compliment in some respects. I do, however, know where he is coming from. I know that sometimes when the Assembly scrutinises legislation, we see it as its best. We see an engaged Committee. We see amendments being tabled and an Assembly debating an issue that it understands. It is important to note that, in a conversation that I had last week, a Minister said that Ministers are at their most vulnerable when bringing legislation through the House, because Members can table amendments and garner support for them. That is an important part of the process. I know that the Member at least agrees with the point that, when the Assembly does legislate and scrutinise, it is probably one of its more admirable functions. At times, a lot of our dysfunctionality can be on the governance side — on the Executive. Those are the challenges that we have to meet.

Mr Allister mentioned Sinn Féin wanting to be the effective Leader of the Opposition in the Republic but welcomed the progress made with the Bill. His important point about how we reconnect this place and capture the public's confidence again so that we can deliver good government, held to account by a robust opposition, presents a huge challenge for the House.

Mr Agnew said that he is proud that we have come this far but frustrated that we have not gone further. I share some of that frustration. He knows that, when it comes to issues such as designation or changes to the petition of concern mechanism, he and I very much share the same views. When it comes to things such as collective Cabinet government, the one thing that I am proud of is that the Bill has firmly put that into people's psyche, as they are talking about it. I know that we have to move towards the Member's own Act about getting Departments to cooperate. The Government have to have a purpose and a direction and look as though all their members are putting their shoulder to the wheel.

### 5.15 pm

He said that he would have gone further; he would like to see the abolition of petitions of concern — I remind him that four petitions of concern were used against parts of the Bill — and the abolition of the need to define yourself as unionist, nationalist or other. As I said in my opening remarks, there is a debate to be had on that. There is a debate to be had not only in unionism about why nationalism is still so wedded to that concept but also in nationalism about having the confidence to want to see change over time. That is a debate for another day. I was keen for it to be in Bill and for us to have that debate. I probably never expected to win that argument, but I was keen for it to be part of it.

I am grateful to all the parties for their engagement with me in public sessions of Committee, in debate here and in private. It has been useful for the Bill. I am grateful to the Committee, the Bill team and the support that we have had. I am also grateful to my support staff of Annette, Peter and Meadhbh, all of whom have worked incredibly hard to get to this stage. I hope that the Assembly sees fit to pass the Bill tonight. Enormous work has been put into it. The course of a private Member's Bill is never particularly smooth or easy, and you have to work with all the parties involved to get something. I am happier with some bits than others, but the principle of an opposition set in primary legislation is a good one. Overall, this should be a

good day for the Assembly. I commend the Assembly and Executive Reform (Assembly Opposition) Bill to the House.

*Question put.*

*The Assembly divided:*

*Ayes 63; Noes 25.*

### AYES

*Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Agnew and Mr McCallister.*

### NOES

*Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McMullan and Mr Ó hOisín.*

*Question accordingly agreed to.*

*Resolved:*

*That the Assembly and Executive Reform (Assembly Opposition) Bill [NIA 62/11-16] do now pass.*

## Scrap Metal Dealers Bill: Consideration Stage

**Mr Deputy Speaker (Mr Dallat):** I call Mr Roy Beggs to move the Consideration Stage of the Scrap Metal Dealers Bill.

*Moved. — [Mr Beggs.]*

**Mr Deputy Speaker (Mr Dallat):** 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 three groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 to 8, 17, 18, 21, 42 to 44 and 47 to 54 and opposition to clauses 1 to 6, 8, 16 and 18 and schedule 1 standing part, which deal with licensing. The second debate will be on amendment Nos 11, 22 to 32, 34 to 41, 45, 46, 52 and 55 to 58 and opposition to clauses 7, 10, 14, 15, 17, and 19 to 21 and schedule 2 standing part, which deal with powers, offences and accountability. The third debate will be on amendment Nos 9, 10, 12 to 16, 19, 20, 33 and opposition to clauses 9 and 11 to 13 standing part, which deal with duties, identification, information recording and disposal of materials.

I remind Members who intend to speak that during the debates on the three groups of amendments they should address all the amendments in each group on which they wish to comment. Once the debate on each group has been 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  
[*Interruption.*] Order please, Members. I am having difficulty with the noise.

### **Clause 1 (Requirement for licence to carry on business as scrap metal dealer)**

**Mr Deputy Speaker (Mr Dallat):** 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 8, 17, 18, 21, 42 to 44 and 47 to 54 and opposition to clauses 1 to 6, 8, 16, 18 and schedule 1 stand part. The amendments refer to licensing and display arrangements. I call Mr Roy Beggs to speak to his opposition to clause 1 and to address the other amendments and opposition to other clauses in the group.

*Question proposed, That the clause stand part of the Bill.*

*The following amendments stood on the Marshalled List:*

Nos 1 to 8, 17, 18, 21, 42 to 44 and 47 to 54.

**Mr Beggs:** I rise to indicate my opposition, first, to clauses 1 to 6 standing part of the Bill. This is unusual; I accept that. However, I will give some background. One of the difficulties in progressing the Bill was its very cross-cutting nature, with some aspects involving the Department of the Environment and others the Department of Justice. Both Departments saw merit in improving legislation, but each thought that the other should take the lead. Thus, it was difficult to engage at an early point.

To understand the majority of the amendments to my Bill, it is important to understand how the amendments emerged and, indeed, the consideration that was given to them from the outset by the experts in the Department of

the Environment and the Northern Ireland Environment Agency. All of the amendments in my name, with the exception of amendment No 44, and the opposition to clauses 1 to 6 stand part, were originally drafted by Department of the Environment officials with assistance from a drafting expert who had worked on the Westminster Scrap Metal Dealers Bill. Several sections of the debate can stand alone, enabling regulations to be consulted on and, eventually, brought back for consideration by the Assembly. They are enabling amendments.

The Committee called for evidence from the Department on 19 October, and the Committee Stage commenced on 16 November. Following a constructive meeting on 27 January 2016 between key departmental officials who were covering the area and myself, a draft way forward was agreed that resulted in the many amendments that have been tabled in my name.

After years of being told that these matters were ultra vires and beyond the power of the Department — critical comments on the proposals were made during Committee Stage — finally there was a welcome and dramatic change of approach by the Department. That can be seen in the Hansard report of evidence to the Committee on 2 February 2016. I have no doubt that earlier engagement would have been beneficial and would have allowed the Committee more time for detailed scrutiny of the amendments. I express my appreciation to the officials for their efforts, even at that late stage, because it was clear that considerable effort had been made when they recognised that legislative improvements could be made in scrap metal management to protect the environment and to deter theft.

I was advised that there was a need to achieve Executive approval for the Minister to table the amendments, but that was not forthcoming. I felt that the amendments had such merit that they should be brought into the public light and considered by the Assembly. It is for that reason that we are here today to debate them. I hope that Members will look at them carefully and see that sections of them can stand on their own and bring about improvement at an early stage.

If you examine the amendments, you will see that many changes are simply to remove several clauses and more closely integrate scrap metal proposals with waste management legislation — the regulatory system that already operates in Northern Ireland. That will remove the concept of scrap metal licensing and, instead, integrate the proposals into the waste management licensing system. I had always sought to link the proposals to the waste management system, as can be seen in my original report on the consultation.

I have to credit the departmental officials for what I consider to be a neater solution than that which I originally brought forward.

I would also like to highlight comments by a police officer giving evidence to the Committee on 15 December, which were recorded by Hansard. He indicated that, two years ago, there was a yard where oil was running into a tributary river and into Lough Erne. He said that that oil was running from the yard to the water two years ago and is still continuing today. It is clear that our current legislation is insufficient when, two years later, the problem still exists and illegal sites that are identified are still trading and polluting. Clearly, increased powers are required to stop those who are profiting at the expense of the environment.

I urge Members to support aspects of the Bill to give those additional powers.

I could have quietly simply parked the Bill after Committee Stage, but I believe that, because of the merits of the proposals that have come forward following discussions with the Department, it is important that the Assembly should hear them and consider whether it wishes to adopt all or merely aspects of them.

I turn now to the detail of the amendments and the opposition to clauses 1 to 6. Following departmental discussions and agreeing with officials, I propose the idea of relying on waste management licences, which my opposition to clauses 1 to 6 has brought forward. In doing so, we would minimise costs to the Department and officials who would monitor scrap metal dealers, and there would also be minimal cost, interference and bureaucracy for scrap metal dealers, who would have to deal only with one set of officials and not possibly two. Although I had always intended that, if the Department had written the regulations, they may have been able to deal with one set of officials, I went along with the Department's proposal which makes it very clear that that would be integrated with the waste management system. For similar reasons, I will oppose that schedule 1 stands part of the Bill.

I turn to clause 8, which will require licences to be displayed. That is a rather simple idea. I would have thought that it was uncontroversial. In requiring scrap metal dealers and indeed mobile operators to display their licences, the public would be aware of whether the individual or organisation that they may be trading with had a waste management licence. Surely that is not controversial. At present, the public may not be. With the support of the public by not trading with unlicensed and therefore illegal waste operators, trade could be directed from the cowboys who are often also responsible for damaging the environment. That is a very simple clause, which could bring about improvement in the way in which that operates.

The vast majority of scrapyards are licensed and operate within the law. Hardworking individuals are assisting in recycling precious scrap metal resources thus minimising the need for further mining and use of energy resources to obtain metal for the manufacturing industry. However, it is clear that there is evidence of serious organised crime profiting from waste management industries in Northern Ireland; equally, I would say, too, on the periphery of the scrap metal industry. There are scrapyards operating without waste management licences, but there is insufficient powers to close them. Evidence highlights that, for instance, several tons of Eircom cable was found in an illegal scrapyard, but limited powers were available to track down where it came from.

Now, I turn to amendment No 1, which merely reflects my agreement with the Department to rely on waste management legislation rather than scrap metal dealers by leaving out the word "site" and inserting "waste management". Similarly with amendment Nos 2, 3 and 4, the net result is that individual licensed waste sites will have to display their waste licences issued under waste management legislation.

#### 5.45 pm

I turn now to amendment No 5, which will simply require registered waste carriers to display their licences, which

should have been applied for and obtained under waste legislation. Again, that will enable the public to see whether a mobile scrap metal dealer has the necessary permission to operate. I emphasise the importance of that information, which was given to me during my consultation, highlighting the fact that individuals may be content to ignore waste carrier licences because they could equally be willing to profit from trade in stolen metal.

I am a member of the Public Accounts Committee, and we were advised, when dealing with fraud, that, when unscrupulous individuals were happy to deal with one area of crime or fraud, they could equally be involved in another. There is a need to be more aware that mobile scrap metal dealers, who should be registered as waste carriers, actually are registered. This idea of displaying their licence would do that. It would then become apparent, when such individuals drive into licensed yards, because there could be an audit trail, which would help to tighten up the industry. What is wrong with this idea? I think that it stands on its own merit.

Amendment No 6 is consequential or tidying and is associated with a change to reliance on waste management legislation.

I view amendment No 7 as a tidying or technical amendment.

I turn now to amendment No 8. This change was referred to earlier, and it utilises waste management licensing regulations, with references to waste dealers and waste carriers.

There is a notice of opposition to clause 8, in the name of Cathal Boylan and others. It would be helpful if they could explain why they oppose the display of waste management licences. I look forward to hearing that. How would the public be aware of whether they are dealing with an individual who is ignoring the waste management licensing regime? I would have thought that it was a rather simple and uncontroversial proposal, which should not cause difficulty. I look forward to hearing what others have to say. It could be implemented at little if any cost to the Department and little cost to those who hold the licences. It would enable the public to play their part by enabling them to use licensed operators, and they could report others who may not be licensed.

I turn now to amendment No 17. The change from one year to two years came at the request of officials, who highlighted the fact that two years was already required under the existing waste management regime, and it would be best to follow suit. I agree, so I support the amendment in my name.

I turn now to amendment Nos 18 and 21. I have taken advice from officials and support those amendments. I accept that they link better to the waste management regime.

I turn now to clause 16 and amendment Nos 42, 43 and 44. With amendment Nos 42 and 43, it is better to link scrap metal dealing to the existing waste licensing regime. I am happy to push those forward. Subsection (3A) of amendment No 42 follows my policy intention of limiting the scope from areas where intervention is not needed, so minimising bureaucracy.

I highlighted to officials that I did not want a high regulation regime involving, for example, selling a car mirror, which may be recycled.

It is important that we try to minimise the bureaucracy involved as we try to create greater accountability and regulation and an audit trail of where scrap metal is coming from.

Turning to amendment No 44, I indicated at the start that all the amendments in my name originated from discussions with the Department. However, there was an involvement with a departmental draftsman who had been involved in the original Scrap Metal Dealers Bill, with the exception of amendment No 44. Like officials, I recognised the possible need for refinement in defining “scrap metal dealer” and “scrap metal” itself. So, what is and is not covered could be changed following detailed consultation by the Department. This amendment would enable a minimum of bureaucracy to be developed and applied following consultation with the industry.

It seems as though there is no problem with metal theft in Northern Ireland; there seems to be a lack of urgency to bring about improvements. I remind Members of the legislation that has been brought in in England and Wales and in Scotland and of the positive benefit that has been attributed to it in reducing scrap metal theft. I also remind Members that the Republic of Ireland in 2014 brought forward its own statutory instrument, number 320, which gives a degree of traceability for the entire waste management system. The concept of creating an audit trail is not new; in fact, we are the exception. As such, we are vulnerable to use and abuse by criminals. If we want to deter metal theft, lead being stolen off homes or churches, copper being ripped out of substations or cables being ripped up, we have to increase traceability. So I ask that you support the inclusion of clause 16.

I now come to clause 18 and with it amendment Nos 47 to 54, which are related to the change in the reliance on a waste management licensing regime rather than on licensing for dealing in scrap metal. They follow that general principle, and I ask you to support them.

Cathal Boylan and others have given notice that they will oppose the Question that clause 18 stand part of the Bill. I view that only as an attempt to wreck the Bill by removing the definitions and possibly leaving the Bill unworkable, with aspects referred to without being defined. I am disappointed in such an approach, so I ask Members to support the inclusion of clause 18.

To those considering opposing aspects of the Bill through the group 1 amendments, I ask you to advise how you will improve the regulatory framework to help to reduce theft, catch criminals and improve the licensing and running of sites so that the environment will not be affected. I ask you to support the amendments that I indicated and where I indicated my opposition to clauses and schedule 1 standing part of the Bill.

**Ms Lo (The Chairperson of the Committee for the Environment):** On behalf of the Committee for the Environment, I will outline the work that the Committee undertook as part of its consideration of the Scrap Metal Dealers Bill. Following the Bill's introduction on 19 October 2015, the Committee was briefed by Mr Beggs on 10 November 2015 on the purpose of the Bill. It seeks to address the theft of stolen metal through a clearer regime of licensing and regulations overseeing the scrap metal trade. Committee members questioned whether the Bill was better suited to the Department of Justice given that its primary purpose is to tackle theft, whilst recognising

that it gives the Department of the Environment powers to issue licences to scrap metal dealers.

I consulted the Chairperson of the Justice Committee as to which Committee the matter should fall to for disposal. As agreement was not reached and, in accordance with Standing Order 64A, the matter was referred to the Business Committee, which ruled on 17 November that the Bill should fall to the Committee for the Environment for disposal. The Committee wrote to key stakeholders and inserted public notices seeking written evidence on the Bill by 11 December. A total of 18 organisations responded, including two nil responses.

As the Bill was introduced late in the mandate, the Committee arranged evidence sessions with a number of organisations prior to the deadline for receipt of written submissions. The Committee heard from the Department, the British Metals Recycling Association, the Northern Ireland utilities working group on metal theft, the Department of Justice and the PSNI.

The Committee had received only a small number of responses from scrap metal dealers directly and was concerned that this was a significant gap in its evidence. To address it, the Committee agreed to write to a targeted group of scrap metal dealers to ascertain whether they would be willing to provide evidence. Representatives indicated a preference for an informal meeting with the Committee, which was held on 9 February 2016.

The Committee secured an extension to the Committee Stage until 19 February. It did not seek a longer timescale as it recognised that to do so would have meant that the Bill would be unable to pass its remaining legislative stages. From the outset, the Committee expressed concerns regarding the timescale of the introduction of the Bill. Nonetheless, it endeavoured to complete its scrutiny within the compressed timescale. However, the Committee's primary focus was to ensure that the Bill is workable, enforceable and effective and would not damage the economic viability of legitimate traders.

The Committee and many stakeholders recognise the merits of the purpose of the Bill, and the Committee commends Mr Beggs for bringing the Bill forward and encouraging debate on the issue. It is aware that the theft of scrap metal is not a victimless crime, and heard compelling evidence of the need for a legislative mechanism to deter and minimise incidents of metal theft, given the impact on local communities and the health and safety implications.

However, during Committee Stage, complex issues were raised, such as whether there was a need for primary legislation, given recent changes to the waste management licensing regulations, which seek to tighten regulation for waste operators, including scrap metal dealers, and whether the Department is the most appropriate body to issue licences, given that the function of the NIEA is to tackle environmental crime.

Other issues included inconsistencies between the Republic of Ireland and Northern Ireland legislation, and concerns that that might harm employment and economic growth in the Northern Ireland recycling industry without similar regulations being made in ROI; and whether the existing voluntary code of conduct could be strengthened and form the basis of a legislative framework.

There were concerns about the impact of a cashless system or a system allowing a de minimis for cash transactions and how that could be enforced. There were also concerns about the unintended consequences of who might be captured by the provisions of the Bill apart from scrap metal dealers.

#### 6.00 pm

The Committee held follow-up sessions to discuss the evidence that it received with the sponsor of the Bill on 12 January and 14 January and with the Department on 21 January, 2 February and 9 February. Following agreement with the sponsor of the Bill, the Department indicated its intention to propose amendments; however, the Committee did not see the amendments until 9 February. Sixty-nine amendments were proposed by the Department, including opposition to clauses, which significantly amended the provisions of the Bill. However, in providing a copy of the amendments, the Department advised that it was not possible in the available time frame to engage sufficiently with other Departments and the industry and that officials remained nervous that radically revising the Bill in such a short period would mean that insufficient scrutiny had been given to the draft amendments. The impact of that is that the Bill could be flawed or would not deliver what is intended.

The Committee is aware that Mr Beggs has tabled the amendments in his name. However, the Committee agreed that it did not have sufficient time to properly scrutinise the proposed amendments and the impact that they might have on the industry. Therefore, the Committee felt that it would be remiss of it to make a decision when it was not in full possession of the information that it needed. Consequently, during its formal clause-by-clause scrutiny on 11 February, the Committee agreed that it was not content to form a view of clauses 1 to 20 and schedules 1 and 2, as the Committee was unable to give proper consideration and scrutiny to the complex issues raised at Committee Stage within the time remaining, including a full understanding of the impact that the Bill would have on the scrap metal industry.

Mr Deputy Speaker, that concludes my remarks as Chairperson of the Environment Committee, and, with your indulgence, I will make some brief comments as a member of the Alliance Party. Our party appreciates the effort that Mr Roy Beggs has made towards the passage of the Bill to this stage, but the Alliance Party cannot support his amendments, which were suggested in haste by departmental officials. The amendments have not been consulted on with stakeholders or been scrutinised by the Committee, and every clause in the original Bill except the short title has been amended. It does not really resemble the original Bill that Mr Beggs put forward. Therefore, we think that it would be irresponsible of the Committee and the Assembly to allow the Bill to become law when we have no idea whether it is workable or whether it may bring negative and unintended consequences. We support the Sinn Féin amendments.

**Mrs Cameron:** I rise as Deputy Chair of the Environment Committee and DUP lead on the Environment Committee. I welcome the opportunity to speak at Consideration Stage of the Scrap Metal Dealers Bill. The last time the matter was discussed — at Second Stage — I was content with the broad principles of the Bill and fully appreciated the points that Mr Beggs raised in respect of ensuring that we

protected public services, businesses, historic buildings and private residences from metal theft. Whilst I remain content with that premise, the Bill that we are looking at today is vastly different from what we started with. I am concerned that we are propose to legislate in an area that does not require legislation, as recent changes to the waste management licensing regulations have already provided additional regulation for waste operators. This area could also be dealt with by firming up the existing code of conduct. I also have further concerns with regard to the proposed cashless or minimal cash system and how that will work in practice.

My main area of concern focuses on the fact that we are rushing through legislation that has not been properly scrutinised by the Committee, as the Chair has already outlined. The Committee's job is to provide a system of checks and balances between the Department and proposed legislation to ensure that what is brought to the Floor of the Assembly is fit for purpose. I commend Mr Beggs for working closely with the departmental officials on the amendments, but I cannot support the Bill today, as we have had no opportunity to scrutinise the revisions. My fear in passing the Bill through Consideration Stage today is that we will pass into statute legislation that we have not been given adequate time to examine. This is a complex area that will have tremendously wide-ranging implications for the scrap metal industry. I understand that we need to alleviate the issue of metal theft, but I cannot help thinking that poorly constructed and ill-considered legislation is as bad as no legislation at all.

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

**Mrs Cameron:** Go ahead.

**Mr Beggs:** Would the Member care to comment on the specific idea of requiring those who have waste licences to display them? What is controversial about that simple proposal? Why can it not happen now, so that the public can know whether they are dealing with someone who has engaged with and respects the licensing regime?

**Mrs Cameron:** I thank the Member for his intervention. Obviously, we feel as a party that the Bill in its entirety is being rushed at this stage. It was introduced fairly late, and the Committee has not had the proper opportunity to fully scrutinise all the amendments, so we are not content to support it at this stage.

The fact that there has been minimal engagement with scrap metal merchants on how their businesses will be impacted by any change in legislation or on how they feel they could better protect their industry is a concern. It is widely accepted that metal theft increases when prices are high and, in the last three to four years, Northern Ireland has seen a fall in metal theft in direct correlation with a fall in metal values. That, therefore, returns me to the position that we are rushing to legislate for a problem that is currently on the decline. I am sure that, as with all markets, metal values will increase in time, which may then have a bearing on thefts. Taking our time to correctly craft effective legislation will equip us to deal with that in future. Passing the Bill today may leave us in a worse position going forward, leaving gaps and failing to correctly address concerns.

There is also a great deal of work to be done on which Department will be responsible for the enforcement of the legislation. Naturally, the present Department of the

Environment will carry the bulk of the burden, but we will, of course, rely on the Department of Justice to carry out prosecutions. This is not to mention the restructuring of Departments in the next mandate and how this legislation will fall within that.

In closing, I reiterate that I support the principles of the Bill and see the need to provide protections against metal theft. However, my party will not support the Bill through Consideration Stage today as it has not had sufficient scrutiny through the Committee process because of the lack of time. I urge other Members to vote against the Bill.

**Mr Boylan:** I do not take great pleasure in speaking on this legislation, to be honest. I have to recognise the work that the Member has done in trying to bring forward the Bill.

Suffice it to say that trying to rush legislation through at the end of a mandate is not a good way of bringing forward good legislation for the very reason that you do not have enough time, as was the case here. I can only speak specifically about this legislation. We found ourselves with no time to properly engage with people to be properly informed so as to bring forward good legislation. That is the main thrust of our argument tonight.

I will go into some detail on some of the clauses, but I want to start by saying this. Mr Beggs talks about metal theft. The Bill being used as a tool to address metal theft, and, in principle, I do not mind supporting that aspect of it. I could say to Mr Beggs, however, that metal theft is a crime and does not belong in DOE's remit; it belongs somewhere else. It took us a length of time to decide which Committee was going to deal with this, and that has to go on record, first and foremost. This may be a sad reflection on all of us in the Committee because, to be truthful, we should have looked at the Bill more seriously at Second Stage, when its broad principles were being discussed. I just want to put that on record.

While I respect the work of the Member and the system that we have for bringing forward legislation — this is a legislative Assembly — and for allowing that process, what we have found, through the very little scrutiny that we could carry out in the time frame, is that we were not properly informed. To be fair to the Member, he carried out his duties in how he went about his consultation. I will say this, however: consultation on any Bill — I respect that a private Member may not have all the resources that a Department has — is not a tick-box exercise. There should be proper participation so that we get a better understanding.

This is a prime example of what has happened. Last Wednesday morning, I spent an hour and three quarters phoning around at least eight scrap metal dealers to get their opinions, and they said a different thing. Unfortunately, people were not comfortable coming to the Committee, and that is nobody's fault but their own. We were trying to get a better understanding, and what I heard from them was that there was no proper scrutiny. We have to take that on board and respect it. That is the main principle behind our opposition to the Bill.

Mr Beggs said in his introductory speech that I want to "wreck the Bill". It is not that I want to wreck the Bill; I want to bring forward something here that we as a group can stand over by ensuring that we get the balance right. I agree that we need to look at regulation again, and in time, in the next mandate — whoever comes back — if Mr Beggs

wants to resurrect the Bill, that is grand. If we do come back to it again, I say this to those who come back: there will be proper scrutiny of this legislation. Clearly, the main cause of our opposition today is that we have not had sufficient time and are, therefore, not properly informed to make a proper decision. That is the only reason. It is not that we have anything against the Member or anything else.

The Bill had 21 clauses and two schedules, and now we are going to remove the first six clauses, although I can only speak about what is in this group. The reason being that there is a licensing system and a regime there that can be worked. In tandem with the Department, we could have worked something through, but we need time to properly discuss that. We are supporting Mr Beggs's opposition to those first six clauses — that is the only point on which we will be supporting him — because we recognise that there is a regime there.

Some of the amendments are technical, and I am not getting into that debate tonight.

Mr Beggs talked about clause 8, which deals with the display of the licence. When I talked to those in the industry, they said that they do not have a problem with that under the voluntary code. Maybe the Minister can clarify this point, but I think that, under the regime itself, it would be very easy to correct that through the regulations that we have already to ensure that that goes on. I do not think that you need to bring another piece of legislation through. That can be looked at. As I said, if it comes back again, I recommend that we would look seriously at that.

#### 6.15 pm

All that having been said, clause 8 deals with the display of licences. I think that there is a facility there where some businesses display licences. The Department needs to do a proper piece of scrutiny and engage. I know that that is within the Member's amendment, which clearly suggests that there should be engagement with stakeholders and the industry. That is grand, but we should do that as part of the exercise anyway.

I definitely have an issue with clause 16, which deals with carrying on business as a scrap metal dealer. I have spoken on a number of occasions, even in the Committee — it is recorded in Hansard — about those who are maybe electricians or plumbers and bring a wee bit of scrap metal to a yard. There has not been full engagement.

It is not for this group of amendments, and I am only using it as an example and trying to make a point about some of the people who will be impacted by clause 16, but I spoke to the industry over the phone last Wednesday and learned that, in most of the businesses, 80% of the transactions are cash transactions. I oppose clause 16. There is no point in saying that it will not have an impact. I am not saying that we do not need to look at it. All that I am saying is that we have not had enough time. If we are serious about bringing in regulations to the industry, we need to look at that.

On the point about the interpretation, Mr Beggs spoke about wrecking the Bill. It is consequential, and you would have to introduce the other clauses for that to work. It runs in a sequence in that respect.

In closing, our main point, as far as the party is concerned, is that we support the opposition to the clauses and

oppose the amendments in group 1. The reason for that is that we have not had sufficient time. Maybe you would take that process back, Mr Deputy Speaker. I am not denying anybody the right to bring forward legislation towards the end of the mandate, but, first, we need to look at the time frames. Secondly, if a private Member tables a Bill in the House, we need to look at resources and support for those so that most of the work is done when we come to discuss legislation like this.

Fair play to Mr Beggs — it is up to the Member. The Department has come up with all these amendments. We suggested a few things at Committee, and, all of a sudden, within a couple of days, there were amendments in front of us that we have to make a decision on. To be fair, we cannot make a decision on them because we have not had time to properly scrutinise them. That is my main opposition to the amendments. Go raibh maith agat, a LeasCheann Comhairle.

**Mr A Maginness:** I share some of the misgivings that colleagues who are members of the Environment Committee have expressed. I sympathise with the sponsor of the Bill. He has put a lot of work into it, and it is certainly well-intentioned. It is intended to deal with a basic mischief of the theft of metals and the misuse of metals in the scrap metal industry.

One of the problems goes back to the debate that we had about whether the Environment Committee or the Justice Committee should deal with the matter. Most of us on the Committee, reflecting on that debate, would say that the Justice Committee should have dealt with it. As an overtaxed, overworked member of the Justice Committee, I do not think that it would have been welcomed — it would not have been warmly welcomed anyway — by the Justice Committee. If the Bill had landed at the feet of the Justice Committee, members would have said that they did not have sufficient time to look at it.

Therein lies the problem because, even with perhaps a little more time, the Environment Committee said that, because of circumstances and the lack of response from people involved in the industry, we have not had sufficient time or qualitative engagement, and that is another aspect in making a determination.

I am as torn as other members of the Environment Committee about the Bill, but, in fairness to the sponsoring Member, he has said that he will leave out clause 1 to clause 7 and concentrate on the waste management licensing element of the Bill. That is a fair enough approach, and the Member is wise to do that, and I sympathise with him.

This is an open process, so the Member went to the Department, which suggested certain draft amendments, and the Member wisely accepted those amendments. Whether those are sufficient to meet the Bill's objectives is a question for all of us and, ultimately, for the plenary sitting to make a decision on. Despite my misgivings, I think that the Department has helped to reshape the Bill but perhaps not to my full satisfaction. I am giving the amendments and the reshaped Bill the benefit of the doubt. Some merit remains in the restructured Bill, so I will give it my support, but I understand the criticisms of members of the Committee, including the Chair and the Deputy Chair; these are proper criticisms that should not in any way be treated lightly. At a very late stage, the sponsor

made a valiant attempt to reshape the Bill to reflect the assistance and counsel that the Department gave him. That is where we are. It now boils down to the House considering whether the amendments are sufficient to meet the objectives of the Bill.

I congratulate the sponsor for taking the Bill forward and for trying to deal with the misappropriation, misuse and theft of metals in this jurisdiction. The problem is perhaps not as serious as it once was but is, nonetheless, serious, and it needs to be addressed. The Bill, in its present form, may or may not address that fully. The best way to address the issue fully is to take a criminal justice approach, which may require further legislation.

So I leave it there. Just to say that I give the Bill, in its present form, my support.

**Mr Durkan (The Minister of the Environment):** This private Member's Bill is about crime: stopping and inhibiting crime in the area of scrap metal theft. It seeks to address undoubtedly unsatisfactory situations, such as where stolen metal is sold to scrap dealers with no questions asked.

The Bill has, in fact, very little to do with environmental regulation and the work of my Department; it relates much more, as outlined by Mr Maginness and other Members, to the work of the Department of Justice. The Bill is not even particularly related to environmental crime, however, for reasons that I do not quite claim to understand, the powers that be have, quite late in the day, assigned the Bill to me rather than to the Justice Minister as sponsor. So sponsor it I shall.

I would like to congratulate Roy Beggs on bringing the Bill this far and for heightening public awareness of the issue. Metal crime and metal thieves can cause great problems for individuals and communities, and metal thieves need to be stopped. I do not know whether we need metal detectors to catch metal thieves — *[Laughter.]* — but that is another story.

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

I have no doubt about Mr Beggs's sincerity in wanting to tackle this issue, and I share his very worthwhile objective. I also want to commend him on his willingness to work with my officials to ensure that the Bill does not unduly cut across other areas of regulation and/or create unnecessary work or bureaucracy in my Department or elsewhere. The Bill, as originally introduced, had many shortcomings of that kind. For example, it did not take account of recent changes in waste management regulations, but we have managed to work on a series of amendments that Mr Beggs is now bringing forward in his name and which cure many of the ills identified. Even with all that, however, I have to say that the Bill, as introduced today, even with the amendments, is far from perfect. Inadequate time has been spent on it, and Members, and the Environment Committee in particular as we have heard, have had insufficient opportunity to give serious consideration to the Bill.

Because the issue at hand is cross-cutting, it would normally require an agreed Executive position before even reaching this stage. I am not in a position to advance such an Executive position and, therefore, can neither commend nor condemn the Bill. All I can say is that I support its objectives and, should it pass today, Mr

Beggs's amendments will also have to be approved if the final text is to make any sense. Members, I leave that in your hands, as legislators.

Our business is to be grouped into three sections. I do not intend to rise every time to provide ministerial advocacy for each of the detailed clauses. I simply restate that if the Bill is to pass it needs to pass with Mr Beggs's amendments intact.

**Mr Beggs:** I thank everyone who contributed to our discussions. Anna Lo, the Chairperson of the Committee, Alban Maginness and, indeed, to a degree, the Minister, continued the theme of whether the Bill should be with Environment or Justice. Having been through all this process, my assessment is that it should be done as environmental legislation, and this is why I think that. We are aware of the budget difficulties in every Department. If we were to go to Justice, we would have to carve out perhaps £1 million to set up a new licensing regime for scrap metal dealers.

I have to commend the Department of the Environment officials, who have come up with a very neat way of attaining largely the same objectives, which will help them do their work as well but are tagged on to the waste management licensing process. If anything, that has reinforced for me throughout the process that we are more likely to tighten up the traceability of metal theft and protect the environment by doing it on the environmental side of things. I suspect that, if the Bill were to go to the Department of Justice, it would mean scrap metal dealers having to apply for another licence and another layer of bureaucracy. It would also mean another Bill, so it is much better that the one process should do that.

### 6.30 pm

It is also better that we try to minimise the bureaucracy and that the Assembly and the Executive have joined-up governance. I appreciate that the Minister needed Executive approval before he could go ahead with the proposals that were emanating from his Department, but we should not operate in silos. I certainly would have wished for more time. I accept that more time would certainly have benefited the process and might have allowed detailed scrutiny by the Committee of the Minister's proposals.

A point raised by a number of Members — the Chair, Anna Lo; Pam Cameron; Cathal Boylan; and Alban Maginness — concerned the limited evidence received from scrap metal dealers. The Committee had difficulty engaging with the scrap metal industry, and it certainly had difficulty getting anything on the record. Indeed, I note that no one wanted to give evidence on the record. Has anyone thought why? The vast majority of scrap metal dealers are hard-working individuals, working long hours often in difficult conditions. They follow environmental regulations as best they can. The vast majority follow the voluntary code that is there to deter theft, as was referred to. But it is not all. Some unscrupulous individuals operate without any waste licences and without adhering to any voluntary code. When people are prepared to ignore environmental legislation and the voluntary code, you can expect them to have little regard for the law.

As we are aware, serious organised crime has undoubtedly been involved in illegal waste management in Northern Ireland. Dumping large amounts of household

waste is the issue that comes to mind. Equally, serious organised crime has been involved in the destruction of power lines and the wrapping-up of perhaps half a mile of cable. Just one or two individuals cannot do that. Serious organised crime is involved in the theft of metal. Regrettably, some individuals who process scrap metals also are unscrupulous. They do not follow waste management guidelines or the code of conduct.

I spoke to some of the responsible individuals working in the industry. I enquired as to why nobody was going on the record. What I was told was, "If you stick your neck out, some of these unscrupulous individuals might just come back and bite you". If you want to know why members of the organised trade are nervous about coming forward, it is because they might be attacked. That is why. I hope that Members will bear it in mind that there are some unscrupulous individuals involved in the trade — a very, very small number — and, if someone were to indicate support for aspects that they disagreed with, they would so at risk, whether to their business or their person. Just to be clear, that is my understanding of why no one went on record to give evidence to the Committee: they did not know what questions they would be asked or whether they would say something that might cause difficulty later.

With regard to aspects of this that might cause economic difficulties for the scrap metal trade, I recognise that that is a legitimate concern. However, as I said in my earlier remarks, some of the aspects that have been proposed can stand on their own. The requirement for scrap metal dealers and mobile waste operators to display their licence is not controversial or expensive.

The voluntary code was referred to by Anna Lo and Pam Cameron. You might not realise it, but England and Wales had a voluntary code. When they wanted to legislate for it, guess what? They brought in the Scrap Metal Dealers Bill. They legislated for that to strengthen it. If you simply said, "Yes, let's operate with a regulatory code, something that would be required", you would soon find yourself with something close to what I have here or the picture that emerged following discussions with the departmental officials. You would end up with something close to what we have.

Anna Lo mentioned that officials had a degree of nervousness about some of the changes. I accept that. It is for that reason that I have tabled amendment No 44, which would bring about a degree of flexibility. However, we do not need to be nervous about some of the other aspects. Cathal Boylan expressed concern about aspects being rushed. A number of proposals in the amendments are about enabling legislation. This is not the regulation; it is simply to enable the Department to develop, consult on and bring forward regulation that will bring about improvement. That will necessitate consultation with the industry and consideration by the relevant Assembly Committee. I refer to the stop notice idea and the idea — it is perhaps in a different section — of cashless trading, which was referred to by others. This is merely enabling legislation: the detailed consideration of aspects of the Bill could be taken forward at that subsequent stage. Again, I ask Members to consider that.

Alban Maginness was adamant that the Bill should be dealt with by Justice. I have difficulty with that. The proposal works neatly with waste management, and there would be minimal cost. One of the difficulties that emerged

in the evidence was that 3 tons of copper Eircom cable was found in a scrap metal site. If my memory serves me right, it was an illegal scrap metal site. However, because it was not possible to trace where it was bought by that individual, there was no audit trail to identify who stole it in the first place or who sold it. That is very wasteful of the world's resources. It is expensive for companies and the public, who, ultimately, will have to pay for it. Remember that, ultimately, that bit of cable will be melted down and reformed using considerable energy. New plastic would be moulded round it, and energy would then be used to reinstall it. Part of this will bring about environmental improvement as well. As I said, I have a preference for doing it through the waste side to minimise the cost and the bureaucracy.

I acknowledge that to do so requires joined-up government, but maybe that is what we should be looking for, rather than operating separately.

I ask Members to think carefully about the Bill and the amendments. I am picking up concern from many parts of the Chamber, but I ask Members to consider whether there are aspects that are not a risk — that neither threaten viability nor create uncertainty — and whether at least some aspects can continue, which would —

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

**Mr Beggs:** Certainly.

**Mr Weir:** I appreciate, as I make this comment, that I have not been particularly involved in the process, but it seems that there has been widespread criticism of the Bill in a lot of its aspects. The Member seems to suggest, essentially, that we rummage through the Bill, pick out the bits that are reasonable and ditch the rest. The Member made a very valid point when he talked about a joined-up approach. Given that the Member himself actually opposes a wide range of clauses, would it not be better, if we are looking for a joined-up approach, to effectively scrap the Bill today and bring something back that is well thought through, has been properly consulted on and that stands in a coherent way, rather than rummage round for the bits that are OK and the bits that are bad?

**Mr Beggs:** I thank the Member for his comments. My difficulty is with continuing to say, "Yes, we will do something in the future". As I said earlier, criminality and pollution continue. Pollution still occurs from illegal sites, and it would appear that the Department does not have sufficient powers. In that regard I refer to the amendment on the stop notice, because, although there is the power to prosecute, that requires a lengthy period to build up evidence, present the case through the system and go to court eventually — sometimes after more than two years. On the evidence I referred to earlier, pollution is still occurring two years after the difficulty has been identified.

I ask why we cannot start today by approving enabling legislation, such as on the issue of the stop notice, so that the Department subsequently can do the consultation right from the end of the life of this Assembly and bring back to the next Assembly firm proposals, having thought up that regulation. The Bill, when amended, would require the regulations to come back for approval by the Assembly. Rather than put off that process — I do not know whether for three months, six months or a year — why not start it today? That is all I ask. Much of this issue has been parked and is not being handled. I want to move forward by

addressing the weaknesses that have emerged during my investigation of scrap metal dealer legislation elsewhere and comparison of it with ours.

I greatly welcome the late engagement by departmental officials, and I recognise their cleverness — I am big enough to acknowledge that a more subtle way of obtaining the objective, ensuring that there would not be duplication, was clearly identified. I myself thought that, when the Department was enabled to make regulations, it could match them to the waste management regulations, but I recognise the neatness of its proposal and ask Members to carefully consider the amendments that are before them. I am talking about the new shape of the Bill — about the amendments that are in my name — and asking whether some aspects of it, at least, are worthy of approving now, to allow the Department to get on with bringing about improvements in our regulatory procedures and in the governance of Northern Ireland. Thank you.

**6.45 pm**

**Mr Principal Deputy Speaker:** Before the Question is put, I remind Members that we have debated the opposition to clause 1 but the Question will be put in the positive as usual.

*Question, That the clause stand part of the Bill, put and negatived.*

*Clause 1 disagreed to.*

*Clause 2 disagreed to.*

*Clause 3 disagreed to.*

*Clause 4 disagreed to.*

*Clause 5 disagreed to.*

*Clause 6 disagreed to.*

#### **Clause 7 (Closure of unlicensed sites)**

**Mr Principal Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 11, it will be convenient to debate amendment Nos 22 to 32, 34 to 41, 45, 46, 52 and 55 to 58 and opposition to clauses 7, 10, 14, 15, 17 and 19 to 21 and schedule 2 stand part. These amendments refer to powers including authorisation of officers; offences; accountability, including review and scrutiny mechanisms; and recognition of persons responsible for the activities described. I call Mr Roy Beggs to speak to his opposition to clause 7 and address the other amendments and opposition to clauses in the group.

*Question proposed, That the clause stand part of the Bill.*

*The following amendments stood on the Marshalled List:*

Amendment Nos 11, 22 to 32, 34 to 41, 45 and 46, 52 and 55 to 58.

**Mr Beggs:** Again, I indicate that the amendments in my name and opposition to clauses stand part of the Bill in my name, such as clause 7, follow the proposals that originally came forward from the departmental draftsman during that earlier engagement.

My opposition to clause 7 and schedule 2 as a method of closing unlicensed sites also stems, to a degree, from the decision to opt for waste management licensing rather than

separate scrap metal dealer licensing. The Department had indicated that it wants to widen powers for closure of unlicensed waste management sites. You will see that I have proposed amendment No 40, which fits better into the departmental proposals for waste management sites generally. I recognise the benefits of having consistent proposals operating across waste management generally and the wider powers that may come therein. Again, I point to the evidence given by the PSNI that, where there is damage occurring to an environment and continuing for some time despite the absence of a licence, clearly additional powers are needed.

Amendment No 40 enables regulations to be made by the Department of the Environment for closure orders for a site such as that referred to. If approved by the Assembly, a consultation would be required. When you look at what is being laid out, you see that there would be a requirement for the court to issue a closure order if the court were to be convinced of the need and justification. Clearly there is a gap in the legislation. We have an opportunity, through this Bill, to correct that.

I turn now to clause 10, on the offence of buying scrap metal for cash. Again, following discussions, I wish to replace clause 10 — I indicate my opposition to it — with a new clause as indicated at amendment No 11. This would create enabling powers. Consultation would have to occur with the Department of Justice, the Chief Constable and representatives of the scrap metal industry.

Again, I highlight the new cross-border crime task force that has been created. Waste management crime is an aspect of cross-border crime, and I point again to the three tons of copper cable found in a scrapyards in Fermanagh. There was a lack of traceability of who supplied that, despite it being obvious that it had come originally from the Republic of Ireland.

Cashless transactions can be a useful tool in avoiding difficulty in following an audit trail, so there are benefits. I highlight that this is enabling legislation, because there would be difficulty if we in Northern Ireland brought forward cashless transactions on our own. It is important that the move to cashless transactions comes in in Northern Ireland and the Republic of Ireland at the one time so as to not distort trade. That could be an important aspect of the cross-border task force. Should they decide that that is something that they wish to pursue, we would at least have the enabling power in the Department.

Amendment Nos 22, 25, 29, 30, 31, 32, 34, 36, 37 and 38 would ensure that an authorised official of the Department or a constable was empowered to take action. Amendment Nos 23, 24, 26 and 28 more clearly define the premises for inspection, and I support all of them. Amendment No 27 enables the person who appears to be in charge to be treated as the manager of the site. That is important and will ensure that the excuse "No one's in charge" cannot be used. That is an amendment worth supporting. Amendment No 35 enables authorised officers and constables to be included in the requirements to show evidence of their powers. That is a fundamental right that an individual should have if someone wishes to come onto their property, so it is fully understandable and I support it.

I fail to understand the opposition to clause 14 standing part. Why would you want to oppose the right of an authorising officer to enter and inspect? I hope that

that will be explained by others who have indicated their opposition to clause 14 standing part. There are amendments, as I have indicated, with a departmental origin. Why refuse authorisation for a departmental officer or constable to inspect?

Amendment No 45 defines a site manager. In fact, it says that the site manager should be identified as part of the licence. Again, that is a neat way of identifying the site manager as part of the waste management licensing. It is a clever idea to neatly merge that with existing legislation and include it as part of the process.

Amendment No 46 makes it explicit that clause 10, which deals with cashless transactions, and new clause 14A, which is detailed in amendment No 40 and deals with regulations for closing sites, would both require Assembly approval. Very explicitly, the regulations would have to be developed and would have to receive approval in the Assembly. If anyone has any fears about a lack of consultation, this is very explicit that in both regards any regulations developed by the Department would have to be brought back here and consulted on. The Minister would be wise to take them to the Committee and allow scrutiny there, and ultimately they would be voted on in the Assembly. Clearly, it would not be a shot in the dark, and any proposals for a move to a cashless system or for new regulations for closing sites, as in amendment No 40, would have to be approved by the Assembly. We have problems today with the operation of illegal sites, which, apparently, cannot be closed. What are we going to do about it today? I ask Members to support that aspect.

I turn to clause 17. I notice that some Members have indicated their opposition to clause 17 standing part. I view it as fairly normal for this type of legislation, and, as I said, key protections have been built in where they are appropriate.

I turn now to amendment No 52. I am sorry, I have lost my way. Sorry — just give me a moment. No, I will leave it at that.

A number of amendments can bring about good. I also indicate my opposition to schedule 2. I oppose it because an alternative mechanism has been proposed as part of the amendments. I ask Members to support my Bill. I ask them to consider, at the very least, some key aspects that we can support today to improve our environment and give greater powers to the Department to ensure that illegal operations that are damaging the environment and taking trade away from legitimate tradesmen — those who operate licensed sites — can be closed down more swiftly. I ask Members to support what I have said.

**Ms Lo:** I will make some brief remarks on group 2. As I reflected when speaking on group 1, the Committee did not have sufficient time to have a full understanding of the impact that the Bill or the amendments would have on the industry. The Committee agreed, therefore, that it was not content to form a view of the amendments proposed by the Department, now tabled in Mr Beggs's name, or the clauses in the Bill as introduced.

**Mrs Cameron:** I speak on group 2, which relates to powers, offences and accountability. Like the Chair, I do not intend to prolong the debate by repeating the concerns that were placed on the record when speaking about the first group. As a party, we oppose all the clauses and amendments in group 2.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I oppose clauses 1 to 21 and schedules 1 and 2. I intend to speak specifically on group 2, but, before I do, I acknowledge the work and contribution to date of the Committee, the Committee staff, the departmental officials and the stakeholders who have shared their views on the matter. I also use the opportunity to acknowledge the Bill's sponsor, Mr Roy Beggs. I support the broad principle of the Bill, and I appreciate the difficulties that he faced in getting the Bill to this stage, but, as the Committee Chair and others said, we have simply run out of time. We did not have the time to give proper consideration and scrutiny to the issues raised during Committee Stage and, in particular, the amendments put forward by the Department and Mr Beggs. As a result, I cannot support the clauses as they stand. There are still too many questions to be answered, and engagement with the relevant stakeholders has not been comprehensive enough to allow us to take a view on how the Bill would impact on the industry and, for that matter, on the Department.

My colleague dealt with group 1, so I will turn to group 2, which relates to powers, offences and accountability.

On clauses 7, 14 and 15, "Closure of unlicensed sites", "Right to enter and inspect" and "Offences by bodies corporate", I feel that these are all cross-departmental issues and that there has not been enough discussion or information on how they would work in a practical sense and what is already covered under current legislation.

7.00 pm

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

**Mr Milne:** Of course.

**Mr Beggs:** Can the Member explain what difficulty he sees with a constable or licensed environmental official going in to inspect premises?

**Mr Milne:** I thank the Member for his intervention. I will say to him that we have not had time to properly scrutinise not just that piece of the Bill but any part of it. If the Member wishes to intervene all night, I will give him the same answer. This is a simple case of our not having had time to scrutinise such an important Bill.

On clause 10 and amendment No 11 on the setting of a limit on cash transactions, again, not enough time or information has come forward to assess the impact that that would have on small tradesmen or dealers. Therefore I cannot support clause 10 or the new clause either at this time.

Clauses 17, 19, 20 and 21 are dependent on agreement on the previous clauses. The amendments put forward by the Department and Mr Beggs impact on every clause, with the exception of the short title. As they were presented only for consideration, I am not in a position to make any comment on them. Without robust scrutiny, I cannot support the clauses, schedules or amendments.

I join with my colleague Mr Boylan in recommending that a deadline be considered for bringing a private Member's Bill to Committee Stage at the end of a mandate in order to allow for sufficient scrutiny to take place and to be fair to any Member who brings forward any piece of draft legislation. Go raibh maith agat.

**Mr A Maginness:** I simply reiterate my previous comments on the first group of amendments; my comments are

applicable to group 2 as well. I will support Mr Beggs's amendments. The Bill, even as amended, may have weaknesses. Nonetheless, the Bill, as amended, would be an extra tool in dealing with the problem and with the objective that Mr Beggs laid out at the beginning of the process. I think that it would be a useful contribution to waste management and to the creation of a waste management licensing system to tackle the problem of metal theft. For those reasons, I support his approach in group 2. I will conclude with that.

**Mr Patterson:** From the outset, I pay tribute to my party colleague Roy Beggs for bringing forward this piece of legislation. I speak as the newest member of the Committee and as Ulster Unionist Party spokesperson on the environment.

None of us will or can deny that metal theft is a problem in Northern Ireland or that when materials such as copper or lead are stolen, the cost of repairing the damage often far outweighs the value of the materials taken. However, I must say that, given that Northern Ireland has the weakest regulation of the scrap metal dealing industry in the United Kingdom, it is particularly disappointing how the Assembly and several Departments have responded to the draft legislation. I made that point soon after joining the Committee for the Environment. The churchgoers who have the lead removed from their church roof, the building contractor who has metal products taken from their yard, or the people who have had their phone or electric wires cut, quite frankly, do not really care whether the Department of the Environment thinks that it is a matter for the Department of Justice. That approach is a classic example of silo mentalities getting in the way of making progress. Nevertheless, I welcome today's debate.

I will limit the remainder of my comments primarily to amendment No 40, which proposes a new clause to make provisions for closing unlicensed sites. That, in my mind, makes a great deal of sense. Neither the Department nor the Minister will deny that there are sites dealing with waste products freely operating without a licence across Northern Ireland.

Whilst those businesses will know that they are doing something wrong and they may even have been told so by officials, unfortunately, the length of time it often takes for those cases to go through the judicial system means that it is often worthwhile continuing their trading. Indeed, in an article in the local Fermanagh papers in October 2013, it was noted that a business in Enniskillen had its exemption for waste management licensing removed and was stripped of its authority to accept any type of waste. I wonder if the Minister can confirm whether, several years later, that business is still operating. I know that his Department is aware of it, if for no other reason than, not long ago, it was part of a major pollution source in the local waterways. That business is only one example of why the current system is ineffective, why we so badly need these closure orders and why we need improved legislation to enable the issuing of stop notices.

**Mr Beggs:** I thank those who have contributed. The comments have largely followed those on the group 1 amendments earlier. I thank Alban Maginness for his encouraging words. Looking into some of the aspects of what my colleague Alastair Patterson highlighted, there has been clear evidence of the current system not working, and, in fact, a police officer gave evidence to an Assembly

Committee expressing his concern that, two years later — and perhaps it is longer than that now — the illegal activity of unlicensed waste management had been occurring. That is still occurring today, and that pollution is still entering our waterways. In that regard, it is an aspect for the Department of the Environment.

**Mr Durkan (The Minister of the Environment):** I thank the Member for giving way. With specific regard to clauses 7 and 14A, which, along with schedule 2, relate specifically to the closure of unlicensed sites, the Department already has powers under the Waste and Contaminated Land Order to close unlicensed waste sites, or article 4 offences as they are known. These provisions are much more stringent than those proposed in the Bill, and the Department would be wary that the implementation of these clauses without full and proper legal consideration, which has not been possible in the time that we have had to scrutinise the Bill, could compromise what already exists by providing a loophole.

**Mr Beggs:** I thank the Minister for that clarification. I, for one, would not wish to endanger any legislation. I listened carefully to what the Minister said, and I am happy to give way if he wants to clarify if there is a requirement for the regulations, as indicated under amendment No 46. It is very clear that the proposals in amendment No 40 would have to go to consultation.

Amendment No 46 would require the regulations made under new clause 14A, which is referred to in amendment No 40, to be consulted upon, and, ultimately, they would have to be approved by the Assembly. I think it would be foolhardy for any Minister to bring regulations forward to the Assembly without carefully engaging with the industry and, indeed, the Committee. That is my understanding, so I am happy to give way to the Minister if he wishes to clarify whether it is that consultation, which would be available during the regulation process, that gives him concern or whether it is the very legislation itself. As I say, I am happy to give way if he wishes to engage.

**Mr Durkan:** I thank the Member for giving way, or for the invitation to ask him to give way. The concern caused to the Department is about the potential for the creation of a loophole through the acceptance of these clauses. As I outlined when speaking on the previous group, I am supportive of the amendments of yours that were brought forward in the last group and in this one and that will be brought forward in the next. I believe that, if the Bill passes, it has to be with the Member's amendments intact.

**Mr Beggs:** I think the Minister's comments help to clarify in my mind what he said. I was getting worried in case he was saying that the new amendments created difficulties, so I thank you for the clarification that the new method, through amendment No 40, would have to be consulted on. That would have to be consulted on; it is in the amendments that I have. As I say, amendment No 46 requires that it would have to be consulted upon. Let me read amendment No 40, which states:

*“(1) The Department may in regulations make provision for the making of closure orders in respect of premises which—*

*(a) are being used by a scrap metal dealer to keep or treat metal in the course of business, but*

*(b) are not a licensed site.*

*(2) A closure order ... made by a court, which requires—”.*

It then details a whole series of issues to be addressed. Ultimately, it would be a court taking the decision, with judges satisfying themselves that it is appropriate to issue a closure licence. I say again that, clearly, we have a problem today. We have pollution on unlicensed sites, so I will put this to the Assembly: what are you proposing to do today? Frankly, if all that my Bill were to achieve was the closure of unlicensed sites, that would be a service to the environment and to the scrap metal industry because the metal would go to licensed sites and to those operating within the law.

I ask Members to think very carefully about amendment No 40, which the Minister indicated he is supportive of and can see benefit from. I ask you to support it so that we can stop the environmental pollution. If that is the only thing that, frankly, my Bill comes out with at this stage, it will have been worthwhile because it will have helped to close unlicensed sites, which are frequently involved in incidents. Again, evidence was presented about such incidents; for example, 3 tons of copper cable was on one of those unlicensed sites. There is the potential for stolen metal to be distributed through such sites. They have nothing to fear; they do not have a licence anyway, so you cannot threaten them by saying, “We are going to take your licence away”. It is clear that we need more powers to deal with unlicensed sites.

I ask the Assembly to start the process of giving the Minister that power today. Ultimately, he has to go and make regulations and to come back and consult with the industry to try to get them right. He will have to consult with the Committee if he wants to get them through the Assembly, and he will have to get the approval of the Assembly. Members, I ask you to act today, to not further delay the issue and to enable improvements in our scrap metal industry, as that will make the pollution that is presently happening avoidable.

**7.15 pm**

**Mr Principal Deputy Speaker:** Before the Question is put, I remind Members that we have debated the opposition to clause 7, but the Question will be put in the positive as usual.

*Question put and negatived.*

*Clause 7 disagreed to.*

### **Clause 8 (Display of licence)**

*Amendment No 1 proposed:*

In page 4, line 17, leave out “site” and insert “waste management”.— *[Mr Beggs.]*

*Question, That the amendment be made, put and negatived.*

*Amendment No 2 proposed:*

In page 4, line 18, leave out “each site identified” and insert “the site specified”.— *[Mr Beggs.]*

*Question, That the amendment be made, put and negatived.*

**Amendment No 3 proposed:**

In page 4, line 18, at end insert

*"(1A) A scrap metal dealer who is a registered waste dealer must display the required particulars of the registration at any premises used by the dealer in the course of that business."— [Mr Beggs.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 18; Noes 43.*

**AYES**

*Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Kennedy, Mr McCallister, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mrs Overend, Mr Patterson, Mr Swann.*

*Tellers for the Ayes: Mr Beggs and Mr Patterson.*

**NOES**

*Mr Anderson, Mr Boylan, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Ms Lo, Mr Lyons, Mr F McCann, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Ó Muilleoir, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Sheehan, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Milne and Mr G Robinson.*

*Question accordingly negated.*

**Mr Principal Deputy Speaker:** I will not call amendment No 4 as it is consequential to amendment No 3, which has not been made. Amendment No 5 proposed:

In page 4, line 21, leave out from "holds" to "licence" on line 22 and insert

*"is a registered waste carrier must display the required particulars of the registration"— [Mr Beggs.]*

*Question, That the amendment be made, put and negated.*

**7.30 pm**

**Mr Principal Deputy Speaker:** I will not call amendment No 6 as it is consequential to amendment No 5, which has not been made. I will not call amendment No 7, as it is consequential to amendment No 6, which has not been made. I will not call amendment No 8, as it is consequential to amendment Nos 3 and 5, neither of which have been made.

*Question, That the clause stand part of the Bill, put and negated.*

*Clause 8 disagreed to.*

**Clause 9 (Verification of supplier's identity)**

**Mr Principal Deputy Speaker:** We now come to the third group of amendments for debate. With amendment No 9, it will be convenient to debate amendment Nos 10, 12, 13, 14, 15, 16, 19, 20 and 33 and opposition to clauses 9, 11, 12 and 13 stand part. The amendments refer to duties

governing the requirements to present identification, record information and process and dispose of materials. I call Mr Roy Beggs to move amendment No 9 and to address the other amendments and opposition to clauses in the group.

**Mr Beggs:** I beg to move amendment No 9: In page 4, line 31, leave out from "by" to end of line 34 and insert

—

*(a) in the case of the person's full name, by reference to a document falling within subsection (3) or prescribed under subsection (4)(a);*

*(b) in the case of the person's address, by reference to a document falling within subsection (3A) or (3B) or to documents, data or other information prescribed under subsection (4)(b)."*

*The following amendments stood on the Marshalled List:*

Nos 10, 12 to 16, 19 to 20 and 33.

**Mr Beggs:** As in the earlier groups, I wish to indicate that the amendments in my name came about as a result of discussions between me and departmental officials. The Department had issued the amendments to the Environment Committee but had not been able to lodge them formally. I thought that there was some merit in them, so I decided to table them in my name.

Amendment Nos 9 and 10 simply propose a rewording of the provisions on the necessary, suitable identification, and I was happy to accept the proposals that had come forward. On clause 9, I do not understand why the provision on the ability to verify the ID of a person supplying lead, copper cable or, for that matter, other metals to a scrap metal dealer is not being accepted. Some are indicating their opposition to clause 9, but I continue to support it.

Amendment No 12 picks up on a gap that I had not been aware of; indeed, the draftsman who was originally working with me had not spotted it. We had required that the registration numbers of vehicles registered in Northern Ireland and Great Britain be recorded. Of course, that excluded vehicles that might be registered elsewhere. The amendment, therefore, would include taking the registrations of vehicles that may have originally been registered in the Republic of Ireland.

Regarding the receipt of metal, if there is no requirement to show ID when metal is received by a dealer, it will ultimately become untraceable. By requiring ID, we are essentially improving on what is in the voluntary code by making it compulsory so that there is traceability of who supplied the metal. There have been examples — there was an attempt to sell a sizeable bronze statue that had been cut down elsewhere — so it is important to record the identification of the person who may have sold that.

Amendment Nos 14, 16, 20 and 33 are consequential, so I do not wish to labour them.

Amendment No 15 is a sensible amendment that would simply leave out paragraph (b) of clause 13 on page 8, line 11. That would mean that computerised records were sufficient and that paper records would not be required.

Amendment No 19 would allow the information on receipt of metal to be adjusted and recorded as part of waste transfer notes. Again, that is another mechanism that

could, by linking into the waste management system, give a degree of traceability, with minimal bureaucracy to the industry and the Department.

Again, I refer to the three tons of cable: anyone moving three tons of cable would need a waste management licence; it is not just somebody using a bit of an offcut and selling it. In that case, it is not possible to trace it, and it would be useful to trace the source.

I notice that clause 13 will again be opposed by Cathal Boylan and others. I ask why they are concerned about keeping records and why they should not be compulsory.

**Ms Lo (The Chairperson of the Committee for the Environment):** I will make some brief remarks as Chair of the Committee for the Environment on group 3. As I said under previous groups, the Committee did not have sufficient time to have a full understanding of the impact that the Bill or the amendments would have on the industry and, therefore, agreed that it was not content to form a view on the amendments that were proposed by the Department, now tabled in Mr Beggs's name, or the clauses as introduced. There are certainly merits in the Bill, however, many complex issues were raised during the Committee Stage. Those, coupled with the introduction of the Bill late in the mandate, meant that the Committee did not have enough time to give proper scrutiny to those issues.

I place on record my thanks to Mr Beggs for introducing the Bill; to all the organisations and individuals who took the time to provide written and oral evidence to the Committee; and to the Department for its positive engagement with the Committee and for working with the Bill's sponsor to try to address the issues that were identified. It is unfortunate that that engagement came so late in the Committee Stage, which resulted in the Committee's not being able to complete its scrutiny role. Finally, I also thank the members and the secretariat of the Committee for their contributions during Committee Stage.

I will now make some brief comments as the Alliance Party member in the Committee. We accept that there is a problem of metal theft that needs to be tackled, and there are certainly merits in the Bill, but it has just come so late in the day. Departmental officials tried their utmost — their hardest — to bring in amendments that dovetailed with current legislation and regulations and with the remit of the Committee. We encourage the Member, or the departmental officials, to revisit the amendments and perhaps bring forward a refreshed Bill early in the new mandate to give ample time for Committee scrutiny.

To support bits and pieces of the Bill now, as has been suggested by Mr Beggs, would not do justice to the Bill; it would not be a complete piece of legislation that we could support. If a new Bill comes forward and the necessary scrutiny can take place, we would endeavour to look at the merits and support it if appropriate.

**Mrs Cameron:** I will not prolong the debate. It is clear that Mr Beggs's intentions are good in trying to combat metal theft, and he is to be commended for that and for the work that he has put into the Bill. It is my view that making mandatory the voluntary code of conduct that the majority of scrap metal dealers have signed up to might have been a better way of dealing with the issue under the Department of Justice, but we are where we are, and I commend the work that the Member has done on the Bill.

It is unfortunate that we as a party are unable to support this Bill, which is really an unfinished piece of work. If it had come before the Assembly much earlier, we might have been in a different position.

I thank the Minister, his officials and the Committee members. In particular, I thank the Committee staff, who have had a very heavy workload over the past year. I do not support the amendments in group 3.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. It falls to me to represent the Sinn Féin party position on the group 3 amendments. We will be voting against the amendments and opposing the clauses in the group.

I will quote Danny Kennedy, one of the colleagues of the Bill's sponsor, who once said:

*"Everything has been said, but it has not been said by everybody."*

I do not propose to follow this particular maxim in the debate so as to be repetitive or to speak for the sake of it. Suffice it to say that there has been too short a time frame to allow proper scrutiny on what are complex issues, and there has been inadequate consultation with the industry. That leaves significant gaps as regards required evidence. This does not mean that the sponsor of the Bill was not well intentioned or that the Department of Environment officials did not work hard — they did, and they worked very creatively as well.

I want to end by commending the Committee secretariat, who, as the Deputy Chair has just said, are enormously challenged by the workload as it stands. The Chair of the Committee has suggested to Mr Beggs that he could have an opportunity to revisit this in the next mandate, but of course, like everyone else who is standing, there is the small matter of first securing re-election. I wish him well in East Antrim.

**Mr A Maginness:** I am happy to say that the small business of re-election does not affect me, but I wish you all well in your re-election campaigns.

It looks like this particular Bill will not pass muster tonight. It is a credit to Mr Beggs that he has brought this Bill and highlighted an issue which affects our society and needs to be tackled. I hope that Mr Beggs will be able to direct this Assembly in relation to whatever shape or form a new Bill, regulations or type of legislation will take in the next mandate as regards this, because he has put a lot of work into it and has some good ideas in relation to dealing with the issues that have arisen. I think everybody recognises that.

There has been a bit of recycling of speeches tonight, which is appropriate enough for an environment debate, but—

**Mr Durkan (The Minister of the Environment):** Justice. *[Laughter.]*

**Mr A Maginness:** The Minister is obsessed and keeps repeating that it should be Justice. I sympathise with him, but I think that I am the only member of the Justice Committee who would, in relation to this particular issue.

I reiterate, or perhaps recycle, my previous comments in relation to the reconstructed Bill that Mr Beggs is presenting to us tonight in terms of his amendments, which I will support. I think that whilst the Bill will be weaker than

Mr Beggs had anticipated, it at least puts legislation in place and is a useful addition, worthy of support even at this late hour.

7.45 pm

**Mr Beggs:** The House will be pleased to hear that I will not detain it much longer in commenting on the group. I acknowledge that I would have liked further time from when my detailed engagement with the Department occurred; I am sure that everybody would have benefited from that. I welcome the kind words from everyone, but, ultimately, we are here to bring about changes through legislation, and, until that is achieved, I will not have achieved my objective.

Alban Maginness rightly indicated the importance of highlighting the issues. Sometimes, a lot of this has gone under the radar. An important aspect of the debate is to continue to highlight the difficulties that have been going on in this area and the weaknesses in our legislation. I am disappointed that Members are not seeing possibilities even in aspects of the Bill, and that others are voicing outright opposition. However, I think that there is a need to be addressed. We, as legislators, will not have done our job until that need to protect the environment is addressed, as well as the need to deter metal theft.

I, too, put on record my thanks to the Committee staff for their involvement when I was engaging with them and to the Bill Clerk in the Assembly for assisting me in developing my private Member's Bill. I also thank the departmental staff for what I thought was very encouraging engagement for about one week, and then it was all taken off the table.

The need to address the issue remains. I hope that some of it can be done tonight; if it is not, either the Department or someone — me, hopefully, if I am back, but that is in the gift of the electorate — will need to take the issue forward again. The issue has not gone away, and we, as legislators, have to think about how we can bring about improvement. I certainly think that the shape that we were building with the current legislation had the potential to do that. I ask Members, as we are finishing the group, to consider in particular amendment No 40, which would enable stop notices.

*Question, That the amendment be made, put and negatived.*

*Amendment No 10 proposed:*

In page 4, line 35, leave out subsections (3) and (4) and insert

*“(3) The following documents fall within this subsection (verification of full name)—*

*(a) a United Kingdom passport, within the meaning of section 33(1) of the Immigration Act 1971;*

*(b) a passport issued by the Government of an EEA state;*

*(c) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;*

*(d) a driving licence issued by the Government of an EEA state if the licence bears the photograph of the person to whom it is issued;*

*(e) an electoral identity card issued under section 13C of the Representation of the People Act 1983;*

*(f) a 60+ or Senior SmartPass, a Registered Blind SmartPass or a War Disablement SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;*

*(g) a biometric immigration document issued in accordance with regulations made under section 5 of the UK Borders Act 2007.*

*(3A) The following documents fall within this subsection (verification of address)—*

*(a) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;*

*(b) a driving licence issued by the Government of an EEA state if the licence bears the name and address of the person to whom it is issued.*

*(3B) A document falls within this subsection (verification of address) if bears both the name and the address of the person in question, was issued within the period of 3 months ending with the date on which the address is verified and is any of the following—*

*(a) a bill or statement of account issued in respect of the supply of gas, water, electricity or telecommunications services to premises at the address in question;*

*(b) a statement issued by a bank or building society relating to—*

*(i) an account held at the bank or building society, or*

*(ii) a loan secured on a mortgage held by the bank or building society;*

*(c) a bill or statement of account issued by a bank or building society in respect of a debit or credit card;*

*(d) a bill or statement of account, issued by the Department of Finance and Personnel, relating to a rate payable under the Rates (Northern Ireland) Order 1977 in respect of premises at the address in question;*

*(e) a bill or statement issued by a credit union (within the meaning of Article 2 of the Credit Unions (Northern Ireland) Order 1985) relating to an account with the credit union.*

*(4) The Department may prescribe in regulations—*

*(a) documents, bearing a photograph of the person concerned, which are sufficient for the purpose of verifying a person's full name;*

*(b) other documents, data or other information which are sufficient for the purpose of verifying a person's address.*

*(4A) The Department may by regulations make such changes to subsections (3), (3A) and (3B) as it considers necessary in consequence of any change to the name or form of any document mentioned in those subsections, or to any legislation or scheme under which any such document is issued’— [Mr Beggs.]*

*Question, That the amendment be made, put and negatived.*

*Question, That the clause stand part of the Bill, put and negatived.*

Clause 9 disagreed to.

Clause 10 disagreed to.

### New Clause

Amendment No 11 proposed:

After clause 10 insert

**“Power to make it an offence to buy scrap metal for cash etc.**

**10A.—(1)** The Department may make regulations that—

(a) prohibit scrap metal dealers from paying for scrap metal by means specified in the regulations;

(b) prohibit scrap metal dealers from paying for scrap metal by any means except those specified in the regulations.

(2) Regulations under subsection (1)(a) may, in particular, prohibit payment for scrap metal with cash.

(3) Regulations under subsection (1)(b) may, in particular, specify payment by cheques (or a specified description of cheque) or payment by an electronic transfer of funds.

(4) Regulations under subsection (1) may—

(a) provide for the meaning of “paying” for scrap metal;

(b) provide for exceptions from any prohibition imposed by the regulations;

(c) provide for it to be an offence to breach any such prohibition.

(5) Before making regulations under this section the Department must consult—

(a) the Department of Justice,

(b) the Chief Constable, and

(c) such representatives of scrap metal dealers as the Department considers appropriate.”— [Mr Beggs.]

Question, That the amendment be made, put and negatived.

### Clause 11 (Receipt of metal)

Amendment No 12 proposed:

In page 6, line 30, after “1994” insert

“or identification mark (within the meaning of section 131 of the Finance Act, 1992 (an Act of the Oireachtas))”.— [Mr Beggs.]

Question, That the amendment be made, put and negatived.

Amendment No 13 not moved.

Question, That the clause stand part of the Bill, put and negatived.

Clause 11 disagreed to.

Clause 12 disagreed to.

### Clause 13 (Records: supplementary)

**Mr Principal Deputy Speaker:** I will not call amendment No 14, as clause 11 does not stand part of the Bill.

Amendment No 15 not moved.

**Mr Principal Deputy Speaker:** I will not call amendment No 16, as clause 11 does not stand part of the Bill.

Amendment Nos 17 and 18 not moved.

**Mr Principal Deputy Speaker:** I will not call amendment No 19, as clause 11 does not stand part of the Bill. I will not call amendment No 20, as it is consequential to amendment No 14, which was not called.

Amendment No 21 not moved.

Question, That the clause stand part of the Bill, put and negatived.

Clause 13 disagreed to.

### Clause 14 (Right to enter and inspect)

Amendment No 22 proposed:

In page 8, line 33, at beginning insert “An authorised official or”.— [Mr Beggs.]

Question, That the amendment be made, put and negatived.

Amendment No 23 not moved.

Amendment No 24 proposed:

In page 8, line 34, at end insert

“(in the case of a licensed site) or any person who appears to be in charge of the premises (in any other case)”.— [Mr Beggs.]

Question, That the amendment be made, put and negatived.

**Mr Principal Deputy Speaker:** I will not call amendment No 25, as it is consequential to amendment No 22, which was not made.

Amendment No 26 not moved.

**Mr Principal Deputy Speaker:** I will not call amendment No 27, as it is consequential to amendment No 24, which was not made. Amendment No 28 proposed:

In page 8, line 42, leave out subsection (3) and insert

“(3) Premises are within this subsection if they are not residential premises and—

(a) are a licensed site, or

(b) are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.”.— [Mr Beggs.]

Question, That the amendment be made, put and negatived.

**Mr Principal Deputy Speaker:** I will not call amendment Nos 29 to 32, as they are consequential to amendment No 22, which was not made.

Amendment No 33 not moved.

**Mr Principal Deputy Speaker:** I will not call amendment Nos 34 to 39 as they are consequential to amendment No 22, which has not been made.

Clause 14 disagreed to.

**New Clause***Amendment No 40 proposed:*

After clause 14 insert

***“Power to make provision for closing unlicensed sites*****14A.**—(1) *The Department may in regulations make provision for the making of closure orders in respect of premises which—**(a) are being used by a scrap metal dealer to keep or treat metal in the course of business, but**(b) are not a licensed site.**(2) A closure order is an order, made by a court, which requires—**(a) that the premises in respect of which it is made be closed to the public (and remain closed until a specified event), and**(b) that use of the premises by a scrap metal dealer in the course of business be discontinued immediately.**(3) Regulations under subsection (1) may in particular—**(a) specify which courts may make a closure order and who may apply for one;**(b) require a prospective applicant, before applying for a closure order, to issue a notice to specified persons stating its intention to apply for such an order;**(c) provide for the cancellation of such a notice in specified circumstances;**(d) provide for the procedure for an application for a closure order;**(e) specify other conditions which must be satisfied before an application for a closure may be made, or before the court may make an order;**(f) specify requirements (in addition to those set out in subsection (2)(a) and (b)) which may be imposed by a closure order;**(g) provide for the termination of a closure order by a person other than a court, or for its discharge by a court;**(h) provide for appeals against any decision in relation to a closure order;**(i) provide for how a closure order is to be enforced (including by conferring of powers of entry and by the creation of offences).**(4) ‘Specify’ means specify in the regulations.”.—*  
*[Mr Beggs.]**Question, That the amendment be made, put and negatived.**Clause 15 disagreed to.**Amendment No 41 not moved.**Amendment Nos 42 to 44 not moved.**Clause 16 disagreed to.**Amendment No 45 not moved.***Mr Principal Deputy Speaker:** I will not call amendment No 46 as it is consequential to amendment No 40, which has not been made.*Clause 17 disagreed to.***Mr Principal Deputy Speaker:** I will not call amendment Nos 47 to 54 as they are consequential to clauses 1 to 17 standing part.*Clause 18 disagreed to.***Mr Principal Deputy Speaker:** I will not call amendment Nos 55 and 56 as they are consequential to clauses 1 to 17 standing part.*Clause 19 disagreed to.***Mr Principal Deputy Speaker:** I will not call amendment Nos 57 and 58 as they are consequential to clauses 1 to 17 standing part.*Clause 20 disagreed to.**Clause 21 disagreed to.**Schedule 1 disagreed to.**Schedule 2 disagreed to.**Long title disagreed to.***Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Scrap Metal Dealers Bill.*Adjourned at 8.00 pm.*



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# Northern Ireland Assembly

Tuesday 1 March 2016

*The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Newton] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

**Mr Allister:** On a point of order, Mr Principal Deputy Speaker. The Speaker's Office has been very helpful from time to time about seeking to bring pressure on Executive Departments that fail to answer questions expeditiously. May I ask for help again in respect of four questions on the subject of NAMA, which have been outstanding for six months? The questions are AQW 48466/11-16, AQW 48465/11-16, AQW 48291/11-16 and AQW 48288/11-16. It would be appreciated if the Speaker's Office could again exhort OFMDFM and DFP to answer the questions tabled.

**Mr Principal Deputy Speaker:** I will refer your comments to the Speaker. Obviously, the Speaker will look at Hansard.

## Plenary Business: 29 February 2016

**Mr Principal Deputy Speaker:** The first item of business is consideration of business not concluded on Monday 29 February. I can confirm that all business was concluded.

## Executive Committee Business

### Land Acquisition and Compensation (Amendment) Bill: Accelerated Passage

**Miss M McIlveen (The Minister for Regional Development):** I beg to move

*That the Land Acquisition and Compensation (Amendment) Bill [NIA 78/11-16] proceed under the accelerated passage procedure.*

I welcome the opportunity to address the Assembly on this motion. The use of accelerated passage is not something to be sought routinely, and nor do I take it lightly. When taking forward draft legislation, my preference is to have a full Committee procedure to enable clause-by-clause scrutiny and the resolution of any issue there and then to the satisfaction of the Committee. However, in the case of this proposed legislation, I take the view that there are compelling grounds for departure from normal procedure and to use accelerated passage.

I will now explain to the Assembly, as required under Standing Order 42(4), why I am seeking accelerated passage, the consequences of it not being granted and how I will minimise future use of the mechanism. My Department has been working on preparing an amendment to the Land Acquisition and Compensation (Northern Ireland) Order 1973 for some time. Last year, my Department publicly consulted on the policy that underlies this Bill, which seeks to bring legislation in Northern Ireland in respect of compensation for compulsory purchase into line with legislation that exists in England and Wales. The terms under which compensation is payable in England and Wales are more favourable than they are in Northern Ireland. It is unfair that citizens here are treated less favourably than their counterparts in England and Wales, and I want to rectify that situation.

As part of the Fresh Start Agreement, it has been agreed by the Executive that funding will be made available to my Department for two major road infrastructure projects; the A5 and A6. It is possible that the vesting of land in respect of those projects could start as early as this summer, which makes the advancement of this legislation a priority.

That leads me to the consequences of accelerated passage not being granted. If accelerated passage is not granted, my proposed legislation will not be in place before land is vested for those major infrastructure projects and citizens here will continue to be compensated on the same less favourable basis. That cannot be right.

Faced with that prospect, it is my view that, in order to ensure equality for all our citizens, this amending legislation must be introduced as soon as possible and in advance of the vesting process. I believe that it would be a poor reflection on all of us if we did not move quickly to address a situation that will likely arise in the very near future where citizens here are subject to a vesting process and continue to be treated less favourably than their counterparts in England and Wales.

With regard to minimising the use of the accelerated passage procedure in the future, I have mentioned my full commitment to clause-by-clause scrutiny at the Committee Stage. I will take any steps that are necessary to ensure that the accelerated passage procedure is not unnecessarily sought in future.

In accordance with Standing Order 42(3), I appeared before the Committee for Regional Development on 16 February to explain the need for accelerated passage for the Bill and to outline the consequences of it not being granted. I thank the Chairman and members of the Committee for their recognition of the need to expedite the Bill and for their unanimous cross-community support in seeking Assembly approval for accelerated passage.

Members will have the opportunity to raise issues on the detail of the Bill during the Second Stage debate. In the interim, I seek the support of the House for use of the accelerated passage procedure, and I look forward to hearing Members' comments.

**Mr Clarke (The Chairperson of the Committee for Regional Development):** I welcome the opportunity to contribute to this debate as the Chairperson of the Committee for Regional Development.

As the motion is on accelerated passage only, I shall be brief on the Committee's thoughts on the need for accelerated passage, and I will perhaps go into more detail in the Second Stage debate on the Committee's views and concerns on the Bill.

Departmental officials briefed the Committee for Regional Development on the Bill at its meeting on 3 February. That pre-legislative briefing was extremely useful in making it clear in our minds what the Bill intends to do. On 16 February, the Minister attended the Committee meeting and discussed the reason for her seeking that the Bill proceeds by accelerated passage. She also discussed the implications of the Bill not going through the Assembly in this mandate.

The Bill is extremely important in that it addresses an anomaly that exists whereby people whose land is compulsorily acquired in Northern Ireland get approximately 10% less than they would if they lived in England or Wales. That is something that needs to be addressed, and this Bill does that, so it has been welcomed by me and by the Committee.

The need for the Bill to be in place as soon as possible cannot be overemphasised. As we heard from the Minister, the Fresh Start Agreement saw the Executive confirm their intentions to pursue the A5 and A6 road schemes. The people impacted by those schemes need to be properly compensated for their loss, but any delay to the Bill's passage means that they will lose out on that extra 10%. So, it is very important that it proceeds.

My last point also relates to timing. The Bill was not just dreamt up by the current Minister, and the anomaly

between the situation here and that in England and Wales has not just happened. The Committee was informed that changes were made in England and Wales as far back as 2005, so I can only assume that the anomaly has existed since then. The matter, as the officials told the Committee, was under consideration about four years ago, and the proposal for DRD to look into the development of legislation was before the Executive about two years ago. It even got into an Executive paper around the summer of 2015.

Because it has been known about for some time, we are puzzled as to why it is coming here only now. We are perplexed that the previous Minister, the one before him or, in fact, the Department of the Environment, which had responsibility for this issue when the anomaly arose, did not take the appropriate action to bring forward the Bill much earlier. We accept the view expressed by officials that there had to be negotiations across Departments when the issue arose four years ago, but we fail to see how those negotiations could have taken so long.

There is no disagreement from the Committee about the need for accelerated passage in this case. The Committee supports the accelerated passage of the Bill.

**Mr Dallat:** I welcome the opportunity to speak on the motion on accelerated passage of the Land Acquisition and Compensation (Amendment) Bill. The Bill is being afforded accelerated passage through the Assembly, a practice that my party disagrees with in principle but one to which, in the circumstances, it sees no alternative. It is critical that legislation is in place to compensate landowners who are affected by the A5 and A6 road schemes and, presumably, others, when they come along in the future. Like the Chairperson, I ask why the need for this critical legislation was overlooked. I shudder to think what else might have been overlooked as we make critical promises to upgrade the A5 and A6 roadways, for which land is required to complete the projects. It is shocking to think that there has been so much discussion and so many questions answered by previous Ministers over the years, while the basic groundwork was not done. It makes me wonder whether, at times, we are fed like mushrooms.

Let me conclude by expressing the wish that any future Assembly will not be renowned for skipping the critical steps that Bills should take before being implemented in law. In this case, as pointed out by the Chairperson, this law was enshrined in England and Wales, many years ago. The law pertains to the monetary enhancement that should arise for those affected. I doubt whether anyone disagrees with that. The loss of land is always an emotive issue; much of the land has been in families for generations. It is not easy to give up your land for a roadway, so why on earth was the basic requirement to acquire the land not attended to? While the Chairperson has placed much emphasis on previous Ministers — coming up to an election, one understands that — there is a permanent Government in this place who are supposed to look after all of this stuff, so, please, if you are listening, accept your share of the blame. We need to know who was sleeping at the wheel.

**Mr Principal Deputy Speaker:** I ask the Member to go back to the topic.

**Mr Dallat:** Yes, indeed. I respect your guidance on the matter. I simply make the point, without disagreeing with you, that we need to know why we are in this position.

On a positive note, the Bill comes for consultation. We will have an opportunity later this morning to discuss the clauses in detail, but, in the meantime, the SDLP is in total agreement with the motion before the House.

**Mr Cochrane-Watson:** I thank the Minister, first, for giving an overview of her decision to seek accelerated passage and, secondly, for how accessible she has made her office to date on any issue regarding the motion. I also welcome the comments that the Minister has made. She said that she would not seek accelerated passage unnecessarily and would seek it only if it was vital to many in the community. As she said, many in our community will benefit from what we will be talking about today in respect of the proposals for the A5 and A6 in particular.

My party has in the past been uncomfortable with accelerated passage, but today the Ulster Unionist Party will support the Minister. Hopefully, the benefits that are already available in England in Wales will be got by all in our community.

10.45 am

**Miss M McIlveen:** I thank Members for their contributions. I thank the Chairman and members of the Committee for the time that they have afforded me.

I wanted to pick up on one point. Obviously, Mr Dallat raised the issue of someone sleeping at the wheel, and I will highlight to him one aspect of that relating to where the power actually sits. My Department does not have responsibility for the Land Acquisition and Compensation (Northern Ireland) Order 1973, which is the Order that will be amended by the Bill. In fact, DOE has responsibility for the 1973 Order.

That said, Executive agreement was sought by the previous Minister, and this has obviously been given to my Department to take forward. It is a complex area of law, and some time has been taken to go out for detailed and ongoing consultation around all the Departments. I felt that, given where we were with the Fresh Start Agreement, there was a need to move this forward and to move it forward quickly. Accelerated passage is certainly not my preference; I much prefer the Committee Stage, having sat on Committees for many years and seen the value of the contributions that Committees can make to legislation. Given where we are with this legislation and the need for it in advance of vesting, particularly for the A5 and A6, I felt it necessary to table this today.

I thank those who have contributed, and I ask for the Assembly's support for the position that this be adopted.

**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 the Land Acquisition and Compensation (Amendment) Bill [NIA 78/11-16] proceed under the accelerated passage procedure.*

## Land Acquisition and Compensation (Amendment) Bill: Second Stage

**Miss M McIlveen (The Minister for Regional Development):** I beg to move

*That the Second Stage of the Land Acquisition and Compensation (Amendment) Bill [NIA 78/11-16] be agreed.*

In Northern Ireland, many Departments and bodies with statutory powers possess compulsory purchase powers to enable them to acquire land and property for specific purposes set out in legislation. The right to compensation may arise. Land and Property Services (LPS) in the Department of Finance and Personnel acts on behalf of all Northern Ireland Departments, negotiating and approving compensation payments following vesting arising from compulsory acquisition. The law on compulsory purchase is complex, but it may be helpful if I refer briefly to the existing position in Northern Ireland.

The rules for determining the amount of compensation are set out in article 6 of the Land Compensation (Northern Ireland) Order 1982. Generally, compensation payable for land and property that is compulsorily acquired is valued on the basis of its open market value.

The Land Acquisition and Compensation (Northern Ireland) Order 1973 as amended by the Home Loss Payments (Northern Ireland) Order 1992 contains provisions for the benefit of persons displaced from land. Under those provisions and subject to qualifying conditions and a minima and maxima range, the current legislation provides for a qualifying person whose land has been acquired to have entitlement to home loss payments, farm loss payments and disturbance payments. Other payments for certain Housing Executive tenants and rehousing also exist. The legislation applies to all land, urban and rural.

As I indicated, the law relating to compulsory acquisition is complex, but the Land Acquisition and Compensation (Amendment) Bill is straightforward.

The Bill has seven clauses, but it has a single purpose: to ensure that citizens in Northern Ireland whose land has been compulsorily purchased are treated equally to their counterparts in England and Wales who enjoy enhanced compensation payments. The Bill does not propose to change any other aspect of the existing law relating to compulsory purchase, save as to the introduction of the mechanisms for enhanced compensation payments here and the repeal of the farm loss payment.

To bring us into line with the more favourable position in England and Wales, the Bill intends to reflect the legislative changes introduced by the Planning and Compulsory Purchase Act 2004, with the abolition of farm loss payments and the introduction of two new payments: a basic loss payment and an occupier's loss payment.

Home loss payment is a sum that may be paid to a qualifying person in addition to the market value to reflect and recognise the distress and discomfort of a person being compelled to move out of their home. Home loss payment is already payable here under our current legislation and will be retained. The Bill will not have any effect on it.

Here, under our current legislation — the Land Acquisition and Compensation (Northern Ireland) Order 1973 — farm

loss payments are still payable under certain conditions. Owner-occupiers of land that is comprised or included in an agricultural unit and who are displaced from the whole of the land as a result of compulsory acquisition are, subject to other qualifying conditions, entitled to unlimited farm loss payments. The amount of compensation is based on average net profits. However, there are few instances of farm loss payments having been claimed in Northern Ireland.

Farm loss payments were abolished in England and Wales by the 2004 Act, which I have referred to. In keeping with the changes in England and Wales, the Bill therefore proposes the abolition of farm loss payments here and the introduction of two new additional payments: the basic loss payment and the occupier's loss payment.

The new additional payments are calculated using the market value of a claimant's interest. They will apply to all domestic and non-domestic property, including farms, and will not require the whole property to be acquired before they are payable. They are both subject to ceilings and qualifying criteria.

The basic loss payment and the occupier's loss payment are not necessarily payable to the same claimant. The owner who receives the basic loss payment, which is calculated at 7.5% of the market value of the claimant's interest being acquired, may not be the occupier entitled to the occupier's loss payment element, which is calculated at 2.5% of the claimant's interest being acquired. Where the owner is also the occupier, they are entitled to both and therefore receive 10%. In both instances, any entitlement to the additional payments is offset by any payment in respect of home loss payment.

Last year, my Department publicly consulted on the policy underlying the Bill and received two substantive responses, from the Ulster Farmers' Union and from UKIP, both of which were supportive of its aims. My officials also consulted officials in all other Departments.

The issue of increased capital costs to Departments as a result of the proposed changes arose during consultations with other Departments. I acknowledge that Departments that compulsorily purchase land will be affected by the changes proposed in the Bill, and any additional costs will have to be paid out of Departments' budgets. Indeed, my Department, which makes great use of the compulsory purchase vesting procedures, will be one of the most affected by the change. However, I believe that we cannot allow a situation to continue where people here are treated less favourably than other citizens in the United Kingdom. In the interests of equity, I believe that that anomaly must be addressed. I commend the Bill to the Assembly.

**Mr Clarke (The Chairperson of the Committee for Regional Development):** I welcome the opportunity to contribute to the debate in my capacity as Chairperson of the Committee for Regional Development. As was noted during the earlier debate on the accelerated passage motion, the Committee for Regional Development received briefings from departmental officials and the Minister at its meetings on 3 and 16 February respectively. The Committee heard the very compelling grounds for departing from normal procedure and proceeding with the Bill by accelerated passage.

In considering the Bill, the Committee noted the public consultation on the proposals undertaken by the Minister.

As we have heard, two responses were received to the Department's consultation. One was from UKIP and the other was from the Ulster Farmers' Union, and both were in support of the intended changes. The Minister also indicated to the Committee that she had met land agents in December 2015, where it became clear that the A5 and A6 road schemes would progress quite quickly. At the time, they indicated their support for the proposals but highlighted the point that compensation is a significant concern for them, as is the need for landowners to be treated fairly. That support, particularly from the Ulster Farmers' Union, indicates that the proposals are sensible and to the benefit of the landowners who will be affected.

As we have heard, the Bill aims to make three changes: an additional enhancement of up to 7.5% to compensate for basic loss; an additional enhancement of up to 2.5% to compensate for occupier's loss; and the removal of the farm loss payments. The Committee welcomes the increase in the basic loss compensation, which is a capital payment paid to the owner of the land or property for its acquisition. The occupier's loss is also an important element, in that it compensates an occupier of more than one year, irrespective of whether that occupier is an owner or a tenant. The Committee accepted without concern the removal of the farm loss payments, as that applies only to a farmer losing an entire farm. The farmer will be compensated under both the basic loss payment and the occupier's loss payment, so it is unnecessary to retain that payment.

It is important that the increases be put in place for the benefit of those who will lose land or property as a result of any scheme, and it is worth emphasising that those increases apply not just to the farming community affected by the major schemes that we are talking about today — the A5 and A6 schemes — but to homeowners and business owners who find themselves affected. Indeed, it may apply to other road schemes in the future. It is also important to point out that the Bill not only addresses acquisitions by DRD, although it would acquire more than others, but applies to acquisitions by other Departments. It is important to create an even playing field for those who lose their land or property, irrespective of which Department acquires it from them.

In dealing with the concerns and issues raised in Committee, I shall not rehearse comments about why the Bill was not brought forward earlier. That it was not seriously concerns me, and it concerned other members of the Committee when it was discussed.

The A5 and A6 road schemes have been mentioned a number of times today. Those two major schemes will affect many people. The Committee welcomes the assurance from the Minister that, provided the Bill passes its Final Stage before the end of the mandate, those affected by the two schemes will be properly compensated at the higher rate. The date from which people will be affected by the acquisitions was discussed in detail during the Committee meetings. Although accepting the concerns that people whose land and property has already been acquired might be disadvantaged, the Committee felt that retrospective payments cannot be made.

I have outlined the issues raised and discussed by the Committee for Regional Development, as well as the information and assurance provided by the Minister and her officials. I thank them for their cooperation with the Committee prior to the introduction of the Bill, and

I speak on behalf of the Committee in supporting the Second Stage of the Land Acquisition and Compensation (Amendment) Bill.

I will now make a few remarks in a personal capacity. I welcome the legislation. There are still concerns in the back of my mind about what happened in the past and about why the previous Ministers did not bring this forward much sooner. The A5 scheme was started, albeit it was stopped again, and people could have been disadvantaged. In my constituency, the intention is to start the A6 scheme, so I welcome the Minister's movement to try to get the legislation through before the end of the mandate so that the people of my constituency and, indeed, those near the A5 and anywhere else in Northern Ireland are not disadvantaged.

I am still concerned, however, that this has been about for some time and that it has taken this Minister to introduce it at a late stage to try to get it rushed through so that people near both the A5 and A6, or near any land in the future, are not disadvantaged. I support the Bill.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I support the Land Acquisition and Compensation (Amendment) Bill. I understand the Minister's rationale for seeking accelerated passage.

The Bill is about fairness, as was brought up in Committee. There are a number of major capital projects in the planning; namely, as have been mentioned a number of times, the A5 and the A6. It is only right that the people who have to give up their land or property be given the same opportunities as people in other parts of these islands, as there is existing provision in England and Wales for compulsory acquisition.

It is important that we do not leave any obstacles in the way of the vesting process along the routes of the A5 and A6 schemes. As the Minister said, the clauses are fairly straightforward, and we support the Bill at this time.

**11.00 am**

**Mr Dallat:** As a member of the Committee for Regional Development and an MLA elected to one of the constituencies that will be most affected — hopefully — by the legislation, I welcome the Bill and its seven clauses. It will redress irregularities in Northern Ireland's legislation that place those affected by compulsory land acquisition at a disadvantage compared with people in England and Wales. As I said previously, land is precious to people, and its acquisition for public works can cause much distress, particularly when it involves the loss of the family home and of essential income. The Bill will address those issues, which is absolutely essential. It is mind-boggling that the Bill was not introduced earlier. I admire the Minister's attempts to shift responsibility to another Department, but I remind her that it is DRD that builds roads.

The seven clauses are uncontroversial, and the Assembly will, without doubt, reach a unanimous decision at this stage. Clause 1 — "Basic loss payment" — provides for an enhanced payment of 7.5%, as the Chairman outlined. That is good, and who could disagree with it? Clause 2 — "Occupier's loss payment" — concerns payment for agricultural and other land. It outlines where the payment applies and how much it may be. A person may receive 2.5% of the value of his interest, which, by my mathematics, adds up to 10%. The SDLP is in total

agreement with that. Given that so many holdings are affected by insolvency and family factors such as death, clause 3 is an important feature of the Bill that we welcome very much.

On a positive note, I pay tribute to those responsible for bringing forward the Bill, albeit at the eleventh hour. It is important that it is fit for purpose and is devoid of anomalies. On that basis, we support its progression.

Although we are debating the Bill and not the road projects, I should say that it is designed to address issues in the north-west. It would be remiss of me not to express the hope that the remaining pathways are cleared of any embarrassments and that people in that region can one day enjoy modern roadways.

With your approval, Mr Principal Deputy Speaker, I want to welcome the Minister's visit to my constituency last week. If I feel a little miffed that I was not told that she was coming, I accept that that is the cut and thrust of politics. The very fact that she arrived is welcome.

**Mr Cochrane-Watson:** I thank the Minister for outlining the contents of the Bill. Clearly, it is required and is important for those affected by compulsory land acquisition. They now know that they will receive the same levels of compensation as their counterparts elsewhere in the United Kingdom in England and Wales. It is unfortunate that the anomaly means that the 10% top-up payment available in England and Wales does not yet apply. I welcome the initiative shown by my party colleague during his term as Minister for Regional Development in initiating the proposal to bring parity and the fact that the current Minister is continuing to progress the Bill. Major roadwork projects will commence, not least after last week's announcement on the A6, so it is important that we close the gap before that work gets under way.

I welcome the fact that the Minister made reference to this summer.

Last week at Question Time, my party colleague raised with the Minister the issue of whether she will ensure that the position in England and Wales is monitored so that, in the event of any enhancements in the future, parity may remain. Hopefully, the Minister may be able to give us an assurance that this will be the case. I acknowledge that there will be a financial implication with this Bill, but it is a matter of fairness. Hopefully, this will leave those affected feeling more valued and less like the poor relations in the United Kingdom. I am glad that we are able to deliver some positive news through this Bill, and we will be supporting the Bill.

**Mr Lyttle:** I rise on behalf of the Alliance Party to support the progress of the Land Acquisition and Compensation (Amendment) Bill. It is my understanding that this legislation is required to bring Northern Ireland into line with England and Wales in respect of fair compensation for compulsory purchase and vesting of land. It is also my understanding that, with funding being made available for two major road infrastructure projects — the A5 and the A6 — it is possible that vesting of land for those projects could start as early as summer 2016. Therefore, accelerated passage and speedy progress of the Bill is necessary to ensure that landowners affected do receive fair compensation for any land vested as part of these major infrastructure projects.

I understand that there are landowners who may have missed out on the benefits of this legislation if their land is vested before enactment of the Bill, and this is, of course, concerning and disappointing. There has been some discussion and debate today on the reasons for delay in the delivery of the Bill. Perhaps the Minister can add to her comments in more detail as to why the legislation has not been delivered sooner.

On those grounds, it appears important that the Bill progresses promptly and in a way that prevents any further financial disadvantage for landowners. I therefore support the Bill.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Beidh mise ag tacú leis an Bhille seo. I rise to support the Bill, which is very welcome, particularly in my constituency. I think that I am the only Member here who lives along the route of the A6. I was delighted with the announcements last week and, indeed, with the priority given to the Dungiven bypass aspect of it. That will be most welcome. I also travel the A6 every day, and I think that, on one occasion, I spent over an hour completing the 12 kilometres to Moneynick. I and many other thousands from the north-west welcome the Bill moving forward.

We also welcome, on behalf of our constituents, the fact that the compensation will now be based on a more favourable basis in line with other areas on these islands. The Minister has given us some clarity on the historical process of that. It is not about blame apportionment at this point, but these are schemes that have been in the mix — in the case of the Dungiven bypass — for some 50 years. Indeed, in the mid-1970s, houses were demolished, and, even in the early teens of this century, businesses have been purchased and bought up.

As the Minister said, the law on compulsory purchase is complex, but I am glad to say that the Land Acquisition and Compensation (Amendment) Bill is relatively straightforward and will address the issues that landowners have along the two major infrastructure projects of the A5 and the A6. In the case of the A6, the whole 40 kilometres in total is affected, and there are quite a substantial number of landowners along that route. As I said, this has been in the mix for some 50 years. In those 50 years, that promise of development has actually stifled development and, indeed, the planning process. On behalf of my constituents, I welcome the A6 in particular and also the A5.

**Mr Allister:** I suspect that some of my constituents, not in any churlish sense but naturally, will say that it is a pity that this did not come along in time for the A26 extension, because presently, of course, those necessary works proceed and land has been taken on the old rates.

I would have to say that, if there has been any churlishness, it has been on the part of the Department in terms of the ancillary accommodation works, the belligerent refusal of necessary underpasses — I think of one case in particular — and the mindset about providing adequate access to a particularly prominent business on that route. I hope that those yet to receive the treatment on the A6 and the A5 will not have the same experience.

One of the things that the Bill proposes, of course, is the removal of the farm loss payments. The Minister said that there have been very few instances of drawdown of farm loss payments. I suspect that that is because the premise for a farm loss payment is that you have to lose the whole

farm. You can effectively lose your farm business by losing 50%, 60% or 70% of your land, but you have not technically lost your farm business. I think that, if there was a gap in the law, it was that failure to adequately recognise the devastating impact that extensive land take had — though it left you with something, it effectively destroyed your farm. Therefore, I think that the direction of examination might have been more towards how we could make the farm loss payment more accessible, more realistic and more appropriate for those who de facto lose their farm, though they are left with an acre or two. The Minister referred to the very small number of instances of use of the farm loss payment, but perhaps she will tell us just what that number is. Does she agree that the real problem is the unrealistic requirement for a total loss of every last blade of grass before you get a farm loss payment?

On a point raised by Mr Cochrane-Watson, the Bill is good in bringing us up to date, but would it not benefit from an enabling clause so that, in future, it could be kept up to date? We would not need fresh legislation, maybe every 10 or 15 years, to update the rates if, by secondary legislation, they could be updated much more frequently. So, I suggest to the Minister that she should look seriously at the possibility of putting into the Bill an enabling clause so that it does not become stale and out of date and can instead be kept up to date.

**Miss M McIlveen:** I thank all the Members who have commented on the Bill during the Second Stage debate. A number of Members have obviously asked why this has not happened sooner. I cannot speak for previous Ministers, nor can I speak for other Departments in this instance. Having met land agents and landowners, I know that losing land can have a devastating impact, and it can have a huge impact on families and future generations. It is incredibly upsetting for many, and I want to acknowledge that in the House today. I hope that the Bill, as set out, demonstrates, in some way, my commitment to landowners who will be affected by future land schemes, in particular the A5 and the A6, which are strategic roads and are major infrastructure projects for my Department and the Executive, moving forward.

#### 11.15 am

With regard to the changes that are possible in England and Wales and what may happen in the future, there are no proposals to change the amounts in the Bill. My officials have consulted the Department for Transport as part of the consultation process, and I understand that England and Wales are re-examining the levels of compensation they pay, but there is no clarity on that and certainly nothing that we could consider introducing within the timescales of the Bill. There is provision within the Bill to adjust the amounts by subordinate legislation, so the option exists to reflect higher payments in the future if that were considered appropriate as we move forward.

Mr Allister mentioned farm loss payments being claimed, but there has been no occasion in the recent past of the farm loss payment being claimed. My understanding is that the basic loss payment is better, in that it protects the landowners for the loss as it arises. So, in this instance, it is more beneficial to landowners.

I welcome the comments of those who contributed to today's debates, and I look forward to continued

engagement with Members as the Bill progresses through its various stages.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Land Acquisition and Compensation (Amendment) Bill [NIA 78/11-16] be agreed.*

**Mr Principal Deputy Speaker:** That concludes the Second Stage of the Land Acquisition and Compensation (Amendment) Bill.

## **Employment Bill: Suspension of Standing Order 42(1)**

**Dr Farry (The Minister for Employment and Learning):**  
I beg to move

*That Standing Order 42(1) be suspended in respect of the Final Stage of the Employment Bill (NIA Bill 73/11-16).*

Members will be aware from the Order Paper that the Final Stage of the Employment Bill is due to take place today. The scheduling was in anticipation of the Further Consideration Stage being completed last Monday, 22 February, so that the requirement of Standing Order 42(1), which is that there be a minimum interval of five working days between stages, would be complied with.

Most of the debate at Further Consideration Stage did, indeed, take place on 22 February. However, because of the presentation of a valid petition of concern on two amendments that day, the remainder of the stage was not completed until 23 February. That means that there is no longer the minimum interval required between the completion of Further Consideration Stage and the scheduling of Final Stage. In the absence of action in the meantime, the Final Stage will not now be able to take place today as expected.

While, with the Business Committee's agreement, the Final Stage could be put back to next week or the following week, I was conscious that that would increase further the pressure on the Assembly's time as we approach the end of the mandate. My preference, therefore, was to ask the Assembly to agree that Standing Order 42(1) be suspended for the passage of the Bill so that the minimum interval between stages no longer applies and the Final Stage can proceed today as planned. I am grateful to the Business Committee for agreeing that the necessary item of business could be added to today's Order Paper to ensure that the Assembly can consider the issue.

I appreciate, of course, that, under Standing Orders, the Speaker has, in any case, to be satisfied that the Bill may properly proceed to Final Stage. I understand that he is so satisfied. I would be grateful, therefore, for the Assembly's support for the motion to suspend Standing Order 42(1) for the passage of the Employment Bill. That will in no way diminish the Assembly's scrutiny role but would allow me, subject to the Assembly's approval, to move the Final Stage of the Bill today as previously planned. I commend the motion to the House.

**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 Order 42(1) be suspended in respect of the Final Stage of the Employment Bill (NIA Bill 73/11-16).*

**Mr Principal Deputy Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

## Employment Bill: Final Stage

**Dr Farry (The Minister for Employment and Learning):**  
I beg to move

*That the Employment Bill [NIA 73/11-16] do now pass.*

I thank the House for its agreement to suspend the Standing Order to allow Final Stage to proceed now. I am pleased that this important Bill has reached its Final Stage today. Given that it was introduced on 7 December, it is remarkable, and a credit to all concerned, that we have been able to reach Final Stage on this first day of March. This is possibly a record for a Bill in Northern Ireland that has not been subject to the procedure for accelerated passage. That swift progress has been in no small part due to the work of the Employment and Learning Committee in facilitating a demanding timetable. I want again to express my appreciation to the Committee Chair as well as the members and staff for the detailed scrutiny that has been properly provided in spite of the short time available. I also want to thank those who gave up their time to lay the foundations of the measures in the Bill: stakeholders have engaged very positively throughout the employment law review.

The Bill establishes a framework for strengthening employment protections and supporting the earlier resolution of workplace disputes. It also seeks to strengthen the delivery of impartial careers guidance and to upskill our workforce through apprenticeships and traineeships.

A key measure widely supported by stakeholders is the establishment of a new early conciliation service to be delivered by the Labour Relations Agency (LRA). Taken together with enabling powers to deliver neutral assessment to help people to better appreciate where they stand in their case, and the strengthening of confidentiality protections for LRA services, the Bill presents a positive package of measures that will assist in broadening options to resolve workplace disputes, which can be stressful, costly, and time-consuming. None of these changes will compromise any individual's absolute right to apply to a tribunal.

The Bill also deals with employment protections. It contains changes that deal with public interest disclosure protections to strengthen people's confidence in reporting negligent, improper or illegal practices in an organisation.

The Bill makes enabling provision to deal with the abuse of zero-hours contracts. I regret that it was not possible to develop and properly scrutinise the detailed measures on the basis of Executive agreement on this issue, as that was not forthcoming, but an enabling power represents a reasonable way forward. That approach allows regulations to be developed that, following consultation, will meet the specific needs of Northern Ireland. I hope that the process of devising regulations can commence shortly, but obviously final regulations cannot be set in place without the prior agreement of the Executive and the Assembly.

The Bill also contains a clause to set a framework that will require employers to publish information showing whether gender pay disparities exist between employees and, where they do, to publish an action plan to eliminate them. I stand open to correction in this case, but this might be the first legislative equality matter passed under devolution rather than under direct rule. I would have preferred for this to have been taken forward in the context of the full process of consultation and scrutiny by OFMDFM, but I

recognise that there was a consensus in the House that this was a desirable way forward, given, in particular, that we are leaving considerable aspects to regulations that will themselves be subject to consultation. So the House can be satisfied that we have a structured way forward, around which we will address this important issue.

Clause 20 relates to careers guidance and stems from a key recommendation in the Employment and Learning Committee report following its extensive inquiry into careers in 2013. It will require the Department to make arrangements to ensure that everyone can receive impartial careers guidance that is in their best interests. Members of the Committee wanted assurance that action would be taken, and I am content that the clause now requires, rather than empowers, the Department to act.

A refreshed careers strategy, published today by my Department and, coincidentally, by the Department of Education, sets out a coherent and forward-thinking strategic vision for the careers system in Northern Ireland. The clause supports that vision, which balances the twin goals of supporting individuals to realise their full potential and contributing to our economic prosperity, by raising awareness of employment growth sectors.

Clause 21, which deals with apprenticeships and traineeships, empowers the Department in regulations to set out the components of and conditions under which traineeships and apprenticeships will operate in Northern Ireland. That will ensure that the vision articulated in the new strategies for apprenticeships and youth training is appropriately defined. The strategies set out an ambitious programme that is designed to radically and positively reform the training and skills landscape in Northern Ireland for learners and employers. An important feature of the new model is that apprenticeships will start at level 3 — the equivalent of A level — and will allow for progression to higher professional, technical or academic pathways up to level 8, which is equivalent to a PhD. The new arrangements will help to deliver highly skilled employees in areas of importance for the economy of today and tomorrow. The regulations will underpin that work.

Those are the key features of what I hope Members agree is a positive and progressive Bill. I have not detailed every provision, but I am happy to deal with any questions that Members may have. In closing, I want to highlight the importance of the Bill in the wider economic context. It is a Bill that has taken lessons from developments elsewhere; for example, on early conciliation and public interest disclosure. However, in a number of cases, such as neutral assessment and zero-hours contracts, we have, quite rightly, accepted that devolution can deliver solutions that are better suited to the people of Northern Ireland. That is the correct approach.

In agreeing to the passage of the Bill today, we will be reaching the end of the beginning. The Bill establishes a positive framework for action, much of which will happen within the next year to 18 months. The hard work of redefining policy and developing regulations starts now. The Bill sets challenges for the future Administration in a number of areas, not least those of zero-hours contracts and gender pay. It is clearly the will of the House that steps be taken on those important issues, and I expect that the new Assembly will want to monitor closely the action that has been taken.

The measures in the Bill will contribute to Northern Ireland's economic prospects by strengthening employment protections, providing more options for resolving workplace disputes and supporting our young people to develop their full potential. It is a Bill that is forward-looking and strengthens the framework for employment rights and skills development in Northern Ireland, and I commend it to the Assembly.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his opening comments. On behalf of the Committee for Employment and Learning, I welcome the Final Stage of the Employment Bill. Its passage through the House represents the culmination of almost four years of work by the Committee for Employment and Learning on reviewing employment law, in particular the early resolution of disputes, efficient and effective employment tribunals, and measures to reduce the regulatory burden of employment legislation. On behalf of the Committee, I offer my sincere thanks to the Minister and his officials for the close working relationship that we maintained throughout the passage of the Bill, which helped ensure that the Committee scrutinised the Bill thoroughly. I also pay thanks to the Committee staff, who facilitated the work of getting the Bill through the Committee.

The Committee's views on the Bill have been outlined at the previous stages, so I will endeavour to keep my comments brief. The Committee welcomed the proposals brought by the Minister, in particular those in the original clauses 17 and 18 regarding careers guidance, apprenticeships and traineeships. The Committee in its scrutiny requested that the Department strengthen the then clause 17, relating to careers guidance, by amending the wording from "the Department may make arrangements" to "the Department must make arrangements". The Committee also called for the then clause 18, relating to apprenticeships, to be broader so as to make provision for traineeships. Both amendments were taken on board by the Department and the Minister, for which the Committee is grateful.

The Committee also felt it necessary to table two amendments of its own to the Bill. The amendments sought to introduce a duty on the Department to review the operation of early conciliation and the assessment service. The Committee felt that it was essential to see that policy intention placed in the Bill, given the concerns of stakeholders who gave evidence at Committee Stage, and the Committee was pleased to see both amendments pass at Further Consideration Stage. The Committee will place recommendations in its legacy report to request that the new Committee for the Economy keep a watchful eye over the subordinate legislation that may be introduced in the next mandate.

On behalf of the Committee for Employment and Learning, I am pleased to support the Bill. I welcome the significant interest and scrutiny of Members throughout its passage through the Assembly. As Chairperson of the Committee, I commend the Bill to the House.

**Mr Buchanan (The Deputy Chairperson of the Committee for Employment and Learning):** I, too, welcome the Final Stage of the Employment Bill. I thank the Minister for getting the Bill to this stage after almost four years of it being in the system. I also thank his officials for the work that they did and for appearing

before the Committee on numerous occasions, when they were asked to discuss various issues that were being scrutinised by the Committee. I also thank the Committee Clerk and the staff for the work that they did, as well as all the stakeholders who appeared before the Committee during the scrutiny of the Bill.

#### 11.30 am

The Bill may not be perfect, and some felt that there were missed opportunities during its progress, but there are enabling powers to deal with issues that we could not get agreement on, such as zero-hours contracts and the extension of the current qualification period for unfair dismissal. Those will be brought forward at a further stage for proper scrutiny by the Committee so that we can seek agreement on them. That is the right way forward, so that, rather than holding the Bill up, we can progress it, with enabling powers attached, so that the issues can be looked at in the new mandate.

I welcome the work that has been done on the Bill and commend all who have been a part of it. I support the Bill and commend it to the House. It is good legislation for employers and employees.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like other Members, I welcome the passage of the Bill and the fact that we are at Final Stage today. I commend the Minister for steering the ship of what was, at times, fairly contentious legislation, with conflicting opinions on both sides over the balance to be struck between employers and employees. The Minister has done a good job in finding consensus and compromise from all sides, for which he is to be commended.

I place on record my thanks to Committee members and staff, who carried out excellent work in scrutinising the Bill and advising the Minister on how best to proceed. I also thank the departmental officials and all those who provided expert evidence to the Committee on the best way forward. We and the Department have learned a lot from the process, and we explored other issues that are not in the Bill, which, as Mr Buchanan outlined, we may need to return to.

This has been a good process, although the Bill does not include all the measures that I wanted, and nor does it include all the measures that some Members opposite wanted. The legislation is a good compromise that we can all live with and that enhances the rights of workers here, which is very welcome.

I will focus my remarks on three or four clauses. Clause 18 deals with zero-hours contracts, and I share the Minister's disappointment that we could not deal with the issue in the Bill. It would have been much better if we had had agreement on the exact steps we should have taken to protect workers from the worst excesses of zero-hours contracts. We had lengthy debates at Consideration Stage and Further Consideration Stage. The Minister is right that it would have been better to put those in the Bill, but the next-best option is to empower a future Minister in the Department for the Economy to bring forward regulations, which will be subject to the full scrutiny of the Committee and the Assembly. That process should not be delayed too long and should be an immediate priority for whoever takes over from the Minister after the May election. It was a missed opportunity to send a message to workers and

to show positive leadership to other legislators on these islands on how to tackle zero-hours contracts and how to introduce progressive legislation that would have protected workers. However, it was not to be, as we could not get agreement. We are where we are.

Clause 19 deals with gender pay, and the Minister said that this is the first time that the Assembly has approved an equality matter since devolution. If that is the case, it is to be welcomed. The fact that we agreed that we need to introduce steps to tackle the gender pay gap is positive and welcome.

The fact that employers will now have to report on the extent of the differential in pay between male and female workers within their organisation is a fairly progressive move. There is zero resistance to that in our society. Even among employers and their representatives, there is common agreement that we need to tackle this issue because it has been going on for far too long. Even though it is now illegal to discriminate against workers based on gender, it still seems to be the case that females are paid less than their male counterparts. That is an issue that we need to first identify and then follow up with the action plan that each employer will have to put in place. Also, the Executive will have to bring forward a strategy and an action plan and publish them within 18 months of the enactment of the Bill.

Requirements are now being placed on the Department with regard to careers. That is a very positive development that the Minister brought forward after the Committee initiated a review of careers advice, which was then followed up by a piece of work that the Minister commissioned from an expert group on careers. Those are all positive developments, and we are now making sure that young people, when they go through the formal education process or even when they are outside it, will be required to be given proper careers advice. All too often we hear stories that people are being given inadequate or inappropriate careers advice. So many of our young people are going to do university degrees when there is realistically no proposition that they will gain employment in that area. That is a societal problem that we need to address. Young people and their parents want to go down the road of being professionals: lawyers, doctors, architects or accountants. That is not really where the jobs are going to lie in the future. We need to make sure that young people are being empowered to make decisions that will allow them to have a decent standard of living in the future, and that means being skilled-up and qualified in areas of growth. It does not necessarily mean that we need to make our young people serve an economy in the future, but it means that young people who want to go down the road of getting a job in a growing area must be given that careers advice at a young age so that they can target their GCSE and A-level choices towards going down that path. All too often we hear examples of people realising that they want to do a certain profession but they cannot do it because, for example, they have not done the requisite GCSE to get onto the university course. So all those issues need to be dealt with at an early stage during the young person's development. The clause in the Bill that deals with careers advice is very welcome.

The only question I have for the Minister is to do with commencement. Most of the Act is subject to commencement once the Department brings in an order

to make it happen. The only clarity that I seek from the Minister at this stage is whether he has any indication from the Department, however rough, as to when that may happen.

**Mr Diver:** I, too, welcome the opportunity to speak at the Final Stage of the Employment Bill. As a relative newcomer to the House and the Committee, I have to say that I am very impressed by the stewardship of the Bill through the House, the assiduous way that the Committee has worked on it, and the way that the officials have engaged with the Bill's process to date.

Much debate has ensued over the Bill, and the number of amendments that were tabled is testament to the level of engagement that we have had in the House on these very important employment issues. There are many positive aspects to the Bill, but there were some issues on which we expressed concern. The LRA is a positive move towards handling disputes more effectively, but we had some concerns on the notion of a heavier burden on the claimant through the deposit fees etc. The outworking of the debate on the Bill and the subsequent amendments has assured us slightly, but the commitment in the Bill to review neutral assessment is particularly welcome.

As we know, there was much debate on the issue of zero-hours contracts. The SDLP expressed its serious concerns around the issue. I, personally, believe that it is shocking that we have 28,000 workers in Northern Ireland employed on zero-hours contracts, 40% of whom are aged below 25 years. That is the age group where the NEET people are as well; so, otherwise, we would expect many of those people to be in that group. So, they are particularly vulnerable, and I think that it is appropriate, as Mr Flanagan said, that we should, at some stage in the new mandate, turn our attention to addressing that issue more effectively. That is why the SDLP expressed support for the Sinn Féin amendments on zero-hours contracts and called for action to be taken. That said, I accept the Minister's comments that perhaps it might have been better had we been able to deal with that in the Bill. However, such is the injustice around the issue that I think it would have been worth trying to drive forward whatever change we could in relation to zero-hours contracts.

We recognise the sentiment behind the Alliance amendment at Further Consideration Stage that the Department be empowered to take action on those contracts. We know that some effort was made on that, but we really do urge that action be taken in the short term rather than the longer term with a very drawn-out consultation exercise.

We also welcome the Bill's enabling powers around tribunals. I know that there was quite a bit of discussion around that issue. It brings the regulations on tribunals into line with current practice, permitting the chairmen of tribunals to be referred to as employment judges. This, amongst a whole raft of procedures, will be a positive step towards creating better conditions for those who find themselves in an employment dispute so that people, rightly, can expect and hope that they will get the level of justice that they should through a tribunal. Much of the Bill follows in that way as positive reinforcement of the employment rights of the worker.

As it is late in the mandate, attempts were made to include other things in the Bill, and much of the debate became

about those issues. It is clear that many more issues within the scope of the Bill remain unresolved. I genuinely hope that we will see movement on issues such as the gender pay gap and zero-hours contracts in the not-too-distant future. I look forward to seeing how the Act will look in practice, and I await the results of the review into early conciliation and neutral assessment to ensure that they are not overly onerous or unfair on the individuals concerned.

**Dr Farry:** I thank all the Members who spoke for their universally positive comments. I put on record my thanks to the Chair and his colleagues for all their work on the Bill; it has been a marathon process over the past number of years, and, indeed, there will be a lot of work to undertake in the new mandate. In many ways, the Bill is platform on which we can build for the future.

It is appropriate, particularly in this process, that the Bill before us at Final Stage is a shared product not just of the Department but of the Committee and, indeed, the wider Assembly, not least given the number of amendments that came in at the eleventh hour.

Members have mentioned the fact that we now have that platform. The Deputy Chair of the Committee said that the Bill is not perfect and spoke of things we may wish to have done differently had time allowed for wider scrutiny. Obviously, we find ourselves in the circumstances where we are. I believe — I am sure that the Deputy Chair concurs — that this is the best product that we have in the context of the opportunity that was available to us and in the circumstances that we found ourselves in.

I very much concur with his remark that this is simultaneously good for employers and employees. This is not about some sort of zero-sum game where a win for one is a loss for the other, or vice versa; this is about creating a situation that works in the interests of both, and, indeed, all stakeholders in our society and, more directly, in the workplace.

Other comments were made by Mr Flanagan and Mr Diver around, in particular, the situation of zero-hours contracts. That ties in with the comments of the Deputy Chair around the fact that we have the platform of the enabling provisions. I think that it is fair to reflect that the balance to be found between putting things in the Bill and in regulations is often a fine one. Obviously, our hands were somewhat forced in this context by the lack of available time at the end of a mandate to do otherwise. Nonetheless, all things being equal, there is still a balance to be found between what you put in a Bill and what you put in regulations. It may well be, in a couple of years, with the benefit of hindsight, that proceeding on the basis of regulations will be proven to be the right way to go.

The situation with zero-hours contracts and the regulation thereof is a very new area of law. Not much case law has been developed so far. We may need to return to that and to tinker and fine-tune as we go.

It will be much easier to do that through regulations, rather than needing to constantly have fresh primary legislation to address situations. We could have a situation where some unscrupulous employers are able to get around what we have put in place or where what is before us in terms of case law does not reflect the original intent of the Assembly through the original draft regulations or, indeed, primary legislation.

#### 11.45 am

With the benefit of hindsight, this may prove to be the right way to go, albeit that it is a situation that we found ourselves in through the force of circumstance, rather than through any wider debate on that point. It is fair to say that, in some ways, it creates certainty in some aspects of what we are doing. For example, it is very clear how we are changing the law on how we approach changes in unfair dismissal. Other aspects will need to be commenced. I assure Mr Flanagan that there is no reason to hold back the commencement of these things. Once they are ready to be implemented, we will proceed on that basis. That is certainly my commitment, and I am sure that will go for any future Minister for the Economy. I hope that we will commence work in the very near future on drafting a fresh consultation on zero-hours contracts. I am sure that will be a piece of work that any incoming Minister for the Economy will want to pick up and proceed with, and, indeed, it could —

**Mr Flanagan:** Will the Minister give way?

**Dr Farry:** Yes.

**Mr Flanagan:** I thank the Minister for his sentiments on that. Will he give us an indication whether it is his or the Department's intention to engage in some sort of collaborative working with Members before engaging in a public consultation on zero-hours contracts to try to get maximum political consensus here before that consultation is launched?

**Dr Farry:** I think what the Member suggests is a very wise approach. It would unfold through officials doing the work now to commence a paper that could go to the incoming Committee for the Economy once the next mandate proceeds. Being realistic, we will not see any pre-consultative approach with the Committee this side of the elections; it will be afterwards. I would like to think that the new Department and the relevant officials will be in a position to move fairly quickly to engage with the new Committee before going out to a consultation on those regulations.

I certainly take it from the Member and others that there will be a desire to see the new Department moving quickly. I have no doubt that the Member, if he is back in the Assembly, will be very keen to hold to account any future Minister, including one from his own party, for any foot-dragging on that. For my part, I certainly recognise the importance of proceeding with some proportionate regulation of zero-hours contracts. I think that sentiment is reflected on all sides of the House, but where there is a difference is probably in the scale of the regulation. That is something that needs to be bottomed out in the engagement with stakeholders.

That gives me the opportunity to reference that we have a very strong working relationship between the employer side and employee representatives, including trade unions. We have discussed many aspects of the legislation. Indeed, as we look ahead and in advance of drafting and launching a fresh consultation on zero-hours or something on the gender pay audit, there will be an opportunity for that engagement to occur between the different stakeholders in parallel with discussions with the incoming Committee. I think that spirit of collaboration has been so important in getting us where we are today. I certainly encourage any successor to continue that work because it produces very positive results. It certainly puts us in a

much stronger position in how we deal with those matters than either of the other employment law jurisdictions in these islands. I think we are in a good place in that regard.

**Mr Flanagan:** I thank the Minister for giving way. Having engaged through the Committee and outside it with employers and employee representatives, I know that there is huge positive sentiment for the round-table forum that was established by the Department through the LRA. Is there any mechanism for that to continue indefinitely, or is it something that a future Minister will have to re-establish? Is there some provision for it to continue without political interference in the short term?

**Dr Farry:** As the Member outlined, that round table happens under the auspices of the Labour Relations Agency, which is an arm's-length body of my Department. It has the capacity to continue that, so I see no real prospect of it falling. If the goodwill is there, the process should continue. It is a very valuable resource.

I thank Mr Diver for his comments on the process before us. In conclusion, I put on record my personal thanks to my officials for their work, not just on this Bill over the past number of weeks but on the whole review of employment law over the years. I believe that it has put us in a much stronger position in Northern Ireland as regards employment relations. It is important that we have a spectrum — indeed, a hierarchy — of interventions to prevent disputes in the first place and to address them when they occur as early as possible. That is very much in the interests of employers, employees and the wider economy. The Bill puts us in a very strong position. Some major innovation has gone into the process. Again, I pass on my thanks to colleagues on the Committee, and, indeed, in the Assembly, for their support, particularly in relation to the Bill, over the past weeks and months.

*Question put and agreed to.*

*Resolved:*

*That the Employment Bill [NIA 73/11-16] do now pass.*

## Justice (No. 2) Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call on the Minister of Justice, Mr David Ford, to move the Further Consideration Stage of the Justice (No. 2) Bill.

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

**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 my provisional grouping of amendments selected list. There is a single group, amendments Nos 1 to 9, of technical and consequential amendments required as a result of the amendments made at Consideration Stage. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill. The Question on each will be put without further debate. If that is clear, we shall proceed.

### Clause 35 (Complaints)

**Mr Principal Deputy Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 9. I call the Minister of Justice, Mr David Ford, to move amendment No 1 and to address the other amendments in the group.

**Mr Ford (The Minister of Justice):** I beg to move amendment No 1: In page 29, line 2, leave out "may" and insert "shall".

*The following amendments stood on the Marshalled List:*

No 2: In clause 39, page 32, line 5, leave out "may" and insert "shall".— *[Mr Ford (The Minister of Justice).]*

No 3: In clause 51, page 39, line 25, leave out "12" and insert "6".— *[Mr Ford (The Minister of Justice).]*

No 4: In clause 51, page 39, line 26, after "fine" insert "not exceeding the statutory maximum".— *[Mr Ford (The Minister of Justice).]*

No 5: In clause 51, page 39, line 26, at end insert

*"(10) Schedule 3A makes special provision in connection with the operation of this section in relation to persons providing information society services."—  
[Mr Ford (The Minister of Justice).]*

No 6: In clause 54, page 40, line 37, leave out subsection (1) and (2) and insert

*"(1) A person commits an offence if he or she assaults—*

*(a) an ambulance worker in the execution of that ambulance worker's duty;*

*(b) a person who is assisting an ambulance worker in the execution of that ambulance worker's duty.*

*(2) 'Ambulance worker' means a person who provides ambulance services (including air ambulance services) under arrangements made by or at the request of—*

*(a) the Northern Ireland Ambulance Service Health and Social Care Trust,*

*(b) St. John Ambulance (NI),*

*(c) the British Red Cross Society, or*

(d) the charity registered in the Republic of Ireland known as the Order of Malta Ireland.”— [Mr Ford (The Minister of Justice).]

No 7: After schedule 3 insert

“SCHEDULE 3A

Section 51.

PRIVATE SEXUAL PHOTOGRAPHS ETC:  
PROVIDERS OF INFORMATION SOCIETY SERVICES

Exceptions for mere conduits

1.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in—

(a) the provision of access to a communication network, or

(b) the transmission in a communication network of information provided by a recipient of the service,

if the condition in sub-paragraph (2) is satisfied.

(2) The condition is that the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

(3) For the purposes of sub-paragraph (1)—

(a) the provision of access to a communication network, and

(b) the transmission of information in a communication network,

includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

2.—(1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider is not capable of committing an offence under section 51 in respect of the automatic, intermediate and temporary storage of information so provided, if—

(a) the storage of information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and

(b) the condition in sub-paragraph (3) is satisfied.

(3) The condition is that the service provider—

(a) does not modify the information,

(b) complies with any conditions attached to having access to the information, and

(c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

Exception for hosting

3.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided—

(a) that it consisted of or included a private sexual photograph or film,

(b) that it was provided without the consent of an individual who appears in the photograph or film, or

(c) that the photograph or film was provided with the intention of causing distress to that individual.

(3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.

(4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

4.—(1) This paragraph applies for the purposes of this Schedule.

(2) ‘Photograph or film’ has the meaning given in section 51.

(3) ‘Information society service’—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive covering ‘any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service’,

and ‘the E-Commerce Directive’ means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) ‘Recipient’, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.

(5) ‘Service provider’ means a person providing an information society service.”.— [Mr Ford (The Minister of Justice).]

No 8: In the long title, leave out “the possession of extreme pornographic” and insert “extreme pornographic and other sexual”.— [Mr Ford (The Minister of Justice).]

No 9: In the long title, after “images,” insert

“assaults on persons providing ambulance services.”.— [Mr Ford (The Minister of Justice).]

**Mr Ford:** As you highlighted, Mr Principal Deputy Speaker, all nine amendments are technical and arise purely from amendments made to the Bill at Consideration Stage. Amendment No 1 is the first of two corrections to two clauses in the Prison Ombudsman provision in the Bill.

Members will recall that I made two amendments to what are now clauses 35 and 39 at Consideration Stage to require the ombudsman to inform the police of a suspected criminal offence in relation to any investigation that he is conducting. I advised the House that the wording of the amendments that were debated and voted to stand part of the Bill granted a power, rather than placed a duty, on the ombudsman to draw to the attention of police any matter relating to a criminal investigation. As I indicated to the House, the agreed policy intent was to require the ombudsman to do so and that I would bring forward a small technical amendment at this stage to correct the necessary subsections. Amendment Nos 1 and 2 deliver my stated policy intention, and the undertaking that I gave at Consideration Stage, by changing “may” to “shall” in clause 35(15) and clause 39(8) respectively.

The amendment tabled by the Chair of the Committee for Justice at Consideration Stage to create a new offence of disclosing private sexual photographs and films with intent to cause distress, generally known as “revenge pornography”, also left some tidying up to be done. A similar offence was created in England and Wales by the Criminal Justice and Courts Act 2015. The amendment had the support of the House and was voted to stand part of the Bill, becoming clauses 51 to 53. I indicated that I fully supported the amendment at Consideration Stage, subject to a minor amendment at Further Consideration Stage to clarify the penalty for a summary offence.

Accordingly, amendment Nos 3 and 4 adjust clause 51(9) (b) to provide that the penalty available on summary conviction is imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both. That ensures that the penalty is consistent with that available on summary conviction for other hybrid or either-way offences in Northern Ireland.

Amendment No 5 inserts a new subsection (10) into clause 51 to give effect to a new schedule 3A to the Bill that is needed to support the provisions in clauses 51 to 53. The new schedule, which is inserted by amendment No 7, replicates provisions in schedule 8 to the Criminal Justice and Courts Act 2015 and will ensure that the provisions operate as intended. The Chair of the Justice Committee has indicated that he is content with those revisions.

Almost finally, Mr Principal Deputy Speaker, I now turn to Mr Frew’s amendment at Consideration Stage that sought to create a new offence of assaulting and obstructing certain emergency workers. The amendment was supported by the House and voted to stand part of the Bill,

becoming clause 54. As with the Committee amendment on revenge pornography, I was content to support Mr Frew’s amendment, but I did indicate that there were a number of definitional issues with his clause that would need to be addressed at Further Consideration Stage. I am pleased that my officials have liaised with their colleagues in DHSSPS to address those issues. The changes set out in amendment No 6 deal with them and, I understand, have the support of Mr Frew.

Finally, amendment Nos 8 and 9 make some further, purely consequential amendments to the long title as a result of the addition of the provisions on revenge pornography and attacks on ambulance workers at Consideration Stage.

As I indicated at the beginning, the amendments are all purely technical, taking forward the will of the House as expressed at Consideration Stage, and I am happy to commend all of them to the House.

**Mr Ross (The Chairperson of the Committee for Justice):** I am pleased to speak on behalf of the Committee. As the Minister indicated, the group of amendments is largely technical in nature. The amendments are intended to tidy up and improve the drafting of some of the amendments that were made at Consideration Stage. The Department wrote advising the Committee of its proposed amendments back on 24 February. The Committee noted the proposals and the text of the amendments at its meeting last Thursday and had no issues to raise.

Amendment Nos 1 and 2 are minor changes to clauses 35 and 39 to standardise the requirement for the Prison Ombudsman to inform police of a suspected criminal offence, which was supported by the Committee and the Assembly at Consideration Stage, across all the functions of the ombudsman.

Amendment Nos 3, 4, 5 and 7 relate to clauses 51 to 53, which make provision for the new offence of disclosing private sexual photographs and films with intent to cause distress — commonly referred to as “revenge porn” — brought forward by the Committee. The Minister indicated at Consideration Stage that some drafting amendments might be needed at Further Consideration Stage. The amendments, which the Committee is content with, will adjust the penalty available under clause 51(9)(b) for a summary conviction to make it consistent with other Northern Ireland hybrid offences. It will therefore provide for six months’ imprisonment or a fine not exceeding the statutory maximum, or both. In response to advice from the Office of the Attorney General, a new schedule 3A to make provision for providers of information society services, which is needed to give effect to clauses 51 to 53 of the Bill, will also be inserted.

I put on record my thanks to the officials, who have kept me informed of the process over the past number of weeks as they sought to tidy up the amendments. Indeed, they kept the Committee informed as well.

Amendment No 6 makes a number of minor technical changes to clause 54, which creates an offence of assaulting and obstructing certain emergency workers, to ensure legislative clarity. The changes remove references to “obstruction”, which is already covered under the Emergency Workers (Obstruction) Act 2006, and define the term “ambulance worker”. I pay tribute to my colleague Mr Frew, who brought forward the amendment at the

previous stage. The Minister always comments on the working relationship between the Committee and the Department. There is an example of where a positive and constructive amendment was brought forward. The work done between the Member and the Department was very good and has made sure that we get a resolution that everybody is satisfied with.

Finally, amendments 8 and 9 are consequential minor changes to ensure the long title of the Bill reflects the new provisions in it.

I will leave my comments there. I am happy to support all the amendments tabled.

## 12.00 noon

**Mr A Maginness:** I have very little to add to what the previous contributor and the Minister outlined, save to say that, in amendment No 6, the Minister has proposed a useful amendment to the definition of an ambulance worker. It tidies up Mr Frew's amendment, which creates an offence to assault or interfere with an ambulance worker or anybody who assists an ambulance worker. The definition of an ambulance worker has been more widely and broadly defined as someone working under the Northern Ireland Ambulance Service Health and Social Care Trust, St John Ambulance Northern Ireland, the British Red Cross or the charity registered in the Republic known as the Order of Malta Ireland. That is a fairly expansive list that incorporates the type of personnel whom the House envisaged being covered in this clause. That is useful and helpful in giving added protection to emergency workers in what I would broadly call the Ambulance Service.

**Mr McMullan:** I thank the Member for giving way. The Member talks about protection for those in the Ambulance Service. Will that take in those who are trained to work with defibrillators?

**Mr A Maginness:** I am not certain. In fact, I doubt whether they would be covered. The Minister might be able to shed further light on that. Certainly, if they came under the categories that I mentioned, they would be covered. Mr McMullan raises an interesting point. That category of person may be more difficult to define.

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

**Mr A Maginness:** Yes, indeed.

**Mr Ross:** It is worth noting that, when the Committee talked about this issue, the discussion was about those who respond to emergency calls. Unfortunately, we have had media coverage of a number of incidents in which, particularly but not exclusively, young people stoned emergency vehicles as they responded to emergency situations. That is why it was felt that this was a prudent move in the Bill. We have not seen individuals coming under attack from local communities when they have been using defibrillators, so that may be a different issue. However, the Member raised the issue, and the Minister will perhaps want to respond to it.

**Mr A Maginness:** I understand what the Chair is saying. Nonetheless, Mr McMullan raised an interesting point that is worthy of further consideration.

I will conclude by once again congratulating Mr Frew for bringing forward this aspect of the legislation. It is very

worthwhile and adds additional protection to those in the public sector who serve us in emergencies. They deserve our respect, support and legal protection.

**Mr Kennedy:** I join others in taking this opportunity to welcome and endorse the proposed amendments, which essentially tidy up the Justice (No. 2) Bill. On amendment No 6, I was interested in the exchange between Mr Maginness, the Committee Chair and others about the terms that are being used and how all-embracing they are. I wonder whether the Minister, in consultation with the Department of Health, considered the term "and/or paramedics". It seems to me that "ambulance worker" covers part of the work but not its entirety. However, I am generally content with the amendment.

The new schedule on what is termed revenge porn is entirely sensible.

I commend all those who have promoted that and ensured its final inclusion, and I welcome the consensus that was reached on it between the Minister, the Department and the Justice Committee. The Chair of the Committee, in particular, was a strong advocate of the schedule being included. Revenge porn has become a very serious matter of concern in our modern society, and I hope very much that the measure will at least give some protections to people and some warning to those who are prepared to engage in such disgraceful activity.

Generally, this is a stage that we can all welcome. I am minded to paraphrase the words of Young Mr Grace in 'Are You Being Served?': we have all done very well.

**Mr Frew:** I have been a member of the Committee throughout the Bill's passage. I want to talk about amendment No 6, tabled by the Minister, which has tidied up my previous amendment, and some of the issues around that. First of all, I thank the Minister for his diligence on the issue and his support in latter days in moving the amendment forward to produce something that is tighter and better for ambulance workers and to clarify the definition of an ambulance worker, which is very important. I also put on record my appreciation and thanks to his DOJ officials and the DHSSPS officials who were involved in shaping and amending the original amendment to make it much better. I also place on record my thanks to Lord Morrow, who originally came up with the idea of amending the Justice (No. 2) Bill to accommodate and add protection for ambulance workers. He must be commended for that. I simply took the baton from Lord Morrow, and I appreciate his work and due diligence in that regard.

Whilst I talked at the start about obstruction and assaults, it was clear, looking back at previous legislation, that obstruction of ambulance workers was already covered to some degree. It was very important that we stuck to assaults, so that we would not do harm or mischief to any previous legislation or allow an anomaly to be created. I am glad that that has been closed.

I am glad too that we have been able to get the definition and add to it the various societies and charitable organisations that do sterling work in our community. Amendment No 6 refers to assaults on:

*"an ambulance worker in the execution of that ambulance worker's duty".*

That wording is very important, because it is not always the case that ambulance workers will shoot off with blue lights blazing and go out to an event, horrific as it might be, whether it is a —

**Mr Ross:** I thank the Member for giving way. Perhaps I misunderstood the issue that Mr McMullan raised earlier. He may have been talking about the first responders who are out in cars with defibrillators and are working in rural areas, as opposed to those who use them in a leisure centre or somewhere like that. If that is the case, he has raised an interesting point about whether those individuals would also be covered, as they are effectively doing emergency call-outs as well. Maybe that is something that the Member wishes to comment on.

**Mr Frew:** Yes, I thank the Member for his contribution. I was coming to Mr McMullan's contribution on that.

I will finish the point that I was going to make about an ambulance worker's duty. It is clear that there are many occasions — I spoke about this in the previous debates on this — on which ambulance drivers and ambulance workers can be plonked down into a scenario. They can be placed in a stadium or at an event. They do not have to be in an emergency setting for an emergency to take place or for them to assist people or, very importantly, for them to be attacked and assaulted. That is why the wording is as it is.

I will address Mr McMullan's point. As the Chairman of the Committee, Mr Alastair Ross, has stated, he raises a very valid point. It is something that I have struggled with for many weeks when dealing with this. Where do we stop? Where do we stop allowing protection for the staff? My wish in respect of this sort of work is that, some day, we will have protections like this for staff who work in an emergency department setting. However, that was too big an issue to grasp within the time frame of the Bill because there are many issues surrounding it. If you protect everybody who works in an emergency department, you could be protecting people who are not emergency staff. They could be clerical workers. There could be all sorts of ramifications around that. That was a challenging period for me when trying to define it. We also have home help health workers who go out, sometimes daily, to assist patients who live at home or the elderly and vulnerable in the community. That is a very challenging role that we need to look at with regard to protection.

I move now to specific points on defibrillators. It is clear that, nowadays, defibrillators are being put in everywhere. That is to be welcomed, whether they are on a high street, in a community centre or at a swimming pool. We know also that the Ambulance Service employs a system whereby a text message is sent round first responders, who either have defibrillators in their vehicles or go to where there is a defibrillator and then to the area where there is a casualty. Mr McMullan raises a very good point. There is a very good first responders scheme in the glens of Antrim; I am sure that that is what was on his mind as he talked about this. I do not think that I want to cover defibrillators at the swimming pool, where someone goes and grabs the defibrillator, but the Minister may well wish to explore whether they would be protected in a system that has been set up by the Ambulance Service Health and Social Care Trust, which is a care trust. I cannot see any scenario in which someone would want to attack a Good Samaritan — a volunteer — coming to their or someone else's aid with a defibrillator. I hope that that would never

happen, as I wish that no assault would ever take place on ambulance workers. He raises a good point; I give him that. It is something that I have not given real thought to. I ask the Minister to look at it. There is a challenge in what we cover and what we cannot cover, but —

**Mr McMullan:** I thank the Member for giving way. Mr Ross, I did not explain it too well at the start; my apologies. I am talking about the first responders scheme. Those people are trained under and have to work to very rigorous guidelines set down by the Ambulance Service. The Member is right: there is one in the glens of Antrim, and I think that there is one in Islandmagee. They are spread around, and they work with manual defibrillators and the kiosks outside. I am talking about the first responders who work under the guidelines of the Ambulance Service.

**Mr Frew:** I thank the Member for that, because he raises a valid point. Of course, we know that they respond to a text message that is sent through an automated system when someone calls 999.

On a lot of occasions, those volunteer first responders get there well before the ambulance crew and staff. He raises a very good point, and I know the Minister will look into that.

## 12.15 pm

I know that we are at Further Consideration Stage, but I do not want to let this drop at this point. If I am fortunate enough to be elected to the next mandate, I will explore that further and look to see how we can encapsulate that and protect other emergency staff members in accident and emergency rooms up and down this Province. I will also explore any other areas where I feel it may help to protect people who provide a valuable service to our community on a daily basis. Whether that is in the form of a private Member's Bill next time round, I will certainly explore all avenues.

**Mr Attwood:** I think it was yesterday that Mr McCartney, I think, quoted Mr Kennedy as saying:

*"Everything has been said, but it has not been said by everybody." — [Official Report (Hansard), Bound Volume 113, p214, col 2].*

I think this is one of those occasions, so, save for the Minister's reply, I concur with all the comments that have been made by other Members.

**Some Members:** Hear, hear. *[Laughter.]*

**Mr Lynch:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I did not think I would be up for another hour or so.

I welcome the Further Consideration Stage of the Justice (No. 2) Bill, particularly the need to deal with fine defaulters. We are satisfied that the Bill addresses the issues. We would have liked it to be a little stronger. However, we feel that the most vulnerable will be protected.

We sought as strong a role as possible for the Prison Ombudsman, but placing it on a statutory footing is to be welcomed.

On amendment No 6, which has been debated, we welcome support for the protection of ambulance workers in the execution of their duty. I think the definition has been fairly well tidied up. As Mr Frew said, "Where do you stop?" I think that amendment will be welcomed by those who work on the front line. Again, I think it will be a work in

progress for those in the future. We support the Bill in its future stages.

**Mr Ford:** I endeavoured to make a brief introduction on those nine technical amendments. I shall endeavour to make a brief winding-up speech, though I will not as brief as Mr Attwood was.

There are really only two points at issue. The first is that I appreciate the remarks, led by the Chair of the Committee, on the constructive way in which the Department and the Committee worked together. On this occasion, he got in his praise before I got in mine, but it is only right, as part of the good working relationship that we have, that he should occasionally get the chance to lead on it. I think that we are effectively discussing only one amendment of the nine is an indication of the good work that was done by my team and the Committee's team in the background to ensure that the Committee Stage dealt with most of the issues in a way that ensured that we are now at a very easy stage.

Let me turn to amendment No 6. First of all, in specific response to Mr Kennedy's point, my understanding is that a paramedic is an ambulance worker who provides services under the instruction of the Ambulance Service trust and is therefore completely covered. The more interesting point is perhaps volunteer first responders. My understanding, and I will caveat this heavily because I do not have specific legal guidance on it, is that a first responder who is called out by the Ambulance Service trust is a person carrying out duties as defined in clause 54(2); therefore I believe they would be covered. Part of the issue, which was perhaps where Mr McMullan was starting from, is that first responders are at a relatively early stage of development in Northern Ireland. Certainly, I had contact with some on Islandmagee a few years ago. Mr McMullan talked about first responders in the glens. No doubt, all Members are avid followers of me on social media, and they will have seen four weeks ago that I received a training course in CPR as part of a visit to Hampshire from a member of the Southern Ambulance Service, who was there in a uniform but purely as a volunteer and is part of the full working relationship in that trust. We are at a slightly different level, and I would be cautious about intruding on the responsibility of the Minister of Health, Social Services and Public Safety, but my understanding is that the definition is written sufficiently widely that anybody who is called out by the trust will carry out the duties as defined in subsection (2). If that is not the case, Mr Frew can take it up with my successor or with the next Minister of Health in the next Assembly as to exactly how that will be dealt with.

He is quite right when he talks about a wide range of people. He talked about home helps going into individual houses. In my previous career as a social worker, I know that you can sometimes feel at risk going out late at night on your own to a difficult mental health or childcare case. So, there are genuine issues that may need to be explored, but what we have done in the work between Mr Frew, the departmental officials and our colleagues in Health is ensure that we tighten up the issue of paramedics and first responders. I think that that is the key point. Other than that, there was nothing but uniform praise, so I should probably say nothing else.

*Amendment No 1 agreed to.*

### **Clause 39 (Investigations requested by the Department)**

*Amendment No 2 made:*

In page 32, line 5, leave out "may" and insert "shall".—  
[Mr Ford (The Minister of Justice).]

### **Clause 51 (Disclosing private sexual photographs and films with intent to cause distress)**

*Amendment No 3 made:*

In page 39, line 25, leave out "12" and insert "6".—  
[Mr Ford (The Minister of Justice).]

*Amendment No 4 made:*

In page 39, line 26, after "fine" insert "not exceeding the statutory maximum".— [Mr Ford (The Minister of Justice).]

*Amendment No 5 made:*

In page 39, line 26, at end insert

*"(10) Schedule 3A makes special provision in connection with the operation of this section in relation to persons providing information society services."—  
[Mr Ford (The Minister of Justice).]*

### **Clause 54 (Offence of assaulting and obstructing certain emergency workers)**

*Amendment No 6 made:*

In page 40, line 37, leave out subsection (1) and (2) and insert

*"(1) A person commits an offence if he or she assaults—  
(a) an ambulance worker in the execution of that ambulance worker's duty;  
(b) a person who is assisting an ambulance worker in the execution of that ambulance worker's duty.  
(2) 'Ambulance worker' means a person who provides ambulance services (including air ambulance services) under arrangements made by or at the request of—  
(a) the Northern Ireland Ambulance Service Health and Social Care Trust,  
(b) St. John Ambulance (NI),  
(c) the British Red Cross Society, or  
(d) the charity registered in the Republic of Ireland known as the Order of Malta Ireland."— [Mr Ford (The Minister of Justice).]*

### **New Schedule**

*Amendment No 7 made:*

*After schedule 3 insert*

*"SCHEDULE 3A*

*Section 51.*

*PRIVATE SEXUAL PHOTOGRAPHS ETC:  
PROVIDERS OF INFORMATION SOCIETY SERVICES*

*Exceptions for mere conduits*

*1.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in—*

(a) the provision of access to a communication network, or

(b) the transmission in a communication network of information provided by a recipient of the service, if the condition in sub-paragraph (2) is satisfied.

(2) The condition is that the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

(3) For the purposes of sub-paragraph (1)—

(a) the provision of access to a communication network, and

(b) the transmission of information in a communication network,

includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

#### Exception for caching

2.—(1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider is not capable of committing an offence under section 51 in respect of the automatic, intermediate and temporary storage of information so provided, if—

(a) the storage of information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and

(b) the condition in sub-paragraph (3) is satisfied.

(3) The condition is that the service provider—

(a) does not modify the information,

(b) complies with any conditions attached to having access to the information, and

(c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

#### Exception for hosting

3.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in the storage

of information provided by a recipient of the service if sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided—

(a) that it consisted of or included a private sexual photograph or film,

(b) that it was provided without the consent of an individual who appears in the photograph or film, or

(c) that the photograph or film was provided with the intention of causing distress to that individual.

(3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.

(4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

#### Interpretation

4.—(1) This paragraph applies for the purposes of this Schedule.

(2) ‘Photograph or film’ has the meaning given in section 51.

(3) ‘Information society service’—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive covering ‘any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service’,

and ‘the E-Commerce Directive’ means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) ‘Recipient’, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.

(5) ‘Service provider’ means a person providing an information society service.”.— [Mr Ford (The Minister of Justice).]

New schedule agreed to.

#### Long Title

Amendment No 8 made:

Leave out “the possession of extreme pornographic” and insert “extreme pornographic and other sexual”.— [Mr Ford (The Minister of Justice).]

*Amendment No 9 made:*

After “images,” insert

*“assaults on persons providing ambulance services.”— [Mr Ford (The Minister of Justice).]*

**Mr Principal Deputy Speaker:** That concludes the Further Consideration Stage of the Justice (No. 2) Bill. The Bill stands referred to the Speaker.

**Mr Wells:** On a point of order, Mr Speaker. First, I wish to record the historic occasion on which Mr Attwood made his shortest and best speech ever in the House.

On a more serious issue, we have once again seen an excellent example of the Assembly working at its best. The Committee, the Minister and the Department have worked together to produce excellent legislation that protects so many in society. The Assembly is constantly criticised by the media for not passing enough legislation: in the past two weeks, the Assembly has passed a record amount of legislation and there has not been one word about it in the media. Can you, Mr Principal Deputy Speaker, alert the media to the fact that there is a lot of positive work going on in the Assembly that they, for some reason, seem totally reluctant to report?

**Mr Kennedy:** Is that a point of order?

**Mr Principal Deputy Speaker:** I am not sure that it is a point of order, but I was remarking to the Clerks this morning about harmony having broken out across the Chamber in this area.

**Mr Attwood:** On a point of order, Mr Principal Deputy Speaker.

**Mr Principal Deputy Speaker:** Let me deal with this one first.

Mr Wells, your words are noteworthy, and I have no doubt that the Speaker will pick up on them.

Mr Attwood for a point of order.

**Mr Attwood:** I thank the Member for his kind comments about me. *[Laughter.]* While we acknowledge that the media have a responsibility to report the good news, they also have a responsibility to report the bad news and should not be subject to the aggression and hostility that we have seen over the past 24 hours.

**Mr Principal Deputy Speaker:** No doubt the Speaker will have noted your words as well, Mr Attwood.

## Committee Business

### Public Petitions Procedures: Review Report

**Mr Principal Deputy 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. All other Members who are called to speak will have five minutes.

**Mr G Kelly (The Chairperson of the Committee on Procedures):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I beg to move

*That this Assembly approves the report of the Committee on Procedures on its review of public petitions procedures [NIA 305/11-16].*

I hope that, since we have set a standard so far today, we might be ahead of ourselves.

The motion before the House today introduces the Committee’s report on the review of the public petitions process. It looked at how public petitions were presented and managed in the Assembly and whether the process could be improved in any way. The way in which public petitions are brought to the Chamber at the moment is well understood in the Assembly; so, too, is what happens to them, because the Speaker explains that when he receives them. After that, though, there is little information published or feedback given on what happens to them. Petitioners and Members often have to follow up on outcomes themselves. That has been done in the past by asking Assembly questions or writing directly to Departments.

It is perhaps less well known that the Assembly is the only legislature on these islands that still relies completely on a paper-based, MLA-sponsored public petitions process. In this age of Twitter and electronic media, that seemed strange and raised concerns with the Committee. I want to mention in particular Mairaid McMahon, who highlighted that and gave valuable assistance to the Committee in reaching stakeholders through the Make it Happen programme. Having considered the information provided, the Committee agreed to give specific attention to the use of electronic submissions of public petitions or e-petitions in its review of the process. Stakeholders who responded to the Committee’s call for evidence were similarly concerned by the lack of an e-petitions process. Their responses were unanimous in suggesting that introducing an e-petitions facility would be beneficial. Perhaps more surprisingly, all but one stakeholders were of the view that the current MLA-sponsored approach was well understood and still fit for purpose.

#### 12.30 pm

After the Committee examined data on the outcomes of public petitions submitted in the last few years, it found that stakeholders’ views were supported by the evidence. Examples existed of public petitions that raised public awareness of issues and others that increased engagement between Departments and action groups or individuals. Some had even influenced policy direction in the Departments to which they were referred. It is hardly surprising, then, that the Committee recommends that the existing process be retained. However, it is also of the view that the process should be enhanced by adding an

e-petitions facility that does not require MLA sponsorship. To make such a process effective and to complement the existing process effectively, a different set of requirements was needed. To identify and refine what those might be, the Committee looked at models operating effectively in other legislatures. It has sought to choose best practice from those to design the model recommended in the report.

Because it was aware of the possible cost of implementing such a scheme, the Committee first assured itself that existing IT and communications infrastructure could design and support an e-petitions process, and it considered the restrictions. Once that was done, the Committee considered the criteria that could be used to decide whether an e-petition was within the competence of the Assembly and whether it would be considered. Those are referred to in the report as admissibility criteria. Models in other legislatures showed great consistency in the admissibility criteria that they used. The Committee noted that those had proved effective and were applicable to the circumstances of the Assembly. For that reason, the Committee recommends that they form part of the Assembly model.

In all other e-petition models examined, once a petition has passed the admissibility criteria, it is published on the website to gather signatures. Once it reaches an agreed number of signatures, it is considered valid, and action is taken by the legislature. The report suggests that for the Assembly model. However, the Committee needed to consider how many signatures the so-called threshold should be. In other models, thresholds varied from one to 100,000. However, because the circumstances of the Assembly are different from all the other legislatures, an area-specific solution needed to be found. The Committee considered the relatively small geographical area served by the Assembly and the fact that there would be no dedicated public petitions Committee here. It ultimately agreed on and recommends a threshold of 100 signatures. The Committee was of the view that, since public petitions with fewer signatures could still be accepted through the existing MLA-sponsored process, no detriment would be caused by that threshold. However, it was sufficient to show that some level of public support for the petition is still required before it is actioned.

The final aspect of the model proposed concerns what will happen to an e-petition once the threshold of 100 signatures is reached. While the Committee wanted the model to offer a more visible outcome, it also wanted to make use of the existing Committee system without overburdening it by specifying the actions that Committees should take. The recommended process is the result of balancing those two aspects of that vision. The report therefore recommends that valid e-petitions are managed in the Business Office in a way similar to the way in which statutory rules are managed. The Business Office will identify the relevant Statutory Committee and pass the e-petition to it. If the matter is cross-cutting, a resolution on which Statutory Committee will take the lead will be agreed before the e-petition is sent on. Once received, the e-petition will be included in that Committee's agenda. However — perhaps most importantly — no action will be prescribed. The Committee considered that possible Committee actions could be to note the petition and take no further action; to refer it to a Department; or to conduct a full inquiry into the matter and bring a debate to the

Chamber. However, what happens in practice will be for the relevant Committee to decide.

In formulating the model before the House, the Committee took account of the burden on resources that developing the system would have.

It has mitigated this by suggesting that the system be automated as far as possible. This has the added benefit of ensuring consistency when processing e-petitions. The Committee has also recommended that the process only be introduced after the summer recess of 2016. This allows time for development work during dissolution and refinement during the 2016 summer recess.

Before I bring my remarks to a close, this is perhaps a good time to thank the staff for the work that they have done to assist the Committee in bringing the report to the House. In closing, the Committee has given a great deal of consideration to the structure and function of the model before the House today. It suggests that the combination of paper-based, MLA-sponsored systems and an e-petitions facility will offer greater opportunities for raising media and public awareness, as well as greater opportunities for engagement with the legislative process. Therefore, on behalf of the Committee on Procedures, I commend the motion and the report to the House.

**Mr A Maginness:** This report from the Procedures Committee is to be welcomed. I think that it adds to the current system of petitioning of the House. If you reflect upon it, you will say that it has been effective in many ways because the public have a direct opportunity through an MLA, in the first instance, to petition the House and to bring that petition to the Speaker and then have it forwarded to the relevant Department. I do think that the Departments take petitions seriously. I do not think that it is a matter of form. I think that they are concerned about the level of opinion that has been expressed in those petitions. On a number of occasions, I myself have brought petitions to the House.

The public presentation of petitions to the House is important. In the early days of the Assembly, the petition was simply presented, and there was no speaking on behalf of the petitioners by the sponsoring MLA. Now that has changed, and the MLA is able to make a three-minute speech on the petition. I think that that is very helpful in highlighting the petition and the issue that the petition is concerned about. Those who are behind the petition are able to watch it from the Public Gallery. They get a sense of ownership of this body, and it is a good direct contact between the public and the Assembly. That should be encouraged. I do not want to exaggerate the importance of the petition system, but I do think that it is a good thing for people to be able to access the Assembly directly, albeit through the good offices of an MLA.

We have now moved a step forward in this report, where the public can e-petition the Assembly. It is right and proper, given the advances in technology and all the safeguards that there are in modern technology, to use that medium to petition the Assembly and the relevant Departments and so forth in the Executive.

This is a very significant step forward, and I concur with the Chair of the Committee, Mr Gerry Kelly, in congratulating Mairaid McMahon, who as an individual citizen brought forward this idea to the Procedures Committee. The Procedures Committee, in fairness, recognised that this is a new way of dealing with the

business of the House and, I think enthusiastically, supported this idea. I give credit to the Committee collectively in relation to that. Here is an individual citizen who was able to influence the workings of the House, and I think that she is to be congratulated on that.

I agree with and support the report, but I just have one reservation about it, and that is the threshold. I think that the threshold, which is 100, is probably a little bit high. We are dealing here with an arbitrary figure of 100. In some jurisdictions, it is much lower, and in others, it is enormously higher, but then you are dealing with a massive population such as in Britain. Nonetheless, I think that 100 is probably a little bit high. I would have preferred to see a much lower figure, but that was the collective wisdom of the Procedures Committee, and I have to accept that.

I believe that this process will be ongoing, and we will, I am sure, reflect on how effective the new system is. I want to give it my full support and that of my party. I hope that it will work out to be another way in which we can engage with the public and the public can engage with us.

**Mr McCarthy:** Like others, I welcome the opportunity to speak briefly in support of the review of public petitions procedures. As a member of the Procedures Committee, I would like to put on record my thanks to the other Committee members and, indeed, to the leadership of the Committee, shown by the Chair, Gerry Kelly, who was ably supported by the Committee Clerk and her staff. With everyone working together, decisions and recommendations were easily reached and agreed. Grateful thanks are also to be expressed to all those outside groups that contributed to our deliberations.

Petitions, in my opinion, are a very useful weapon for the general public to get their message across to people, organisations, Departments, Ministers — right up to the First Minister and deputy First Minister, as far as this place is concerned — or, in fact, to anyone at the top of any organisation in the hope that common sense will prevail and that the issues raised in a petition will be acknowledged, and no detrimental action will be taken against the wishes of those petitioners. It has been my experience that organisers of petitions usually resort to that method of appeal on an issue as a last resort, crying out for help when all other methods have failed. I have to say that, if they are well organised and if a fair request is being made, success can be achieved with petitions.

I have been successful with my case in the Assembly. I presented a petition to the Minister of the Environment, Mark Durkan, when an appeal was made some time ago to save Exploris. I am sure that Members will remember that. Members will recall how Exploris in Portaferry was doomed to closure because the local council could not afford the losses incurred. The people, both local and from far and wide, who had a commitment to keep an aquarium in Northern Ireland, rose up and organised, among other things, a petition, with thousands of people asking the Assembly to acknowledge Exploris as a regional facility and therefore contribute to funding its renovation and modernisations, thereby retaining a wonderful aquarium in Portaferry.

I am delighted that I was able to present that petition. As Alban Maginness said, I was able to use three minutes' speaking time to put the case across to Mark Durkan and others. Supporters of Exploris will be forever grateful to Mark Durkan, our Executive and the new Ards and North

Down Borough Council for listening to the plea, through that petition. The new Exploris should be open to the public this summer, so there has been a very successful outcome. I appeal to all Members of the Assembly to make a point of visiting Portaferry when Exploris opens, where they will see what a petition can do.

#### 12.45 pm

Only a few weeks ago, I presented a petition to the Speaker pleading for more resources to assist and enable children and adults with autism to lead a good, normal life. Thankfully, on that occasion, our Health Minister listened and acted by awarding some £2 million to be invested immediately in services for autism. That was very much welcomed by the parents and teachers of youngsters with autism, thus bearing out the value of petitions.

I am grateful that our recommendations agreed that the existing public petition process should remain fit for purpose and that the current process should be retained.

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

**Mr McCarthy:** I will surely.

**Mr Wells:** The Member may recall from his experience on the Health Committee that I laid a petition before the House about 18 months ago asking for the meningitis B vaccine to be introduced for children in Northern Ireland. A huge number of people signed that petition. The irony, of course, was that, by the time the petition was referred to the Department of Health, I was the person making the decision about whether the meningitis B vaccine should be introduced. One of the issues I took into account was the fact that that vast petition had been forwarded by the Meningitis Research Foundation and that public opinion was very much in favour of it. The money was found, the meningitis B vaccine was introduced and children's lives will be saved as a result.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr McCarthy:** Thank you very much. I am very grateful to the Member for reminding me of that. I know there have been other such cases with petitions, and that was certainly a very welcome one that the Member was involved in.

Our Committee examined the procedures that are carried out in other legislatures, including London, Dublin, the National Assembly for Wales and the Scottish Parliament. They were all very detailed in how they operate, and we were grateful for their input.

I welcome the report and acknowledge its recommendations. I fully support the efforts that have been made by all to reach a conclusion on this very important issue.

**Mr G Robinson:** I believe that public petitions play an essential role in connecting the House with the public. They are a mechanism that allows people's concerns to be brought directly and in substantial numbers to MLAs and Ministers.

The review was comprehensive, and the recommendation to introduce online petitions is a positive step forward in developing the direct link with the public. While not everyone is comfortable with the latest technology, the traditional MLA-sponsored petition will still be an option.

The two models running side by side will give people the opportunity to use whatever model is best suited to them and to the cause the petition is aimed at highlighting.

I believe the recommendations that require a threshold of 100 signatures for an online petition and petitioners to be over 18 and on the electoral register will not adversely impact the numbers wishing to participate electronically. I hope that proposed development will ensure that younger members of society will feel that they have a channel of direct contact with their government. It is they who are our future, and their outlook has to be considered in future legislation.

I also welcome the recommendation that the implementation date for the online system will be no earlier than September this year. I see that as a target date, but I believe that, if it takes longer to have the online system operational, we must accept that. I want an effective system, not a half-hearted one. I commend the report to the House and pay tribute to the Committee staff for the excellent work they do on behalf of the Committee.

**Mr Lyttle:** Whist I am no longer a member of the Procedures Committee, I have served on it, and I welcome the work that has been done by it on this matter. I imagine that other issues will continue to dominate the media headlines today — some are very serious issues — and it is because of those that the House needs to redouble its efforts to restore public confidence in our processes, engage the public and facilitate opportunities for them to feel included and have the power to influence the laws and policies that are created in this place. I think public petitions are an extremely important way of achieving that aim.

Public petitions have a long history. It states in the Committee report that the House of Commons first appointed a Committee for motions on griefs and petitions in 1571. That shows just how long-standing and important a process public petitions are in including our public in the democratic process. We have had a useful debate today, highlighting some of the extremely important issues and causes that the petitions process of the Assembly has allowed Members to bring to the House on behalf of our public. I think most recently of a petition presented by my colleague Kieran McCarthy on behalf of Councillor Kellie Armstrong and thousands of parents of children living with autism. I do not know whether it was a coincidence, but, on the same day or the day before, that petition was met with an announcement by the Minister of Health on investment in autism services. In addition to other important issues mentioned here today, that shows the power that public petitions can have in giving a voice to the public and effecting real change in resources, policy and law in the Assembly.

I have been privileged to present petitions on ovarian cancer awareness in conjunction with the late Una Crudden, a fantastic and well-respected campaigner on the issue, that resulted in an ovarian cancer awareness campaign. I first wrote to the Speaker about public petitions in November 2012 to request a review of the public petitions process at the Assembly and that consideration be given to a more formal process similar to those in other legislatures on these islands. That was further to receipt of a petition from WAVE Trauma Centre regarding greater recognition and services for those injured or bereaved as a result of violent conflict in Northern Ireland. The lack of any follow-up mechanism to that led me to believe that a more formal process could

help to clarify for the public petitioner and the recipient how to complete the procedure and what outcomes to expect.

MLAs have the right to present petitions to the Assembly, but, as other Members have said today and as is contained in the report, other devolved legislatures have more formal processes, and Westminster has a long-standing e-petitions process. It is good to see a recommendation for an e-petition facility to permit the submission of petitions without requiring the sponsorship of an MLA or political party.

The issue has also been acknowledged in the Assembly engagement strategy, published in May 2010, which highlighted how petitioning had been used effectively in other legislatures. I contacted the Speaker to seek an update on what work was being done to progress the issue. I suggested that a statutory duty on petitions receiving a response from the relevant Committee, Minister or Department should be considered. I also suggested an opportunity for petitioners, where relevant, to give evidence to the relevant Committee and the establishment of an online e-petitions system containing information about the process, templates for responses, and I suggested that any changes would require the Assembly to —

**Mr Principal Deputy Speaker:** I ask the Member to conclude his remarks.

**Mr Lyttle:** — actively promote petitioning. For all those reasons I think that it is positive to see these developments today. I should like to hear slightly more about what action will be taken as a result of the public petitions process, as that is an area that needs to be enhanced.

**Mr Clarke (The Deputy Chairperson of the Committee on Procedures):** I welcome the opportunity to conclude on today's debate on the Committee report on the review of public petition procedures. I thank the Committee Chairperson for his opening remarks and thank all the other Members who have contributed.

As the Chairperson has said, the purpose of the review was to examine the effectiveness of the current procedures and to establish whether they could be improved in any way. Whilst the review has established that the public petition process appears to be fit for purpose, it is clear that the process could be enhanced by the inclusion of an e-petitions facility.

An important aspect of the proposed process is that e-petitions would not require sponsorship by any political party.

We heard from various Members in the debate, each of whom in turn welcomed the process, albeit perhaps from different slants, and spoke about the dynamics that it will bring about. Alban Maginness said that it was good to allow people to have access. He talked about the steps forward made through the process. We can all agree that we are trying to make the process more transparent.

We also heard from Kieran McCarthy, who has left the Chamber. Perhaps he is away to open Exploris, I do not know. It is still open to debate as to whether his petition concerning Exploris had a good outcome or otherwise. My colleague George Robinson also talked about the positive steps forward, and Chris Lyttle went into an awful lot of depth on the history of petitions.

I will now make a couple of remarks of my own. There was talk today about the threshold, and I have to say that I am a wee bit concerned about that. I will support the report, because it has gone through the Committee and has enjoyed support. Sometimes, however, we can build up expectations for individuals, and a threshold of 100 is, to my mind, still considerably low. Given some of the public campaigns that have been launched in my time in the Assembly, a threshold of 100 signatures to trigger a petition is quite a low figure. I take Chris's point about having a mechanism to drive petitions, but we could see ourselves working to an agenda of petitions rather than on the legislative business that we should be doing. That does not mean that we should not take on board what others have to say, but I am concerned that a trigger at 100 signatures is quite a low figure, given that the trigger in other legislatures is much higher.

**Mr Lyttle:** I thank the Deputy Chairperson for giving way. I agree that we may need to re-examine the issue, because it struck me as being quite a low figure. In Westminster, for example, 10,000 signatures are required for a response from the Government and 100,000 signatures are required to trigger a debate in the House of Commons. Will there be a mechanism for the Committee, or other mechanisms of the House, to review some of those suggestions?

**Mr Clarke:** I can only go on what is in the report as it is today. I am sure that, at some stage in the next mandate, if someone wants to review it, there will be an opportunity to do so.

The low threshold is one of the dangers. The other danger that was discussed — some of us got our way on it, thankfully — was that people wanted the public petitions process open to other jurisdictions outside Northern Ireland. It was important that, if we are talking about Northern Ireland and what affects the people of Northern Ireland, it should be open only to those who have an input, and people outside this jurisdiction should not enjoy that. That is why we put a caveat in the report — this is important — that those individuals who decide to launch a petition and who want to shape some of the ideas that we might discuss here must also be on the electoral roll. Sometimes, the biggest champions among the general public are those who do not have a voice because they do not vote. It is important therefore that they be on the electoral register before they can set up a petition.

I am conscious that we are running out of time, Mr Principal Deputy Speaker, so, in closing, I want to say that the key recommendation in the report is that the existing public petitions process should be enhanced by the introduction of an e-petitions facility. I commend the report to the House.

**Mr Principal Deputy Speaker:** I cannot put the Question, because we are not currently quorate. I will ask the Clerk to ring the Division Bells.

*Notice taken that 10 Members were not present.*

*House counted, and, there being fewer than 10 Members present, the Principal Deputy Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Question put and agreed to.*

**Resolved:**

*That this Assembly approves the report of the Committee on Procedures on its review of public petitions procedures [NIA 305/11-16].*

**Mr Principal Deputy Speaker:** The Business Committee has arranged to meet at 1.00 pm 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 sitting was suspended at 12.59 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 and 5 have been withdrawn.

#### Schools: Capital Projects

2. **Mr Ross** asked the Minister of Education when he intends making an announcement on new capital projects. (AQO 9752/11-16)

**Mr O'Dowd (The Minister of Education):** I am considering the merits and feasibility of making a further major capital announcement before the end of the current mandate for projects to proceed in planning for the primary sector. The school managing authorities were asked to submit a limited number of priority proposals for consideration. Due to the demands on the Department of Education's capital budget, all projects that are prioritised by managing authorities for investment are considered by my Department against a protocol to determine the projects that should proceed in planning at that time. A similar protocol that was developed for the last major capital announcement in June 2014 will be used to gateway score the projects and, ultimately, produce a prioritised list of those for announcement.

**Mr Ross:** The Minister said that he was considering whether to make an announcement before the end of the mandate. Given that he has announced that he will not be the Education Minister post-May and that perhaps a different party might occupy that post, will any announcement made before the end of the mandate hold true after the election, or will schools such as Islandmagee in my constituency, which has been waiting patiently for over a decade for a new build, have any confidence that such an announcement will be followed through after May?

**Mr O'Dowd:** I understand why the Member asks such a question, but, if you follow that through to its logical conclusion, no Minister should make any announcement from this point onwards, because no one knows who will be in a Ministry following the May election or which party or personality will hold a Ministry. I am trying to ensure that we have a rolling programme of school development and builds in the years ahead. From my time in the Department of Education, it has become obvious that you need to pre-plan these things a couple of years in advance. Any new Minister would be perfectly entitled to review a capital announcement, but I caution anyone in the post that, if he or she wishes to continue the investment in schools, the economy and the construction industry, those programmes of work have to be allowed to develop, and it could take 18 months to two years to deliver some of them.

**Mrs D Kelly:** As a fellow constituency representative, the Minister knows about the particular difficulties of St Ronan's College in Lurgan and the campus being split over three sites. What is the situation with the new build for St

Ronan's? Will the Minister also update me on the new build at Lismore Comprehensive School?

**Mr O'Dowd:** The new builds for St Ronan's and Lismore are moving along as planned. Business cases etc are proceeding, and the schools are involved in detailed discussions with the relevant authorities on developing those building programmes. As you know, Lismore will move onto the site behind its current location. St Ronan's will be built on what is known as the St Michael's site, although, before that, it will decant onto what is known as the St Paul's site. The decant could take place in December this year, but I think that the school does not want to do that midterm, so it may wait until September 2017 to decant onto the St Paul's site. Both those schools are proceeding as planned.

**Mrs Dobson:** Does the Minister recognise the frustration in the community when announcements about new capital projects are made, but years pass with nothing happening on the ground? What does he believe is the root cause of that?

**Mr O'Dowd:** If you are spending significant amounts of public moneys, you have to go through quite a lengthy list of things such as procurement, business cases and site identification before you can lay one brick on top of another. I understand that it is frustrating, and one reason why I as Minister have decided to make limited announcements at each stage is to ensure that we progress builds to a point at which they are on site within a reasonable time. The previous direct rule Minister, for instance, made an announcement of over 110 new school builds. He did not have the money to build them, and there was no possibility of many of those schools being built within a 10-year time frame. So, yes, I understand the frustration, but I believe that my Department has now put in place measures that ensure that schools go on site in a timely fashion.

**Mr Lyttle:** I welcome the £4 million investment in Strandtown Primary School in east Belfast, as part of the school enhancement programme delivered by the Minister. I ask him what benefits he thinks it will bring to the more than 1,000 pupils at the school.

**Mr O'Dowd:** One of the areas in which, I think, the Department of Education has been innovative and has delivered radical change to the schools estate is in developing the school enhancement programme. I have been delighted, over this last number of months, to visit numerous schools that have had up to £4 million spent on their school estate. It has revitalised and refurbished the school estate and ensured that it is fit for purpose going into the future. Strandtown will be no different. That investment in Strandtown will provide much-needed facilities for that school. It marries in with the recent development proposal that I approved for the school, and it will ensure that the school's facilities are fit for purpose going into the future.

#### Investing in the Teaching Workforce

3. **Mr Attwood** asked the Minister of Education for an update on the Investing in the Teaching Workforce scheme. (AQO 9753/11-16)

9. **Mr McQuillan** asked the Minister of Education whether he will implement the Investing in the Teaching Workforce scheme before 29 March 2016. (AQO 9759/11-16)

10. **Mrs Overend** asked the Minister of Education to outline the trade unions he consulted with before introducing the Investing in the Teaching Workforce Scheme. (AQO 9760/11-16)

**Mr O'Dowd:** With your permission, Mr Deputy Speaker, I will answer questions 3, 9 and 10 together, and I request an additional minute, which, I think, is in order.

It was the teacher unions that brought this idea to me in 2012. At the time, I did not have the funding to develop this proposal further or to implement it. Most recently, I secured agreement from the Executive for the public sector transformation fund to be used for the scheme. Some £33 million was secured on the basis that the overall aim of the scheme is to refresh the teaching workforce, through the release of teachers aged 55-plus, and recruit recently qualified teachers. While the scheme is not about saving money, in line with all schemes funded by the public sector transformation fund, the funding was secured on the basis that the scheme would release cost savings.

The scheme will provide up to an additional 500 teaching job opportunities that would not otherwise exist. In addition to those new jobs, in the last five years, there have been in the region of 500 permanent teaching posts and in excess of 250 meaningful temporary teaching posts, which are jobs of six months or over, coming onto the job market annually. However, for those 750 job opportunities, teachers with the least experience — that is, the most recently qualified — have often been sifted out before interview, effectively eliminating them from those opportunities. I ask this: where is the equality for them? Who speaks for them?

I have been challenged to open up the scheme to any teacher without a permanent post. If that is what some Members want me to do, I could take that proposal to the Executive. However, you need to understand that, by doing that, the scheme will not refresh the teaching workforce; not provide job opportunities for those who have experienced the greatest difficulty in securing meaningful employment; and not save any money. In fact, it will cost the public purse an additional substantial amount of money, on top of the £33 million already secured to fund the scheme.

If I am able to secure agreement from the Executive — and it is a big “if” — I can assure the House that the scheme will not run again; it will be a one-off, because to do it the Executive will have to cut other services. Or, the scheme can run as intended, with the job opportunities open to those teachers who have qualified most recently. This year, the scheme would run as a pilot with every chance of being successful; then it could run again, given that the public sector transformation fund is available for the next few years. That is, if the scheme runs as currently outlined. However, if some Members are lobbying actively for the scheme to be opened up to everyone, I will have to bring a paper to the Executive to seek agreement to fund it in that manner.

**Mr Attwood:** I thank the Minister for his answer. He will understand the despair that exists among so many teachers who have been qualified for three years and more that they are not going to have access to the 500 teaching opportunities that the Minister referred to. I think

a model could be developed that could be more inclusive. Independently of that, has the Minister sought legal advice? Is he prepared to share it with the Assembly, or at least to share with the Assembly the broad content of that legal advice in terms of equality and human rights implications?

**Mr O'Dowd:** Yes, I have received legal advice, and, like every other Minister, I will not be sharing my legal advice with anyone else, because it is confidential and relates to —

**Mr Attwood:** *[Interruption.]*

**Mr O'Dowd:** The Member is still asking a question. I am not sure. Mr Deputy Speaker, should I sit down again to let him finish?

**Mr Attwood:** Do you want to give way?

**Mr O'Dowd:** I will not be sharing the legal advice with anyone else because it is confidential. However, I am confident that the legal advice backs up the case for change that I have outlined.

The Member and many others keep referring to a three-year time limit. That is a proposal. I have consistently said that from day one, although there are some who have chosen not to listen and others who have used the proposals around the scheme to advance their political careers. The Member's party is very guilty of that, I have to say. *[Interruption.]* They have given misinformation to concerned teachers; they have given them misdirection; and they have given them information that is false, wrong and which is leading them down the garden path.

I have also received advice from the Equality Commission, and I am satisfied that those discussions are fruitful. We will continue those discussions, and when a final proposal is agreed by me, it will be presented to the Equality Commission for its views. All those discussions are ongoing.

The Member said he is confident that another inclusive scheme can be developed. I can develop a scheme that will allow all teachers to apply, but it is going to cost the Executive money. Since I got agreement from the Executive in the first place to fund this scheme up to £33 million, I am going to have to bring a paper back to the Executive and ask them whether they are prepared to fund a scheme that will allow all teachers to apply.

I turn to the Member's concerns about equality. What about the teachers who are at most disadvantage? I am talking about those who have qualified in the last three, four, five or six years. Who is speaking for them? Where is their equality? Who is speaking up for their job opportunities? The Member has chosen one side of a very complex argument —

**Mr Deputy Speaker (Mr Beggs):** The Minister's two minutes are up. Could I encourage everyone to address the Chair to ensure that Hansard is able to pick everything up?

**Mr McQuillan:** I thank the Minister for his answers so far. Minister, can you put a timescale on when this scheme will be rolled out? Have you reconsidered the number of years from when teachers have finished college so that others can apply for it as well?

**Mr O'Dowd:** I am actively considering the option of extending the scheme, as I said from day one. The initial announcement was that those who had qualified in the past three years would be able to apply, but I have always said that I am looking at the broader parameters of the

scheme. We are considering the implications for teachers who have qualified in the last four, five or six years and how they are able to access employment. Those who cry equality should want to ensure that those who are at most disadvantage — those who have qualified recently — are given an opportunity to apply for meaningful posts. I am also looking at the cost implications of that. This is going to take a number of weeks. There are some in and outside the Chamber who are calling for the scheme to be opened up to everyone. If that is to happen, I am going to have to bring a paper to the Executive. That will add to the time frame.

**Mrs Overend:** I thank the Minister for his response. I would be interested to hear about the discussions with the Equality Commission that the Minister said are ongoing. One suggestion that has come to me recently relates to teachers who are outside the three-year limit and whether they would be willing to take a pay reduction so that they would be treated along the same lines as those who are newly qualified within the three years. I wonder whether the Minister would take that into consideration, because they would then qualify for the limited funds that the Minister is allocating to this scheme.

Furthermore, does the Minister recognise the fundamental problem that there are too many teachers being trained —

**Mr Deputy Speaker (Mr Beggs):** Question, please.

**Mrs Overend:** That is probably a couple of questions. If the —

**Mr Deputy Speaker (Mr Beggs):** Members are entitled to one question. Please complete.

**Mrs Overend:** Why does the Minister insist on topping up the number of places for teacher training at a time when we are critically short of nurses and engineers?

**Mr O'Dowd:** I will take those questions in reverse order. We have reduced the number of teacher training places over the last number of years. As I have said in the House before, the more we reduce our teacher training places, the more students leave these shores and go to England, Wales or Scotland for teacher training. Then, many of them come back here seeking employment. So, the more we reduce our teacher training numbers, the more who leave. If the Member is suggesting we reduce them further, she is actually saying we should close our teacher training colleges. I do not think that is a sensible proposal.

## 2.15 pm

On reducing the salary of all teachers to the start of the main pay scale or maybe halfway up the pay scale, I think we would be opening a Pandora's box in public-sector pay. I do not wish to open it because I believe that, once we start breaching agreements on pay with public-sector workers — they are teachers in this case — we should ask this: where does it end? Do we do what they are doing in the South, where they are bringing in newly qualified teachers on a completely different pay scale than those who qualified a year or two previously? I am not prepared to go down that road. I know the SDLP was canvassing in the South for a party that does that, but I am not prepared to go down that road and I am not prepared to mess about with public-sector pay agreements.

**Mr Weir:** It is good to see that we are ending in a spirit of bonhomie. I will try not to give the Minister a multiple-choice question. He indicated that the initial

proposals came from the teaching unions. Will he outline the discussions he has had with the unions since the announcement of the scheme to try to find a way through this to provide a reasonably satisfactory answer about a final scheme?

**Mr O'Dowd:** We have established a working group between the employers and the teaching council. Discussions on the scheme are ongoing around that table. I have had formal discussions with the trade unions about a range of other issues that they presented. We touched on that. Indeed, I presented myself to the teacher unions conferences. There was one on Friday; I know the Member spoke at it on Saturday. There are a range of those over the next number of weeks. I am measuring opinion from them as well. I think the Member will reflect that mixed opinion is coming back from the membership on how the scheme should proceed.

I am listening to the informed views of people on this matter. I am separating them from some of the more ill-informed commentary that comes across at times. I am looking at options available to me and the Executive. I keep coming back to this point: the Executive set aside £33 million of the public-sector transformation fund to fund this scheme. I cannot deviate from that unless I get agreement from the Executive. Deviating from it in the manner in which some are calling for would mean that it would cost the Executive a significant amount of money over a number of years. If we went down that road and the Executive agreed it, so be it, but I think we would be losing an opportunity for the scheme not only this year but next year and the following year, where you could allow up to 1,500 teachers to retire early and up to 1,500 positions to be filled. As I said, I am listening. The final proposals will be published as soon as possible.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for his answers. In his answer on bringing about the scheme, he talked about the disadvantage that newly qualified teachers have. Does he agree that the scheme is something like social clauses on capital build, where we insist on advantage being built in to ensure that the long-term unemployed get good, proper advancement as well?

**Mr O'Dowd:** The Member makes a very good point. There are those who tell me I am breaking equality legislation, I am breaking the law or I am actively involved in discrimination, even though, on a daily basis, Departments are involved in discrimination. You have to have a justifiable reason to be involved in that discrimination; it has to have a broader positive outcome for society or the project that you are involved in. I find it difficult, I have to say, when people argue for equality but ignore the teachers who have qualified in the years up to the last six and find it the most difficult to find employment. When we introduce a scheme for it, only one side of the argument is heard, broadcast or shouted through.

I am involved, as you said, in a programme of work that is trying to give advantage to the most disadvantaged in finding full-time employment. That is the core of the scheme. I will work my way through it, but the Member makes a very good point. The Executive do it in other areas of work; we put stipulations in multimillion pound contracts to ensure that we give those at most disadvantage an opportunity in the workplace. I find it

difficult when people support that but have some sort of moral objection to this.

## Irish-medium Education

**4. Ms McCorley** asked the Minister of Education to outline how he has fulfilled his duty to encourage and facilitate the development of Irish-medium education since May 2011. (AQO 9754/11-16)

**Mr O'Dowd:** Since May 2011, my Department has provided a range of support and investment to encourage and facilitate the development of Irish-medium education. I have responded to the growing demand and approved the establishment of three nursery units, four new primary schools and a new post-primary school. The sector has been supported by a major programme of infrastructure development. Over £28 million of investment has been made or is planned for major capital works projects and a £2 million accommodation fund provided to tackle poor accommodation in developing schools.

I have ensured that key policies have been adjusted to meet the needs of the sector. For example, in transport, we have provided express services from Downpatrick, Maghera and Crumlin to Coláiste Feirste. Key examples of bespoke, sector-specific support and investment provided by the Department include reform of the common funding formula; bespoke governor training; additional annual funding to CCEA to develop high-quality learning materials; and funding to establish an Irish-medium leadership development group. The results are clear: today, over 5,000 children benefit from Irish-medium education, and it is the fastest-growing sector. Further inspection evidence clearly demonstrates that successful Irish-medium schools and units provide high-quality teaching and learning in schools closely connected to their community.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Thank you, Mr Deputy Speaker, and I thank the Minister for his answer. I take the opportunity to acknowledge that this is the Minister's final Question Time and commend him on his performance in this mandate. An dtig liom iarraidh ar an Aire cur síos a dhéanamh ar fhás na hearnála Gaeloideachais agus, ar ndóigh, ar an dóigh a bhfuil sé ag gabháil ar aghaidh sa lá atá inniu ann? The Minister outlined a number of development projects in the Irish-medium sector: would he like to comment further on its continuing growth?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta. The sector was largely driven by a community of Gaeilgeoirí dedicated to the promotion of the Irish language and Irish-medium education. We have seen that turn into the delivery of high-quality Irish-medium education, and parents outside the Gaeilgeoir movement are attracted to the idea of educating their children through the medium of Irish, not only because of the language but because of the high-quality education provided through it. There is also the fact that learning through the medium of Irish equips the child to pick up other languages as well. All those positives attract parents into the sector. I commend the professionalism of our principals, boards of governors, teachers and classroom assistants, but — I have said this about the integrated sector — for it to continue to succeed it has to hold on to its community roots.

**Mr Patterson:** I note with interest the Minister's comments. Does the Minister recognise that sustainability and affordability must also be taken into consideration when making decisions on Irish-medium against official advice and the recommendations of his ministerial advisory group, as in the case of Dungiven and, possibly, the Lisnaskea project, if it goes ahead? Many people will come to the conclusion that he has made decisions on political and not evidence-based grounds.

**Mr O'Dowd:** I thank the Member for his question. This may come as a surprise to the Member: I am a politician and nothing other than a politician. The Member will find that Ministers, by their very nature, are politicians and make political decisions. Every Minister in the Chamber does likewise, as they should. We should not be ashamed of practising politics; it has many positives and benefits for our society.

The Member's commentary on my decisions on investment gives me the opportunity, at my last Question Time, to thank the officials in the Department of Education for their sterling work over the past five years. Our society is much the better for the calibre of the officials in the Department of Education, but they all know, when they offer me advice, that I, as Minister, will make the decision. Sometimes that decision will be in agreement with their advice; at other times, it will not. They all understand that perfectly.

I stand by each of my decisions on Irish-medium education on the basis that they were the right and proper thing to do to develop Irish-medium education. I take into account in every decision that I make the related costs.

I take into account all the issues that the Member raised before I make a decision. I believe that the decisions that I have made to date are the right and proper decisions, and I have no doubt that the Irish-medium sector will continue to go from strength to strength.

**Mr Lunn:** I do not have a difficulty with the Minister's duty to "facilitate and encourage" the Irish-medium sector and the integrated sector, but I ask him to comment on the fact that, for the shared education movement, he has an additional duty to "promote" as well as "facilitate and encourage". Does he think that that is equitable? Go raibh maith agat.

**Mr O'Dowd:** Gabhaim buíochas leis an Bhall as an cheist. There is clearly a different emphasis in the legislation. I know that the Member made attempts during the journey of the Shared Education Bill to bring equality, certainly for the integrated sector. However, if we were going to change the legislation across the Board, I think that we would have to change it for both the integrated and Irish-medium sectors.

We will find out as time progresses whether the term "promote" is to the advantage of the shared education sector — which would not automatically mean that it was to the disadvantage of the integrated or Irish-medium sectors — or whether it has little or no impact. Only time will tell us that, but I am sure that at the next legislative opportunity that the Member has, he will be raising the matter again.

**Mr Deputy Speaker (Mr Beggs):** Question 5 has been withdrawn.

## Schools: Integrated and Shared Funding

6. **Mr Agnew** asked the Minister of Education to outline how he will allocate the funding agreed in A Fresh Start for integrated and shared schools. (AQO 9756/11-16)

**Mr O'Dowd:** The Fresh Start Agreement makes provision for up to £50 million of capital funding each year for the next 10 years for a programme of investment in shared and integrated education projects. I welcome that funding to help provide new and upgraded accommodation for the schools in the integrated sector and to help incentivise good-quality shared campuses. Discussions are progressing well with the NIO, Treasury and the Department of Finance and Personnel to determine the parameters within which that additional funding can be utilised. I am not yet in a position, however, to be able to announce how the funding will be allocated.

**Mr Agnew:** I thank the Minister for his answer. He will be aware of the situation of Priory Integrated College: its proposal for a new build is locked in with a restructuring of the schools estate in Holywood. Should Priory be eligible for funding through Fresh Start, can the Minister give me any guidance as to whether that can be tied in with other infrastructure funding to ensure that the whole scheme is completed and that Priory does not lose out because it is tied in with other Holywood schools?

**Mr O'Dowd:** The new funding under the Fresh Start Agreement certainly gives us an advantage in situations such as Priory's. If you were planning, for instance, on using some of the Fresh Start money for Priory, you would plan in such a way that you were using other funds to open up the other building programmes that are needed in and around the area to ensure that Priory could move ahead. Although I cannot make definitive announcements today, I never thought I would use the sentence:

*"Discussions are progressing well with the NIO, Treasury and the Department of Finance and Personnel".*

There are three diverse groups, and I do not always agree with any of them. However, I have to say that discussions over the past while have been very good and very progressive, and it is clear to me that all partners around the table want to ensure that the money is delivered and that projects are delivered on the ground. If the Member can just be a bit patient, he may hear some good news in the weeks ahead.

## Educational Underachievement

7. **Ms McGahan** asked the Minister of Education to outline the policies and initiatives introduced since May 2011 to address educational underachievement in areas of social deprivation. (AQO 9757/11-16)

**Mr O'Dowd:** Since coming into office, I have been determined to take action to break the link between social disadvantage and educational underachievement through the weighting of school funding and through targeted programmes such as extended schools, the full service programmes and nurture units. I have provided additional resources to schools serving those most at risk of underachieving. Funded programmes have been implemented to improve literacy and numeracy outcomes, including the Delivering Social Change literacy and

numeracy signature programme, the special educational needs (SEN) literacy project and the strategic development fund to area learning communities. I have also provided funding to support programmes aimed at improving school and community links. In addition, the Education Works programme that I launched in 2012 highlights the vital role that parents can play in helping their children do well at school and improve their life chances.

Other programmes to address educational underachievement include the revised SEN and inclusion framework, full implementation of the entitlement framework, Sure Start and the early years fund. Since 2011, over £220 million has been invested in supporting programmes and initiatives aimed at addressing educational underachievement. In addition, in 2014-15 and 2015-16, I provided an additional £10 million to school funding to support schools with high proportions of pupils identified as being socially disadvantaged.

2.30 pm

**Mr Deputy Speaker (Mr Beggs):** That is the end of our period for listed questions. We now move on to topical questions.

## Literacy and Numeracy Standards

T1. **Mr Dallat** asked the Minister of Education how greatly it concerns him that young adults in Northern Ireland are in the bottom half of the league tables for literacy and numeracy, as compiled by the Organization for Economic Co-operation and Development, which reflects educational standards across the world, from the richest countries to the poorest, bearing in mind that this is the last time that John O'Dowd will answer questions as Minister of Education, with him not seeking renomination to the post. (AQT 3581/11-16)

**Mr O'Dowd:** It concerns me greatly. The Member will be aware that, particularly in my last five years of office, we have seen dramatic growth in the educational attainment levels of our young people, particularly those who are from the most socially disadvantaged backgrounds. Indeed, last year, we saw a 6% growth in educational attainment in our education system. So, we are beginning to see change. We are beginning to see the fruits of policies being implemented, delivered and pursued.

Those policies are not always popular. The Member will remember only too well the common funding formula saga. At every Question Time, I was challenged by every other party on the Floor of the Chamber about diverting funds from schools to those schools most in need. I think that that, set against a very negative approach by some in the political sphere and a genuine concern by some in the education sphere and others, was the right decision, and it will continue to have benefits in years to come.

**Mr Dallat:** Following on on the theme of Mr O'Dowd leaving us, what advice would he give to his successor to ensure that, in the future, our young people, particularly those from socially disadvantaged backgrounds, have a fair chance of a good, well-paid job or to aspire to further education? I say that in the full knowledge that the Assembly is now in its eighteenth year, and people who were born only at the start of that period have now left school —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked his question.

**Mr Dallat:** — without literacy and numeracy skills.

**Mr O'Dowd:** The Member will also, therefore, acknowledge that there is a change and that the outcomes for our young people are improving year on year. We are beginning to see the benefits of a local Assembly, a local Administration and a local Minister who is held to account by the Committee, the Assembly and the Executive. I would give this advice to any incoming Minister: we have in place a suite of policies that can and will continue to have benefits for our young people, so work with your Executive colleagues to ensure that the Department of Education continues to benefit from Executive investment over and above other Departments. I acknowledge that other Departments, apart from Health, are taking a greater hit to ensure that investment in education takes place. I would also ask the new Minister to continue to work against the major fault line in our education system: academic selection.

### Schools: Empty Places

**T2. Mr McCallister** asked the Minister of Education to state the number and percentage of empty school places in Northern Ireland. (AQT 3582/11-16)

**Mr O'Dowd:** I do not have up-to-date information in front of me. However, the Member will be aware that, during my time as Minister, I have been working through the area planning process to deal with what has been described in numerous reports in the last decade as an unsustainable schools estate, and that we have to restructure our schools estate to ensure that we have sustainable schools that can provide the education that Mr Dallat and others in the Chamber so desperately want for our young people.

**Mr McCallister:** I am grateful to the Minister for his reply. While he does not have the figure with him, he must surely acknowledge that it is way short of the 10% recommended in Bain many years ago.

This is his last Question Time as Education Minister: in the light of that, what will he do to make sure that his Shared Education Bill fulfils one of its purposes, namely the efficient and effective use of resources? How will he ensure that the Education Authority uses the Shared Education Bill to drive a less fragmented planning process and use it as a tool to make sure that we have the efficient and effective use of resources?

**Mr O'Dowd:** Area planning is the most effective and efficient way of delivering change across our schools estate. We now have every sector sitting around one table, planning the schools estate. It has not been perfect or easy, but we are taking on mindsets and changing them. There are vested interests in every aspect of our society — education is no different — but I see a willingness and a change of attitude from five years ago. In September 2011, I stood in the Chamber and read out my statement “Putting Pupils First”. At the very heart of that statement was a proposal for an area planning-driven process. There was deep concern across the Chamber and across the education sector about that, but now we have buy-in to the fact that there needs to be change and a realignment of our schools estate and that there needs to be greater sharing to achieve that. I am optimistic about area

planning. We have the right recipe; we just have to make sure that it moves forward properly.

### Schools: New-build Funding

**T3. Mr G Robinson** asked the Minister of Education what funding from his departmental budget he will use to ensure new school builds throughout Northern Ireland. (AQT 3583/11-16)

**Mr O'Dowd:** Our capital budget for this year has increased on last year's, and I am quite pleased with the outcomes of our capital budget. Last year, our capital budget was £147 million; this year, we start off with a much increased budget. I think that it is around £180 million, but I will confirm the figure for the Member in writing. We have a significantly increased capital budget, which means that we can move forward and catch up on the backlog of minor works, move forward with the school enhancement programmes that have been delayed, announce further builds for the primary school sector and make significant changes to our schools estate.

**Mr G Robinson:** I thank the Minister for his reply. Will he ensure that existing schools in the East Londonderry constituency will be given the funding for new builds, where required, such as Millburn Primary School and Killowen Primary School?

**Mr O'Dowd:** The Member rightly refers to schools in his constituency, and he regularly lobbies and campaigns for schools in his constituency. We will continue to move through the building backlog that we have. I am conscious that, if I make a statement on new builds before the end of the mandate, I will please a few and disappoint many. We have to continue to chip away to ensure that we continue the building programme. Every time we introduce a new batch of new builds, the list gets shorter and more schools move closer to the opportunity to get a new build. As I said earlier, I will encourage the next Education Minister to work closely with his Executive colleagues on the budget. In that budget, I include capital, because, not only do new builds improve the schools estate, they make a significant impact in the economy through the construction industry.

### Irish-medium School: Dungiven

**T4. Mr McQuillan** asked the Minister of Education, in light of his earlier answer when he said that 5,000 children are availing themselves of Irish-medium education, how many pupils attend the Irish-medium school in Dungiven. (AQT 3584/11-16)

**Mr O'Dowd:** Approximately 17 pupils attend the Irish-medium school in Dungiven. The Member will be aware that it is the only post-primary Irish-medium school in that entire area. The only other facility is in Coláiste Feirste in Belfast, so it is only right and proper that we facilitate Irish-medium education in that area. There is a significant number of naíscóileanna and bunscoileanna — nurseries and primary schools — in that area, which will allow for Coláiste Dhoire to grow and to become a school that, hopefully, all Members will pay a wee bit more respect to.

**Mr McQuillan:** Minister, it sounds as if it does not have very much support in the area, if only 17 pupils are going to it at the minute. Will you break that number down and tell us how much it costs per pupil to have that school in Dungiven, compared with a school in, say, Limavady?

**Mr O'Dowd:** I do not have the figures in front of me, but I am more than happy to supply the Member with them. Perhaps, we should supply the figures on how much it would cost to bus the children to Coláiste Feirste in Belfast or how much it would cost for the children to travel other distances to continue to be taught through the medium of Irish. Many in the Chamber tell me that they support parental choice: these pupils' parents want their children to be taught through the medium of Irish. Why is that seen as such a threat to you and others? Why do Members, such as you —

**Mr McQuillan:** It is about value for money.

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr O'Dowd:** It is not about value for money; that is a convenient argument. Why do Members such as you get so prickly about these matters? Why do you not visit the school and put some of those questions to the board of governors, the principal, the teachers and the pupils? You will find that those people do not have horns. They come from all walks of life and have different opinions in life, but they have one thing in common: they want to be taught through the medium of Irish. I am proud to say that I facilitated them. I am proud of that fact. When we look at the growth of Irish-medium post-primary provision in the Belfast area, we see that the numbers started in single figures. We now have a school with over 600 pupils, and it is one of the highest-performing schools at GCSE. The education quality is quite good. Members should not get so prickly about these matters. It is about young people being taught through the medium of Irish. The Department of Education is, rightly, facilitating that, and I am proud to facilitate it.

### Special Schools: Greater Belfast Area

T5. **Mr McCausland** asked the Minister of Education what he has been doing and what he intends to do in the remaining weeks of the mandate to address the imbalance in the distribution of special schools in the greater Belfast area, with a particular deficit in the north Belfast area, which is an issue that is often brought to Mr McCausland's attention by the parents of children who attend special schools. (AQT 3585/11-16)

**Mr O'Dowd:** The Member will be aware that we carried out an area planning review of special educational needs provision, including provision in the Belfast area. That report is with the EA, and the EA is working through it. It is also looking at some of the learning centres that we have in our schools etc to match up the services being provided across the North. Active work on that matter is ongoing to ensure that we have a network of special educational needs schools that are accessible to parents and pupils and to ensure that they are sustainable into the future.

**Mr McCausland:** Does the Minister agree that, whilst parents and others in rural areas may look at distances and think that, if something is happening in Belfast, it is easy to get from one part of the city to another quickly, if you happen to live in north Belfast, it is probably as quick to get to Ballymena as it would be to get from north Belfast to a school in south Belfast? Has the issue of traffic density, particularly at the rush hour in the morning, when children are going to school and so on, been taken into account?

**Mr O'Dowd:** I take on board the Member's comments. Some of my colleagues from Belfast constantly remind me of travel times, regardless of distance, across Belfast

in the mornings and afternoons when the schools are running. Accessibility is being taken into account, and that has to take into account travel times, whether that is in Belfast or elsewhere.

### Schools: New Builds in Ards and North Down

T6. **Mr Dunne** asked the Minister of Education how he can justify the fact that, in the Ards and north Down area, no new schools have been built since 2011, while 56 have been built in the rest of Northern Ireland, including four in Lurgan, which happens to be in the Upper Bann constituency. (AQT 3586/11-16)

**Mr O'Dowd:** The schools in the Upper Bann constituency have been waiting for decades for new builds.

**Mr Dunne:** So have we.

**Mr O'Dowd:** Yes. I just happen to be in the right place at the right time with regard to that matter. [Interruption.]

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr O'Dowd:** I assume that the Member refers to Holywood in particular. He knows the equation that we are trying to solve in Holywood. It is the domino effect of trying to get one school moved off a site, to get another school moved on to a site etc, etc, etc. I can assure the Member that I have been trying to work that domino effect through with the budget that we have. I refer the Member to the question asked earlier by Mr Agnew on the matter. I think that there may be light at the end of the tunnel.

2.45 pm

## Employment and Learning

**Mr Deputy Speaker (Mr Beggs):** Order. I inform the House that question 3 has been withdrawn.

### Enabling Success: Update

1. **Mr Swann** asked the Minister for Employment and Learning for an update on the implementation of Enabling Success: supporting the transition from economic inactivity to employment. (AQO 9766/11-16)

6. **Mr Patterson** asked the Minister for Employment and Learning for his assessment of the proposal that economic inactivity will become the responsibility of the new Department for Communities. (AQO 9771/11-16)

**Dr Farry (The Minister for Employment and Learning):** With your permission, Mr Deputy Speaker, I will group questions 1 and 6, and I would like an additional minute for the answer.

Enabling Success, the Executive's strategy aimed at reducing the level of economic inactivity in Northern Ireland, was officially launched on 20 April 2015 by my Department and the Department of Enterprise, Trade and Investment. However, the strategy has been developed in close partnership with other Departments, including DSD and the Department of Health, Social Services and Public Safety, and with Invest NI.

The implementation of the strategy over the proposed 15-year period is based on 11 key projects that are to be managed and resourced on a cross-departmental basis. A

research-mapping exercise of economic inactivity service provision in Northern Ireland, aimed at the strategy's key target groups, has been completed.

The Department for Social Development is leading on a pilot project in the new Derry City and Strabane District Council area. That project is based on early and more intensive engagement with new claimants of the employment and support allowance benefit, who are the biggest single group of clients categorised as economically inactive.

However, due to the ongoing pressure on budgets, the Executive have not allocated any significant funding to date, including for the 2016-17 financial year, for the more general implementation of the strategy. At this point in time, therefore, Enabling Success remains largely unresourced and its implementation severely hindered.

On the proposal that economic inactivity will become the responsibility of the new Department for Communities, it is my personal view that it would better fit within the new Department for the Economy. However, to reiterate the key issue, the scope and scale of the strategy and the major challenges therein means that those issues can be addressed only through the total and combined commitment of all of the Executive and Departments, along with a host of other key stakeholders from every sector.

**Mr Swann:** I am still concerned that the Minister is stating that the economic inactivity strategy is largely unfunded. Our current level of economic inactivity is sitting at 27.2% compared with 22% in the UK. Does he think the next Executive or the Minister for the Economy will tackle that more seriously than the current Executive and Ministers have done?

**Dr Farry:** I certainly share the Member's concern about the fact that there are no resources for it. I would not say that we have not been taking the issue seriously. The fact is that it has been a structural problem for Northern Ireland for the best part of three decades. It is only in the current mandate of the Assembly that we have had Northern Ireland's first strategy on this. It is also the first such strategy in any part of the UK. Obviously, there is no point having strategies if they sit on the shelf. It is certainly my concern — I share the Member's concerns on this — that it is not being implemented. This remains a major structural problem within the economy. It is something that we have to get to grips with one way or another for the lost lives of those who are affected and because of the impact on the economy of not fully utilising all the resources available to us.

**Mr Patterson:** I thank the Minister for his answers so far. Does he agree that there is a contradiction in the responsibility for the ESF being retained within the new Department for the Economy, whilst measures to tackle economic inactivity, which are often supported by the ESF, will be the responsibility of the Department for Communities?

**Dr Farry:** Again, it is worth stating that I have been on record on many occasions saying that all the employment service should be integrated within the Department for the Economy. That way, you have the full synergies that arise. Obviously, the case for going into the Department for Communities is based to an extent on ease in different compliance issues, but I think those can be worked across two Departments if necessary. There is a much greater prize of ensuring that what we are doing is fully linked to the needs of the economy, and it is within the setting of

the Department for the Economy that you can do that. It involves, for example, working closely with employers proactively on not just economic inactivity but a host of other strategies to help people to enter and remain in the labour market.

It goes without saying, however, that this has to be something that is addressed on a cross-departmental basis so that, no matter what structures are put in place in the end, all of the Executive need to put their shoulders to the wheel to address this particular issue. I think it is in that light that we need to look to the future.

**Mr Allister:** We continue to have the highest level of economic inactivity in the whole UK and we are supposed to have a strategy, but it is sitting on a shelf, totally unfunded and unfunded by an Executive that can find £500 million to supplement benefits but no money to encourage a strategy to get people who are economically inactive into work. Does that not say everything about this miserable, failed Executive?

**Dr Farry:** I am not sure whether there was a question directed at me in that comment or whether it was a largely rhetorical statement. However, let me say this: we do not have a "so-called strategy" sitting on the shelf; we have a strategy and it is on the shelf. I accept that that is the case and that it is not where we should be. Indeed, I have shared, although I might have expressed it differently, some of the concerns voiced by Mr Allister and others about the relative priority that we make. We help those who are vulnerable through a host of spending interventions, of which welfare payments is only one. We also have to be mindful of ensuring that we are not simply keeping people on welfare but ensuring that we are providing a ladder to allow people to take advantage of other opportunities.

The economic inactivity strategy should be viewed very much in that regard where we are helping those who are most vulnerable by trying to give them assistance. So, in some ways, you can make a case that economic inactivity is a much more benign form of how we address the fact that we have a lot of people who are on welfare in Northern Ireland as opposed to the more punitive approach that has been forced upon us by the UK Government. The strategy should be viewed in a positive light.

One small light on the horizon, however, lies in the fact that, in the Fresh Start deal — people know the attitude of my party to that overall — there is a notion that there may well be savings to be found from tackling error and fraud in social security and that there is potential for that money to be, amongst other directions, aimed at resourcing an economic inactivity strategy. So I will urge those who follow in my footsteps to keep a close eye on that as one potential funding opportunity for the future.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I am sure that the Minister will accept that a significant proportion, if not the majority, of people who are economically inactive want to get into work. Does he accept that there exist many barriers preventing people from taking up a job, such as a shortage of affordable and accessible childcare, as well as the availability of jobs in some parts of the North?

**Dr Farry:** I do accept that, and that is the rationale for having a strategy. We do not accept this as a static situation that must for ever be a feature of the Northern

Ireland economy or, indeed, our society. The strategy targets those groups for which there are potential barriers. That includes those with work-limiting disabilities, who tend to be male and older than the population average as a whole, and those with caring and family commitments, who tend to be female and younger on the whole, and childcare is one of several issues for them. We had hoped to do pilot testing involving the community and voluntary sector on some projects and, no doubt, that would have touched on childcare. However, when we talk about the cross-Executive approach, what can be done on the wider childcare policy and resourcing will also have an impact on economic inactivity, whether directly through the strategy or on a free-standing basis.

## NI Science Festival 2016

**2. Mr McCarthy** asked the Minister for Employment and Learning for an update on the NI Science Festival 2016. (AQO 9767/11-16)

**Dr Farry:** The science festival ran from 18 to 28 February. I am pleased to say that, once again, it has exceeded expectations. Over 120 events took place across Northern Ireland, attracting leading figures from the science world, such as Professor Robert Winston; a leading psychologist, Professor Richard Wiseman; and Robert Schukai from Thomson Reuters who delivered the Turing lecture. Last year's event attracted over 50,000 visitors, and, following discussion with the organisers, we anticipate that when the final numbers are confirmed, even more will have attended this year.

My Department is the principal sponsor of the festival, and I regard it as an excellent vehicle for promoting the STEM agenda. That is vital, as the skills barometer indicates that skills and jobs related to science, technology, engineering and maths will be central to our future economic success. We must ensure that a pipeline of suitably skilled people will be available to fill those roles.

The festival's events help to show how STEM skills form the backbone to a range of exciting careers and interests. The aim of the festival is to make science accessible and fun. So events such as exploding custard, the science of 'Star Wars', and life as an astronaut are designed to appeal to a young audience to encourage them to look at science and STEM in new ways.

This year also saw the first STEM quest challenge, which was a STEM-related quiz for school pupils, which attracted over 80 teams.

It is very encouraging to see young people enthused by subjects that will form the basis of our future prosperity. I have no doubt that the festival has succeeded in enthusing and inspiring people here about STEM study and careers, and I am pleased to have committed to supporting the festival for another three years.

**Mr McCarthy:** I thank the Minister for his fantastic response. Indeed, I want to thank him for all the answers that he has given to the Assembly during the mandate, unlike the Member behind me, who had very little to say.

**Mr Deputy Speaker (Mr Beggs):** Would you like to ask a question, Mr McCarthy?

**Mr McCarthy:** I want to pay tribute to Mr Farry for his sterling work —

**Mr Deputy Speaker (Mr Beggs):** Can we have a question, please?

**Mr McCarthy:** — despite the fact that they wanted to do away with his Department.

**Mr Deputy Speaker (Mr Beggs):** Order. Mr McCarthy, please pose a question.

**Mr McCarthy:** If it had not been for the heckling from my left, I would have been able to pay more tribute to Dr Farry.

Can the Minister tell the Assembly that the festival has been so successful that, regardless of who is the Minister come the next mandate, it will be carried on for the benefit of all the young people in Northern Ireland?

**Dr Farry:** I thank the Member for his comments, which I assure you, Mr Deputy Speaker, were not scripted in the least. They were spontaneous and from the heart, even though I am going slightly red.

In response to Mr McCarthy's question, let me stress that, when the proposal was initially brought to the attention of the Department, it was hoped that the festival would attract 10,000 visitors. That target was very quickly exceeded. This year, we are set to break through the very successful figures from last year. The festival is really capturing the imagination of a whole cross-section of the population of Northern Ireland, and it is done for the very important reasons of investing in the future of our economy and making sure that we are enthusing young people about science and the exciting opportunities that flow from that into the future. I have no doubt that any future Minister for the Economy will wish to support it, but I have given a commitment to the festival organisers of at least a further three years of government support for the endeavour. That is not just about managing the risk but about allowing them to go out with a solid foundation and to attract more and more commercial sponsors, in the knowledge that there is a solid commitment from government. It has to be a partnership between government and the private sector, which will benefit from the STEM skills. I have no doubt that that will help to ensure that the festival becomes a self-sustaining feature on the calendar for many decades to come.

**Mr B McCrea:** Despite the heckling from the man in front of me, I shall ask a question of the Minister in two parts. First, would the Minister care to tell us what was his personal favourite of the many events at the Northern Ireland Science Festival? Secondly, one of the events that I was at talked about the huge increase in video as part of the Internet and how the fibre-optic networks are now at capacity. Does he think there is any strategic necessity for Northern Ireland to invest in further fibre-optic networks?

**Dr Farry:** There are probably two aspects to that. I certainly took the opportunity to drop in at a number of different events, as I know the Member did. I thank him for his support in that regard, as it is important that we support the festival directly.

There is also the ongoing challenge of ensuring that we are investing in science more generally. In some respects, I have a responsibility for skills, and we have been investing very heavily in STEM. It has been a feature of not just my Department but, to be fair, the Department of Education, DCAL and others. We also have to look to the infrastructure around science. As a Department, we can work with the universities directly, but there may well be other investments that fall elsewhere. There is no doubt

that having a single Department for the Economy will bring a much sharper focus to that, but it is important that we invest in the key growth sectors in technology to make sure that we remain not just competitive but to the forefront of future developments.

**Mr Deputy Speaker (Mr Beggs):** Paul Givan is not in his place.

### Undergraduate Study: Part-time

5. **Mr Lunn** asked the Minister for Employment and Learning for an update on measures to support part-time undergraduate study. (AQO 9770/11-16)

**Dr Farry:** I was recently pleased to announce changes to how part-time undergraduate students will receive financial support. Under present arrangements, they can access grants of up to £1,230 for their tuition fees. Those are called fee grants. They can also access smaller grants of up to £265 to support them with course-related costs such as books and equipment. Both of those grants are income-assessed, however, and, to be eligible for the maximum fee grant, the student's income must be below £16,843. Although those grants can be really important sources of support for students from lower-income backgrounds, about three quarters of our part-time students are not eligible to receive them.

Furthermore, even the maximum fee grants are often not enough to cover the full cost of tuition fees.

Last June, I launched a consultation on options to improve the part-time support package. Following that consultation, I announced a decision to introduce a top-up tuition fee loan for part-time students. That solution will protect grant-based support for those who need it most while allowing students to top up those grants with loans, should they need to, to the equivalent value of full-time tuition fee loans, depending on a student's intensity of study. That combination of grants and loans for part-time tuition fee support is unique in the UK. It will vastly improve access to financial support for part-time students and ensure closer parity with their full-time counterparts.

Introducing that improved support is not only a matter of social justice but an economic imperative as we contend with increasing skill demands and the need to upskill and reskill our existing workforce. The new loans, subject to the Student Loans Company implementation, should be available from the 2017-18 academic year.

3.00 pm

**Mr Lunn:** I thank the Minister for his answer. That is a welcome change in policy and practice. Once again, Northern Ireland leads the way in employment and learning. What outcomes does the Minister envisage under that welcome change in practice?

**Dr Farry:** I thank the Member for his comments and for recognising that we are being innovative in Northern Ireland with the grant and loan approach, which is not offered in other parts of the UK. We have a relatively small part-time study footprint. We are trying to widen higher education to a much broader range of students from different backgrounds and age groups. We are moving away from the notion that a student is an 18- to 21-year-old in full-time higher education, so it is important that we encourage people into higher education.

It also allows us to support emerging strategies, in particular the new apprenticeship strategy, where we are looking to provide the skills that companies require. It will now be possible to do a degree-level apprenticeship whereby someone is employed and learning on the job while studying at university. That would be part-time study, so it allows us to offer wider support in the implementation of the strategy. In that way, we will deliver fresh opportunities not only for students but for local employers and, therefore, our economy.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister accept that the change will enable people in work to avail themselves of part-time courses to enhance their skills and qualifications?

**Dr Farry:** I thank the Member for the question. I very much agree with him. It is about widening higher education to a range of groups. That will support people in work to avail themselves of higher education.

Across the UK, we have seen a major drop in the number of people doing part-time study with the support of their employer. That was, perhaps, one of the first casualties of the economic downturn over the best part of the past decade. Hopefully, through what is a revised form of support, we will encourage and facilitate much greater numbers of people to avail themselves of part-time higher education. If we are to be competitive, we have to upskill our population, so this is critical.

**Mrs Overend:** I thank the Minister for his response. Will he explain why he introduced the four-year limit before students start to repay loans?

**Dr Farry:** It is pragmatic to ensure that what we do is fair and workable for those who will take advantage of this. In the main, we have sought to ensure that we were in line and in parity with the full-time counterparts, but that will not always be the case. People will be in work while they do this, which might be a slightly different context from those in full-time study. It is important that we also reflect that in how we construct the repayment framework.

**Mr Dallat:** At the risk of upsetting Kieran McCarthy, I ask the Minister whether he accepts that, historically, the technical education system provided a second chance for many people who slipped through the net first time round? Does he agree that many people — single parents, perhaps — need a package to re-engage with higher education? Will he encourage his successor, whoever it is, to look seriously at part-time graduation and make sure that people can afford it?

**Dr Farry:** I agree with the Member on all of the points that he has made, apart from the bit about upsetting Mr McCarthy, who probably agrees with the comments that the Member made as well. He is very resilient, our Mr McCarthy.

The Member is right: this is there to appeal to a wide range of people from different backgrounds. There is a major issue of widening participation on the back of this, where we can better support people in a range of work or, indeed, domestic contexts. That includes, for example, as the Member outlined, single parents, who may see doing a full-time degree as impossible to combine with their caring commitments. Part-time study then becomes a very viable option. Equally, there may well be people who feel obliged to engage in the world of work, given their domestic

circumstances, but want to improve their life chances and to do a degree. Hopefully, we will facilitate them as well.

**Mr Deputy Speaker (Mr Beggs):** I remind Members to ensure that they speak into a microphone for the benefit of Hansard.

## Teaching Qualifications

**7. Mr Hussey** asked the Minister for Employment and Learning for an update on the teaching qualification requirements in the European social fund 2014-2020. (AQO 9772/11-16)

**Dr Farry:** I am pleased to report that all 66 projects under the 2014-2020 programme are now fully up and running, with the programme providing funding of £112 million, which will significantly contribute to the programme's overall target of supporting 42,000 people. Many of the projects have been operational since April last year, while some other EU-funded programmes from the 2014-2020 funding round, both here and in other parts of the UK, have yet to initiate their application processes. As the first year of the programme draws to a close, I am also pleased at the level of match-funding support that my Department has been able to provide for a significant number of projects.

In order to ease cash flow issues for the new projects, I have agreed to my Department implementing an interim measure whereby 100% of the European social fund and DEL contribution in unpaid claims is paid now and vouched later. Applying this process has alleviated the initial financial pressures that the projects have experienced, and work continues apace to ensure that all claims are subsequently fully vouched in line with audit requirements. In tandem with this, the Department has brought further staff into the ESF managing authority to assist with the vouching of all claims. I am confident that this combination of short-term measures has gone a significant way to addressing the backlog of claims and will soon bring the managing authority to a position where it can efficiently vouch each individual claim as and when it arrives.

My Department's key priority in developing any element under the current programme is to ensure that the participants receive the best possible training and education available to them. The primary rationale is to ensure quality throughout education and training, and we cannot and should not lose sight of the fact that it is the participants in ESF projects and, therefore, the quality of training that they receive that should remain our primary focus. My officials are working with ESF providers to develop a policy paper to examine where any justifiable flexibilities may lie in relation to the teaching qualification requirement. They are working to conclude this exercise before the end of March. However, it is important that the rationale for the introduction of this requirement is clearly understood.

**Mr Hussey:** I thank the Minister for his response thus far. Does the Minister share the stakeholder forum's concerns that there is a lower level of teacher qualification available in FE colleges here than is required to deliver ESF?

**Dr Farry:** I thank the Member for his comment and question. We are fully alert to the comments that we have received from a range of stakeholders around the teaching requirement. This has been put in place not out of any notion of creating an unfair or high bar but to ensure that people right across the training and education landscape

are trained by people who are suitably qualified. That said, we are conscious, probably in two different directions, of the need to consider potential flexibilities. One is around the timescale in which people can avail themselves of the need to get qualifications and the capacity of the system to respond to that, although I am assured that the capacity is there nonetheless. The second aspect is the question of whether there are circumstances where the requirement for the teaching qualification is not making any sense. We are talking about, for example, some very narrow recreational activities or some health and safety aspects. We are potentially looking at that, and those are some of the issues that we are reviewing with a view to having an outcome before the end of March.

**Mr Deputy Speaker (Mr Beggs):** Raymond McCartney is not in his place.

## Youth Training

**9. Mr Maskey** asked the Minister for Employment and Learning for an update on Generating our Success: The Northern Ireland Strategy for Youth Training. (AQO 9774/11-16)

**Dr Farry:** I am pleased to report that my Department has made significant progress in implementing the new system of youth training and apprenticeships.

The new youth training pathway offers great opportunities for participants to gain the skills they need to enter the workplace and provide a strong foundation for long-term employment and education. In September, 16 traineeship pilots were launched across a range of occupational areas, including engineering, ICT, construction, health and social care, business administration, and hairdressing. Approximately 250 young people are taking part in the pilots. Initial feedback has been extremely positive.

Implementing the strategy will establish a high-quality network of providers capable of delivering the off-the-job training associated with traineeships. Further education (FE) colleges, employer providers and other high-quality non-FE providers who meet our quality standards can be part of that network. Through the new model, employers and participants will be in the lead, having the choice of which provider to use, supported by impartial advice from my Department's Careers Service to ensure that the young people make informed choices.

The content of traineeships will also be guided by employers. We have already set up employer groups to help us develop a new training system through a series of sectoral partnerships and an overarching interim strategic advisory forum. Future traineeships will be available via a web portal that will allow employers to advertise, and participants to find, suitable opportunities. I have assigned a £15 million budget for the next financial year to drive the continued development of the new systems of apprenticeships and youth training through 2016 and beyond.

**Mr Maskey:** I thank the Minister for that quite comprehensive response. Is he in a position to give us any further information on the policy commitment to support and give additional flexibility to young people who may have disabilities or caring commitments or are leaving care?

**Dr Farry:** The Member will appreciate that we have a range of interventions in that regard. For example, there are flexibilities in the current Training for Success

programme for young people with a range of disabilities and those with caring responsibilities. Beyond Training for Success, those flexibilities are also reflected in how FE colleges and universities respond to the particular needs of young people.

In the new system, a very heavy focus is being placed on meeting the individual needs of young people, and there will be a much stronger focus on pastoral support. The very particular issues or barriers that young people face will be factored into the approach that will be taken by employers and, indeed, the various training providers. That has been very much hardwired into the strategy and will be a key focal point for implementation over the years ahead.

### Southern Regional College: Newry

10. **Mrs McKevitt** asked the Minister for Employment and Learning whether there are any plans to invest in the Newry campus of the Southern Regional College. (AQO 9775/11-16)

**Dr Farry:** At this time, my Department has no immediate plans for major capital investment in the Newry campus of the Southern Regional College. However, my Department is currently providing £91 million of funding for the college to develop new campuses in Armagh, Banbridge and Craigavon. In developing the outline business case for the project, the college decided that its estate in Newry should not be included within the scope of the business case as it had received previous investment and was in a condition to meet the needs of the college.

The Department has limited capital funding available to meet the needs of all six FE colleges, and funding is allocated to projects on the basis of need, as evidenced by approved business cases. Over the next four years, my Department will provide funding for major construction projects in four of the colleges. In addition, the Department allocates capital funding to colleges to carry out minor works across their estates. Colleges are able to set their own priorities for minor works, providing their statutory and legal requirements in relation to health and safety and other areas are met.

**Mrs McKevitt:** I thank the Minister for his answer. I am aware of the continuing development right across Armagh, Craigavon and Banbridge, with the colleges proceeding with planning applications for development. Would the Minister support the college if a future business case were to be presented, should an opportunity occur with the freeing up or release of Newry Sports Centre, which would help to consolidate the campus's provision in the city of Newry to a level that would match the investment that other areas are currently seeing?

**Dr Farry:** I certainly understand the logic and rationale for seeking further investment in the FE estate in Newry, and I would not discourage the college, in any shape or form, from making representations. However, to be realistic, we have a fixed amount of capital coming down the tracks. At present, the amount of potential investment in the FE estate is probably going to exceed any likely future capital allocation to the new Department for the Economy.

To put this into context, in addition to the three campuses in the Southern Regional College area alone — Banbridge, Armagh and the new one in Craigavon, which replaces the colleges in Lurgan and Portadown — we have recently

approved a business case for the Northern Regional College, which has not had any major investment for quite some time.

There is also a major development advancing in Enniskillen, we have recently concluded an investment in Bangor and there are potential plans for the North West Regional College's campuses in the north-west. A lot of capital projects are building up in the works, which is good in many respects because we are investing in a modern estate, but, being realistic, I do not see Newry advancing to the front of that queue. There is a lot of backlog in the system to work through already. But, by all means, the college can keep making the case.

3.15 pm

**Mr Deputy Speaker (Mr Beggs):** That is the end of our period of time for — *[Interruption.]* Order. That is the end of our period for listed questions. We will move on to topical questions.

### Apprenticeships

T1. **Mr Hazzard** asked the Minister for Employment and Learning to outline what he and his Department have done to create modern apprenticeship routes for our young people, specifically in South Down where construction plays a large part in the local economy, and to state whether there are viable options for our young people in relevant construction apprenticeships going forward. (AQT 3591/11-16)

**Dr Farry:** Starting from the general first, we have new strategies in place for apprenticeships that will run from level 3 through to level 8 and for traineeships at level 2. Those will be fully operational from September 2017, and we are in the pilot phase for different aspects of those.

At present, we have the outgoing ApprenticeshipNI and Training for Success contracts. Those are very deliberately designed to ensure that we are providing opportunities for young people and the skills required by employers. We expect that employers will now be in the driving seat in determining where training will occur.

We are working to put a sectoral partnership in place that will relate particularly to the needs of the construction sector. The Member will be aware that there is a strong infrastructure in place through the Construction Industry Training Board, for example, and through different groups that lobby on behalf of the sector. That will push well for the development of new frameworks in those areas.

As demands change in key sectors, employers are incentivised to respond to ensure that we meet their particular demands. The infrastructure will be in place to facilitate that.

**Mr Hazzard:** Go raibh maith agat. On that, are we going to ensure that an equal number of opportunities are open to young women? Obviously, there is a need to address gender imbalance in construction apprenticeships specifically.

**Dr Farry:** Absolutely. Indeed, gender and some other equality issues are key features within the apprenticeship and youth training strategies. We want to ensure that we are open to people from all different backgrounds, and, in particular, are trying to break down some of the stereotypes that revolve around some jobs.

To put it into a wider context, today I was at the Titanic building for the launch of National ICT Day as part of the Bring IT On campaign, as we are trying to encourage more schoolchildren to consider careers in the IT sector. That is another area where the sector has been very heavily male dominated historically. If we want to truly compete in the global marketplace, we need to make sure that we are fully bringing through the local marketplace of talent. That is not exclusive to either gender, depending on which occupation we are looking at. Construction fits into that just as much as anything else.

### Apprenticeships: Bombardier

**T2. Mr Dunne** asked the Minister for Employment and Learning what he is doing to ensure that Bombardier, as a major employer, continues to offer apprenticeships and real opportunities, and to note that the work that he has done to address job losses is appreciated. (AQT 3592/11-16)

**Dr Farry:** I thank the Member for the question. As the Assembly will know, Bombardier has historically been one of the flagship companies for apprenticeship training in Northern Ireland for many years, and it has very regrettably taken the decision to suspend its apprenticeship programme.

By coincidence, I am meeting representatives of Bombardier tomorrow morning to discuss some of those issues, including what can be done with training opportunities. We do not want to lose that route of bringing more young people into the aerospace sector, which is so important to the future of our economy.

I have also had a meeting with the trade unions about this, and they are obviously concerned as well about the loss of the apprenticeship programme with the current suspension and what it means for refreshing and replenishing the workforce.

So there are issues that we want to put to the company over the coming days, and I am more than happy to write to the Member after the meeting to give him a more detailed read-out as to the direction in which things will be moving.

**Mr Dunne:** I thank the Minister for his work over the past term, especially the good work that he did on the delivery of a theatre at the South Eastern Regional College in Bangor.

**Some Members:** Hear, hear.

**Mr Dunne:** Does he fully realise how valuable a Bombardier apprenticeship is to a young person in that it is a great start in life? Will he do all that he can to try to retain those opportunities? We had a commitment from Invest NI that it will continue to talk to Bombardier on —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked his question.

**Mr Dunne:** — the issue so what we want is an assurance that you will do likewise.

**Mr Deputy Speaker (Mr Beggs):** The Member has asked the question. The Minister please.

**Mr Dunne:** Thank you.

**Dr Farry:** Thank you, Mr Deputy Speaker. I am very impressed by the way in which the Member has embraced the arts in the last number of years. As someone who

was historically viewed, by his own definition, as a bit of a philistine, he has now, no doubt through his role on the Committee, reached the dizzy heights of being a connoisseur of the arts. *[Laughter.]* The Member will know what I am talking about.

Moving on to a very serious point, I am absolutely committed to working with the company to ensure that we do everything that we can to get that pipeline of young people coming through. It is important that we have a critical mass of trained apprentices for the aerospace sector.

My Department and Invest NI will work very closely with Bombardier on the current situation, and we hope that we will turn the situation around. We have already had assurances that Bombardier will have a long-term future in Northern Ireland. However, beyond Bombardier, we have a much wider supply chain and we also have the potential to grow the sector over the next 10 to 15 years, with the potential for a billion-pound industry to emerge in Northern Ireland. So it is important that we do everything that we can to ensure that we have the skills base. Invest NI shares that aspiration, and my officials are working very closely with it to address the situation with Bombardier. We have a number of ideas that we want to put to it tomorrow morning, and I will get in touch with the Member afterwards to outline where the matter falls.

**Mr Deputy Speaker (Mr Beggs):** Caitríona Ruane is not in her place.

### Students: Postgraduate Support

**T4. Mr Diver** asked the Minister for Employment and Learning — after, on behalf of the SDLP, thanking him for his work in difficult circumstances, given the challenges in further and higher education — whether, in light of his earlier comments about the very welcome support for part-time undergraduate students, he envisages that support for postgraduate students will be forthcoming in the new mandate, given their importance to our economy. (AQT 3594/11-16)

**Dr Farry:** I thank the Member for his comments. We have already discussed part-time study, but there is also a need for us to encourage more people to engage in postgraduate study. Already a number of studentships are awarded through the universities to support people, primarily to do PhDs. That is important. We have seen major developments, over the past number of years, in where Northern Ireland stands in the knowledge index, which creates the number of PhDs per capita across the 12 regions of the UK.

We have consulted on one very particular issue that faces us all in the UK on how we encourage more people to do taught master's degrees and, subject to receiving Treasury approval within the next couple of weeks, it is my intention to make a similar announcement to the one that we made about part-time study in relation to master's degree study.

**Mr Diver:** I thank the Minister for his answer. In overall terms, Minister, do you think that there is any potential for this to affect the broader levels of support available for graduate and postgraduate students?

**Dr Farry:** What we are proposing for part-time and master's degree study is additional to the existing student support regime. We hope to access loans from the Treasury through annually managed expenditure. We are

waiting for a sign-off on that before we proceed with any formal announcement on supporting postgraduate study.

There is a much wider issue with student support and its sustainability. I think that there is a broad consensus in the Assembly that we want to facilitate students as best we can and that we do not want to tinker with the student support system, whether for tuition fee loans or maintenance grants.

That comes at a price, however. The money is not being spent in England on those, so we do not get the Barnett consequential coming across. We therefore have to find those resources out of our own budgets. There is always an ongoing challenge to ensure that we are directing the necessary investment to our different institutions. We have fallen short in that regard over the past number of years, and I have deep concerns about the sustainability of our higher education system as a result. Some very difficult decisions will have to be taken, and it looks likely that the most viable political route for the Executive is to ensure that we are channelling sufficient resources into the system more directly, as Scotland has sought to do. That will be a challenge, and it has to be an immediate priority for the incoming Executive in May.

**Mr Dickson:** I, too, congratulate the Minister on the way in which he has developed his Department during his time in office. Whoever your successor is will have a hard job to follow. If it is you, it will be an easy job to follow.

**Mr Deputy Speaker (Mr Beggs):** May we have a question, please?

## Refugees: English Classes

**T5. Mr Dickson** asked the Minister for Employment and Learning how the free English classes that he helped to deliver to immigrants to Northern Ireland will contribute to their overall integration into our society. (AQT 3595/11-16)

**Dr Farry:** I thank the Member for his comments. As the Assembly will appreciate, a number of people have come to Northern Ireland either to seek asylum or as refugees. The refugee population, although not exclusively, has people from Syria. We need to see a cross-departmental response, and I believe that the Northern Ireland Executive are very much seized of that. It is important that all Departments play their part. Our commitment to free English for speakers of other languages (ESOL) classes is very much part and parcel of that. That applies to all asylum seekers and all refugees, irrespective of where they have come from, and, hopefully, we will make that commitment.

In particular at this time, as we are seeing a lot of fear and division emerge across the world, including in Europe, it is important that Northern Ireland say with a loud and progressive voice that we want to welcome refugees to our shores, that we will very much value them and that we want to see them play an active role in our society.

**Mr Dickson:** I appreciate the Minister's answer. Given the contribution that those who come into Northern Ireland from outside can make, they will undoubtedly add to the skills mix. Is he satisfied that, with the requirements for a reduced corporation tax rate, we will have the required skills mix, including among those who have emigrated to Northern Ireland?

**Dr Farry:** There is an issue for us, particularly around immigration. We need to look to flexibilities in the existing immigration policies that pertain in Scotland but not currently in Northern Ireland. We are very much driven by the needs and the definition of the economy in the south-east of England rather than the needs of Northern Ireland. We will meet our skills requirements through people coming to Northern Ireland from elsewhere. In many ways, that is a positive sign that we are open to the rest of the world and attractive for people to come to, and we can take encouragement from that. We also have to ensure that we are developing the local skills base.

As a full supporter of a lower level of corporation tax, believing that it can transform our economy for the future, it is nonetheless important that we have a proper plan in place to make sure that it will be a success. It will not be a success without that plan. That means investing in infrastructure and in the right level of skills, and that requires us to ensure that we are investing in our colleges and universities and in apprenticeships in sufficient volume to meet the expectations of potential employers, either inward investors or those from Northern Ireland who wish to grow right here in their domestic economy.

## Careers Education and Guidance Strategy

**T6. Mr Lyttle** asked the Minister for Employment and Learning for an update on the careers education and guidance strategy that he launched today, given that, as a member of the Committee for Employment and Learning that proposed a review of careers guidance in 2012, Mr Lyttle welcomes the Minister's work in that area. (AQT 3596/11-16)

**Dr Farry:** As the Member will be aware, the Minister of Education and I launched 'Preparing for Success 2015-2020', which is the joint careers strategy between our Departments. It is the culmination of quite a lot of work over the past number of years. I recognise the Member's contribution as a member of the Committee and that of the entire Committee to the inquiry that it took forward as part of that policy development piece, right through to the Employment Bill, which passed its Final Stage this morning. We have seen the evidence that that inquiry produced, not least in the new statutory duty on the Department around careers advice.

We also had an independent panel, chaired by Brian Ambrose from Belfast City Airport, which brought business and educationalists together to produce recommendations. We are trying to service the needs of individuals, to provide them with informed and impartial careers advice and to ensure that companies are confident that we are investing in the foundation stone of the economy and that they get advice in areas that are relevant to their emerging needs.

3.30 pm

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

## Committee Business

### **Inquiry into Post Special Educational Need Provision in Education, Employment and Training for those with Learning Disabilities in Northern Ireland**

**Mr Deputy Speaker (Mr Dallat):** 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 seven minutes.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I beg to move

*That this Assembly approves the report of the Committee for Employment and Learning on the inquiry into post special educational need (SEN) provision in education, employment and training for those with learning disabilities in Northern Ireland [NIA 306/11-16]; and calls on the Minister for Employment and Learning to liaise with his relevant Executive colleagues to implement the recommendations contained in the report.*

Before I start, I want to make a few personal comments about the inquiry. It is about the needs of young people with special educational needs. Let me quote the following:

*“One of the great things that any community can do is not teach tolerance, but live tolerance, not talk respect, but live inclusivity.”*

I hope that, by the end of this, we can look on these young people not as special needs young adults but as young adults with specific needs whom we have a responsibility to support. I thank all the Committee members who took part in the inquiry. It was not an easy subject to engage with, as some of our visits and the personal testimonies that we received were heart-wrenching. In his absence, I highlight and acknowledge the work of Pat Ramsey and his contribution to the initial stages of the inquiry. I also thank the Committee staff, and I pay tribute to Vincent Gribbin and Cathie White for their work in facilitating the Committee's work during the inquiry. My main thanks go to the young people and their parents. They are the reason why we undertook the work, and I hope that the report is used and its recommendations taken on board. The parents of children with special needs create their own world of happiness and believe in things that others cannot yet see. I hope that, through the inquiry, others will see the crucial need for our recommendations.

It gives me great pleasure, as Chairperson of the Committee for Employment and Learning, to move the motion, which calls on the Minister for Employment and Learning to liaise with his relevant Executive colleagues to implement the report's recommendations. I appreciate the Minister being here today to respond. The Committee's legacy report will recommend that the Committee that retains scrutiny responsibility for this matter in the next mandate requests that the relevant Departments respond to the recommendations and keeps the progress under review.

Given the wide-ranging nature of the inquiry and the large number of recommendations, the Committee agreed to divide sections of the report among the members. Each member of the Committee will talk to different parts of the report and to the relevant recommendations.

We agreed to conduct the inquiry to address the concerns raised by Committee members and by advocates for individuals with learning disabilities and their families that, once those individuals leave full-time education, where they have received long-term support, they find themselves with little help and few options for what they do next. We critically examined post-school provision in Northern Ireland, including consideration of the current policies, programmes and opportunities available in Northern Ireland, for those with learning disabilities leaving education. We also looked at issues raised regarding the transition planning process.

On initiating the inquiry, the Committee became aware that there have been a number of reviews on the matter over the years and a number of action plans have been agreed by Departments to improve services. However, it also became obvious to us that the issues still existed. Although action has taken place, it has been mainly procedural in nature. The numerous barriers facing young people with learning disabilities as they leave school and try to lead a productive life remain. This is a complex area of policy-making, involving numerous services across a range of Departments. We listened to the heartfelt pleas of parents and carers for better services and provisions for their loved ones. We also heard from Departments about the efforts they are engaged in to support people with learning disabilities when they leave school.

At this point and on behalf of the whole Committee, I thank all those who engaged with the inquiry. The energy of parents who fight tirelessly for their loved one's right to lead a full life is inspirational. I also thank the many organisations and schools that opened their doors to Committee visits to show how they work to develop and support those with learning disabilities. Thanks also go to the officials from the Department for Employment and Learning and the Department of Health who, the Committee could see, work hard to provide the best services that they can.

We received 53 written submissions, and we held five evidence events: two with stakeholders, two with individuals with learning disabilities and one with parents and carers. We considered 21 research papers that we commissioned from the Assembly Research and Information Service, as well as a range of academic and departmental publications. The Committee visited 14 schools and organisations across Northern Ireland and visited services in Manchester. We also considered exactly what was meant by a “learning disability”. The most widely endorsed definition is this: a significantly reduced ability to understand new or complex information or to learn new skills, a reduced ability to cope independently or an impairment that started before adulthood with a lasting effect on development.

On reviewing the evidence, it was clear that there were distinct areas of concern. The report outlines those and includes the Committee's recommendations on how best the Executive could improve provision. We believe that, if the recommendations are accepted and acted on across

government, they will create a system that meets the needs of those who rely on it.

I turn to the content of the report. With regard to the transition process, the evidence showed that there were two conflicting views: first, that there was no real issue and, secondly, that there was an issue but the main concern was that there was no provision after the transition process for a lot of people to move into. These problems are outlined in the report, and they include a lack of information sharing and a process, which is meant to be a long gradual one, that, in reality, is years of paying lip service and then a last-minute panic for parents to find post-school provision.

It was evident from submissions that further education colleges and vocational training were central and vital in the plans of people with learning disabilities and their families. However, despite their crucial role, the evidence highlights that access to appropriate educational courses is inadequate to meet the need and that there is a structural problem at the heart of the provision. A specific problem is that further education cannot be considered the solution for everyone with a learning disability, and yet there is a lack of alternative provision.

A range of evidence received by the Committee emphasised the importance of ensuring that there is a person-centred approach to post-SEN services and that the provision offered meets an individual's needs. It is our view that the need to provide an individualised service for the most vulnerable in our society remains an absolute priority for any modernised or reforming day service.

Following on from that, another important issue highlighted in the evidence was the need for proper progression for learners in post-school provision. The aim should be that the levels of provision are appropriate for the individual as he or she develops. There were repeated examples of individuals repeating courses, so that they had something to do during the day or engaging in courses and training where there were few beneficial outcomes for them or which were inappropriate for their level of ability. In addition, there was no structure for continual development.

The aim, as we see it, is to strive towards making work-ready individuals. This, for some, may be a far-off aspiration, but the provision on offer should be bringing individuals along that path. For some, the starting point may be independent living or improved communication and social skills; for others, it may be only supervised experience of the workplace, but all have the right to receive help to get to that point.

One of the overarching concerns relayed to the Committee during the inquiry was the lack of coordination across government. This is something that we all understand and witness in our daily work. Time after time, in all Committees, there are calls for better cross-departmental working. The Committee inquiry found that, although there are many cross-departmental strategies and action plans that aim for better coordination, and although there are localised examples of good practice in cross-departmental working in providing services for those with learning disabilities, the criticism remains that communication and service provision across Departments is inadequate. Not only does that waste time in arranging provision and create frustration and aggravation for parents and carers, but, all too often, it is inefficient and prevents effective working.

The evidence suggested that more can and should be done in the community setting to support those with learning disabilities. In looking at this issue in an economic climate of limited resources, we see that the better utilisation of what already exists is the perfect answer. Historically, learning disability — all disability for that matter — was kept out of sight. We visited a number of schools and facilities, and, as a rule of thumb, the older the establishment, the higher the wall that surrounds it. However, there are examples of good practice. In some communities, local churches and charities are opening cafes staffed by individuals with learning disabilities — places where, once you walk through the door, you can see the pride and the sense of worth of the individuals working there.

Another major obstacle for post-19 provision has been the availability, or otherwise, of transport for getting those with learning disabilities to post-19 provision. The lack of viable transport options, particularly in rural areas, adds another significant barrier to those trying to access services. Those who are not yet able to travel independently can become housebound.

One of the strongest arguments made to the Committee was for post-school provision, where demand currently outstrips supply. The evidence to the Committee suggests that demand for further education (FE) provision is not currently being fully met, and submissions referred to the number of individuals with learning disabilities who end up not in employment, education or training. What provision is available is largely part-time, some of it for just a few hours a week. Parents and carers are trying to fill their loved one's week by transporting them around a number of services. There is a lack of consistency and security in that. There is also evidence suggesting that demand will only increase in the coming years, creating a challenge that Departments need to plan for.

As I mentioned, the aim of post-school provision should be to move those with learning disabilities ever closer to employment via education and training. For some, this may be a long road; others are nearly job ready but face the barrier of not being able to find work experience. We heard evidence from Mencap that young people with a learning disability are twice as likely to be not in employment, education or training as those without a learning disability, and only 17% of people with a learning disability are in any form of paid work, compared with 46% of disabled people and 80% of the general population.

For those who could be deemed to be further from the workplace — those with severe learning disabilities and, more so now, those with complex health needs — the main route after school has been to day-care centres. However, evidence presented to the Committee suggests that these establishments are ill-equipped for training and education purposes.

During the evidence sessions, some parents raised concerns that, as currently structured, day care will lead to children's learning beginning to regress due to a lack of stimulating activities and opportunities for continued learning. Those with communication issues, who throughout school have learnt to use signs and other non-verbal means of being understood, find that the staff are not trained in these systems and are left frustrated and, often, silenced.

### 3.45 pm

For parents moving their loved one from school into adult services, it is a frightening, unsettling and bureaucratic nightmare. The school environment is set up to provide all-round care; the young people are looked after from when they go in the door until they come home. The staff are trained to look after their needs, and they often have access to a speech and language therapist, an occupational therapist and a school nurse. It is a massive shock, after investing so much time and resources into providing a protective environment for those individuals, when that disappears almost overnight. Some evidence emphasised that all post-school providers need to ensure that they can fully meet the wider support needs of their students or trainees by having appropriate measures in place to ensure that they are appropriately supervised.

Turning to the transition process, a specific issue raised with us was that individual schools and the Education Authority have a statutory responsibility for the process. However, once an individual leaves school, the school and the authority no longer have the responsibility or control to ensure that the transition plan is followed. Some evidence suggested that the statutory responsibility to carry out and enforce the transition plan should sit with DEL or Health, as they are the Departments that provide adult services. Therefore, we recommend that DEL undertakes a review to establish where departmental responsibility for the transition process should lie in the Executive.

Much of the evidence, especially from parents, indicated that, during the transition meetings, it was often the case that decisions could not be made or their questions could not be answered, as the appropriate officials were not in attendance. It is for that reason that we recommend that DE ensures that all relevant bodies, based on the individual young person's needs and progression plans, are invited to and attend the transition meetings.

Another issue facing parents was that, once their child left school, the transition process ended and there was no one at hand to sort out any issues or, if a placement was not working out, to organise an alternative. In addition, after a year on a course, individuals were often back at square one with nowhere to move on to. The view of parents was that all the work was placed on them. To help those parents, we recommend that DEL and DE coordinate to ensure that the transition process continues past the stage of leaving school. It should remain in place to assist the young person with onward progression from a training or further education course into employment. Linked to that, there is a need for closer partnership working with the voluntary and stakeholder groups that can support people in further education, training and employment.

During the Committee's evidence gathering, it heard a number of people calling for a bespoke college —

**Mr Deputy Speaker (Mr Dallat):** The Member should bring his remarks to a close.

**Mr Swann:** — for people with learning disabilities that would provide a more supportive environment.

Lastly, the Committee recommends that a consultation be carried out by DEL on the demand for a bespoke local college model, establishing a small number of specialist training centres across Northern Ireland.

I commend the report to the House and look forward to the debate.

**Mr Hilditch:** I support the motion, which brings this very important report to the House. I thank everyone who has been involved in putting the inquiry together and bringing it before us today, none more so than Cathie White and her team in the Employment and Learning Committee, who worked tirelessly on the report.

From reading through the recommendations in the inquiry, it seems there is no doubt that the opportunities throughout Northern Ireland for those with special needs are patchy. Therefore, policies, procedures and practices need to be improved to maximise opportunities to support the transition from education to job opportunities or voluntary work for those with special needs, alleviating the worry and concern of them and their families.

In regard to the demand aspect of the inquiry, evidence from Beechlawn and Sperrinview special schools gave the Committee much concern. Their evidence related to the fact that demand for further education provision is not being met. Submissions referred to the number of individuals with learning difficulties who end up not in employment, education or training. Evidence also revealed that that will increase in the coming years.

Beechlawn School gave the Committee some daunting figures. It said that, at present, 47% of its enrolment is pupils with autistic spectrum disorder and that, in three years' time, that is predicted to rise to potentially 90%. It warns that, in the post-16 provision, it can meet the needs of those pupils, but it is concerned that, at post-18, there is a lack of specialised and supported provision for many people whose needs can be complex.

Therefore, with this evidence in mind, the Committee made recommendation 25 that DHSSPS assess the impact of the decreasing day-care places for people with learning difficulties and what alternative provision the Minister and his Department make or intend to put in place. Will he consider the shift from transitional segregated services to integrated and take on board that some trusts have reduced, or have plans to reduce, the number of building-based facilities in a general move towards smaller satellite-type services in the community and independent third-sector partnerships?

The inquiry also revealed that those on benefits find it difficult to engage in placements and volunteering opportunities, as they are anxious that doing so might have a detrimental impact on their benefits or, at the very worst, stop them altogether. In particular, there is a reluctance to engage in short-term voluntary placements, as that affects long-term quality of life through provision of benefits. It also noted that those coming off benefits have problems with the 16-hour rule — again through unrest caused by thinking that their benefits may be interrupted. Sperrinview backed that up by saying that many families have to leave work to look after those with special needs. As money is tight, they simply cannot entertain losing £1 from the household income. Potential opportunities to engage with work are overlooked.

Evidence in the inquiry suggested that universal credit has the power to help. Another valid point was that "work" needs to live up to its name and reputation by offering partakers in it some form of benefit, whether financial, mental, social or emotional. I ask the Minister for his views

on how he sees the introduction of universal credit easing the problem.

Overall, the Committee has made the recommendation that DSD and DEL ensure that they work together and that one Department does not take away the good offered by another.

Finally, people with learning disabilities are valued citizens; they must be enabled to use mainstream services and be fully included in the life of our communities. I look forward to the Minister's response to hear how opportunities and support for those with special needs can be bettered in the future, taking account of individuals' needs and assisting them to be as independent as possible.

I support the report.

**Ms McGahan:** A LeasCheann Comhairle, I thank you for the opportunity to address the House on the report. I thank the Chair, staff and other Committee members. I am pleased to recommend the report for adoption. I am also pleased to have been involved in most of its development, especially through meetings with stakeholders and the formulation of the recommendations with the help of advocates for those with learning disabilities and their families who, once their child leaves full-time education where they have had long-term support, find themselves with very little help and few options. I am immensely proud of the role played by Sperrinview Special School, Dungannon and others in the inquiry and thank them for their advice and guidance. I especially welcomed the opportunity to attend evidence sessions and study visits, including at Sperrinview and Parkanaur College, Dungannon.

Having critically examined post-school provision in the North and given consideration to the current policies, programmes and opportunities for those with learning difficulties on leaving education, I wish to focus my comments on the important element of transport provision. Transport should be based on the rural community transport model and be able to cross areas, such as from Cookstown to Dungannon or Dungannon to Armagh. At present, transport issues between those towns prevent young people from safely accessing opportunities in neighbouring towns. There is a need for transport that is escorted, door-to-door and flexible if the most vulnerable individuals are to be afforded a degree of independence in travel.

In their submissions, the Southern Education and Library Board (SELB) and the Western Education and Library Board (WELB) made reference to barriers and possible barriers to participation for key stakeholders. Those included the lack of independent travel skills, transport provision and funding issues, especially given the rural nature of the SELB and WELB areas. Community transport schemes are in place but are heavily oversubscribed.

Dungannon and South Tyrone Borough Council, as it was then known, dealt in its submission with the important issue of boundaries and coterminosity. It pointed to the need for the provision of good-quality services to take account of coterminosity. It stated that Dungannon currently sits in the South West College area with Enniskillen, Omagh and Cookstown. However, for education, health and transport, it is located in the Southern Trust area. That has major implications, in that, even if Omagh were available — it is not, owing to distance — for vulnerable people to travel to, the transport provision would not be accessible across that boundary area.

In the section of the report dealing with the transition process, it is stated:

*"Sperrinview Special School believes that over the past ten years there has been a deterioration in the transition process and the opportunities available to the young people leaving school in their catchment area. It says: 'In previous years it had a strong and effective transition process from school to post 19 provision, although still with limited opportunities. In recent years, this process has become increasingly more difficult and less effective, and opportunities for any young person with severe learning disabilities leaving school have become even more limited.'"*

The Committee critically examined post-SEN provision in the North, including consideration of the current policies, programmes and opportunities available for those with learning difficulties leaving education, with particular focus on those with moderate and severe learning disabilities, as per the SEN category. The Committee has made recommendations where appropriate on how policies, procedures and practice can be improved in order to maximise opportunities to support the transition from education for those with learning disabilities and to alleviate the worry and concern of their family.

The report, which is before us for adoption today, recommends:

*"DRD increases the support for local transport solutions in rural areas to increase access to training and employment opportunities for those with learning disabilities ... DRD coordinates with other Departments and arm's length bodies, to ensure the better use of transport services/adapted buses and staff from all providers to support those with learning disabilities ... DRD and DE embed the provision of transport into the transition process and in the development of programmes for those with a learning disability, to ensure that when post school options are considered, that transport is factored in."*

A section of the report reviews the legislation that governs the transition process in the North, and that was included to help underpin the statutory duties on the Executive and Departments. However, it was also included because the Committee emphasised that, if it felt it necessary, it was willing to bring forward legislation to change or strengthen current legislation.

I echo the call by the Accessing Support, Provision, Inclusion, Respect and Equality (ASPIRE) group in Dungannon for us to deal with transport issues between towns that prevent young people from safely accessing opportunities in neighbouring towns. Again, there is a need for transport that is escorted, door-to-door and flexible if the most vulnerable individuals are to be afforded a degree of independence in travel.

I recommend the adoption of this much-awaited report.

**Mr Diver:** I very much welcome the opportunity to contribute to the debate on the inquiry into special educational needs provision in Northern Ireland. As a latecomer to the process, I fully acknowledge the contribution of the Committee, and of the officials as well. I particularly thank the Chair of the Committee, Mr Robin Swann, for his very kind comments about my predecessor, Mr Pat Ramsey, who is incredibly passionate about the

subject. I am sure that Pat will be heartened to hear those words today.

I will focus my comments on recommendations 32 to 35, which deal with work experience, opportunities to work and day-care provision.

Recommendation 32 states that DEL, as part of its new strategy for people with disabilities, canvasses local businesses and industry for work placements and work experience. That would have the added benefit of opening up an engagement with businesses to detail what government needs to do to support businesses to take on this role more readily. The main thrust of the evidence heard by the Committee on this issue focused on the importance of work experience and the current lack of provision. It was found that there is a need to provide work experience for young people in schools so that they can be better prepared for working life.

#### 4.00 pm

The Committee heard from parents, who are delighted when work experience is available in a school.

Unfortunately, that is not happening enough. An overriding concern of parents is that they know that they will have to source work experience for their child when they leave school. I think that we all agree that situations can be stressful enough for the parent of a child with a special educational need without the added stress of having to source work experience without assistance.

The Department pointed to a number of barriers to getting employers to provide work to a young person with a learning disability. Perhaps they are not confident about working alongside a young person with a learning difficulty or cannot offer the necessary time that it would require to support them. Social enterprises are offering real opportunities for young people with a learning difficulty to find work experience. The House should do all in its power to support them in this endeavour. The Committee's recommendation gets to the heart of those problems and urges the Department to engage with employers to find appropriate work experience opportunities for young people with a learning difficulty. Furthermore, under the new strategy for people with disabilities, DEL should continue to support employers, social enterprises and any other employment group that is already providing work experience.

There are two recommendations on opportunities for work for people with learning difficulties. Recommendation 33 urges the Department to review the adequacy of the support that it currently provides to people with learning difficulties in their place of work. Young people with a learning disability are twice as likely to be NEET as those without a learning difficulty. It can often be very difficult for them to get and sustain work. Too often, work carried out by people with learning disabilities is described as work experience and does not lead to a real pay package or a real job role at the end of the day. One of the key findings in the report, as noted by the Northern Ireland Commissioner for Children and Young People (NICCY), is that, while government employment schemes have worked, they do not often lead to lasting and rewarding employment engagement. An evaluation of the Workable (NI) programme found in 2010 that only 9% of participants moved to an unsupported employment role.

Recommendation 34 is focused on the idea that DEL develops a coordinated service, securing placements and seeking employment opportunities for those with learning disabilities, to which they could get buy-in from local employers. In evidence groups, it was argued that it is inefficient to have several Departments carrying out the same role — that is, securing placements and seeking employment opportunities. It was suggested that employers buy into a central authority. This authority would have even greater authority as it would represent many Departments, and having all the programmes in one place would lead to a more streamlined and ultimately successful provision of placements. It is very clear that employers need help with providing work experience and placement opportunities for those with learning difficulties. I hope that the report can be a helpful step to securing that.

In the final recommendation that I will speak to, the Committee recommends that the Department of Health reviews and continues to monitor its day opportunities model and works with the relevant Departments and health and social care trusts on the development of continued learning and progression in a day-centre environment. Day opportunities and alternatives to day-care provision are increasingly important to people with a learning difficulty. There are numerous worries about day-care opportunities for people with learning difficulties. Yesterday, we had a very passionate plea on the steps of the House in relation to those. The worries include the policy direction under Transforming Your Care and the fact that day centres are ill-equipped. Transforming Your Care's direction may be putting pressure on parents not to send their children to a day-care centre. The TYC principles of greater care closer to home are praiseworthy in themselves, but a different set of circumstances applies to those with a learning difficulty and their families. There is quite clearly room for improvement in day-care settings and for alternative provision.

The report is a very welcome step towards improving work opportunities and day opportunities for young people with a learning disability. I commend the Committee for the work that it has done and, importantly, those who gave evidence that aided its completion.

**Mr Weir:** I rise to speak on behalf of the Committee for Education in order to comment on the relevant findings of the inquiry report. The Education Committee has not taken a formal position on any of the recommendations. However, the Committee recently considered many similar issues during the Committee Stage of the Special Educational Needs and Disability Bill and its scrutiny of special schools area planning. The relevant inquiry findings fall into two groups. The first relates to cross-departmental working and information sharing. Several recommendations apply, particularly recommendations 15 and 26.

On the subject of SEN information, the Committee was quite surprised by the recent findings from the report on phase 2 of the review of allied health professions. It referred to poor or inconsistent information in respect of SEN statemented children in mainstream schools. The Committee also noted with disquiet similar findings in the review of special schools, where it was suggested that the level of special educational need amongst children was not just as well understood by the Education Authority as might be expected. It was those kinds of concerns that prompted the Committee to include explicit reference to information sharing in its recent amendments to the SEND

Bill. Therefore, we have no difficulty in supporting the Employment and Learning Committee's recommendation 26, with the usual caveats relating to data protection and the consent of parents and, where appropriate, children and young people.

The Education Committee, in its consideration of SEN support in schools, strongly advocated formal statutory obligations on DE and Health to cooperate. A key part of that duty was the inclusion of a robust review mechanism. The inquiry notes that, and recommendation 15 appears to replicate not only the Education Committee's thinking on the matter but its initial amendments to the SEND Bill. The final version of the SEND Bill differs somewhat, but in principle it is the same as the relevant findings of the Employment and Learning Committee. I expect that the Education Committee members would have no difficulty in giving their support to that recommendation as well.

The inquiry report also refers to transitions, and, for education, that can mean from and to primary schools but also from post-primary education to further or higher education or employment. During the Committee Stage of the SEND Bill, a number of stakeholders suggested amendments, which were designed to improve support for children undertaking educational transitions, particularly between schools and FE and/or HE institutions. There were lots of ideas on the subject, including extending statements to age 21 and beyond.

As the inquiry report indicates, legislation makes provision for the preparation of transition plans for young people with SEN statements over the age of 15. The Department of Education advised that there is already a well-embedded statutory transition planning process in our schools. It further indicated that the education transition coordinator's role included cooperation with the Department for Employment and Learning and the Department of Health, Social Services and Public Safety. The Department also suggested that wider linkages, including with the Department for Social Development, were planned. Also planned is work with the Education Authority and other partners to strengthen transition performance. At the time, the Education Committee accepted those assurances. That said, I expect that members will have no difficulty with the spirit of recommendations —

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

**Mr Weir:** Yes, I will give way.

**Mr Swann:** One of our recommendations that I highlighted was that DE should ensure that all the relevant bodies and people attend the transition meetings. The evidence we were getting from the families was that, although the process is in place, the right people are not attending.

**Mr Deputy Speaker (Mr Dallat):** The Member has an extra minute.

**Mr Weir:** I accept that. Whilst we accepted the assurances we got from the Department of Education, I think that members of the Committee will not have any difficulty with the spirit of recommendations 2 and 3, which call for better transition practices and a continuation of support beyond school. We recognise the need to make sure that the right people are at the table at any one time. That links quite well with the Committee's view on the importance of sharing transition plans between education providers so that, when a child starts a new school or transfers to

another school, the provider is not starting from scratch. It is important that those lessons are learned.

As this might be the last time that we hear about a Committee for Employment and Learning report, I conclude my remarks as Chairperson of the Committee for Education by thanking the Chairperson of that Committee and his colleagues for the report. Robin, you can bank that while you have the chance to.

The Committee has consistently found the Employment and Learning Committee's reports on careers advice and other subjects to be welcome and informative. I think that there has been a good working relationship between the two Committees. I commend members of the Employment and Learning Committee, particularly my former colleague Pat Ramsey, who is missed today, on their diligent scrutiny, not only in this inquiry but during this mandate. I wholeheartedly support the recommendations of the Employment and Learning Committee report.

**Mr Deputy Speaker (Mr Dallat):** I call Ms Anna Lo, whom I should have called last.

**Ms Lo:** No problem, Mr Deputy Speaker. I rise as the Alliance Party member on the Employment and Learning Committee. I thank all of the stakeholders who participated in the inquiry, as well as the Committee staff for their hard work throughout the process of producing this very comprehensive report. I pay tribute to the Chairperson for his wonderful leadership throughout almost two years of the inquiry. I was in the Committee for only part of it, but I certainly appreciate the hard work that was put in by the Committee, particularly the Chair.

The Committee visits took us from Belfast to Manchester, and a large number of places in between, to better inform us of best practice. I was particularly impressed by our visit to the Springvale employment and learning centre in Belfast. We went to look at its post-18 transition programme, which works with a number of schools in the Belfast area. The transition process begins at age 14. The pupils at special schools come to Springvale as part of their school week. During that time, they get a chance to see what is on offer and what they are interested in, before leaving school. This is the first year of the post-18 course, and there are 23 students involved in the pilot. The college provides a coordinator and classroom assistant for some students, with provision tailored around the individual's needs to ensure a greater chance of progression in their training. The students also have their own common room, where they can socialise and share their experiences with others. In fact, I booked and went for a hair appointment with two of the students in order to give them some encouragement. I must say, they did a great job.

I will make some references to recommendations 5, 6 and 31 of the report. We find recommendation 5 to be particularly important and positive, following evidence received by the Committee that emphasised the necessity of a person-centred approach to the provision of post-special education services. For instance, stated in the Clanrye submission is the desire of parents not to have the young person forced into a one-size-fits-all training model. We agreed with them that an individually specialised service, delivered by caring staff, is required. That is supported by academic research, such as a review commissioned by NICCY into services for young people with learning difficulties. It highlights the

importance of such an approach, particularly in arranging further education and day care for young adults. That recommendation is, therefore, significant.

We believe that the system of self-directed payments must be reviewed, as outlined in recommendation 6. It has been pointed out by the National Autistic Society that, in England, there has increasingly been movement towards personalisation and self-directed support in the provision of services to those with learning difficulties. That system enables those who need it to have support, information and assistance at a time and in a way that is right for them. We feel that such a positive move must be implemented here and that the DHSSPS should, therefore, consider how that can be taken forward.

#### 4.15 pm

We believe that recommendation 31 is necessary, as during the inquiry it became evident that, in Northern Ireland, we are lagging behind England in the provision of best practice. It has also been suggested to us that there is a need for further investigation of international best practice to inform our development of provision for those with learning difficulties. Although we have identified many examples of good practice across Northern Ireland, such as effective community-based approaches in regional areas, we must ensure that we do all we can to improve upon that.

I believe that the recommendations outlined in the report are valid, formed as a result of a thorough inquiry and will be beneficial to young people with special educational needs. I support the motion.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I will speak on the Committee report into special educational needs provision in education, employment and training for those in our society with learning difficulties. I thank the Committee staff, who have done an excellent job in organising and pulling together all the information collected along the way, and all those who gave evidence and hosted our many visits. I echo what Anna said about the leadership shown by the Chair of the Committee, who guided us through every level of it, with the help of the Committee staff. That not only made the inquiry worthwhile but in many ways allowed us to get all the information that we needed.

The purpose of the inquiry was to highlight the many difficulties there are for young people with learning difficulties and to make a series of recommendation that we believe would make life better for them, their families and those with responsibility for the provision of services. The 44 recommendations, if accepted, could, we believe, offer a road map and new beginning in the provision of post-19 education, training and employment. I add that this has been a journey for me personally and that there has been a major learning curve along the way. The decision to begin an inquiry into post-19 special educational needs provision probably had its beginnings in another inquiry, during which it was highlighted in the presentations we received the injustice that exists out there towards citizens with varying degrees of learning difficulty.

Whilst on that journey, we had the privilege to speak to teachers, classroom assistants, principals of schools, parents, children and young adults. We learned that a huge amount of good practice exists out there. In schools, we witnessed the dedication and commitment shown by

educators and families alike. We saw some great practice in operation during the many visits that we undertook. We also spoke to people, who, in different community settings, work in under-resourced circumstances but, in the end, make the most of their circumstances to provide excellent services.

We spoke to parents who explained how difficult it is for them working within the present system, especially in the process of transition for children moving to adult services, which they believe has let them down in many ways. Some believed that the transition at 18 may not suit everyone. Some felt that remaining in the system their loved ones had grown up with and become used to might offer the best solution for them. Some argued that 25 might be the age to transition, certainly for some people, if not for everyone. Others believed that the process hampered the smooth transition from children's to adult services and left many parents and teachers alike concerned that a process that was supposed to be beneficial and deal with moving from one system to another had broken down in a number of cases.

As the Chair said, the Committee, for the purposes of getting through the recommendations, allocated different sections of the report to each member. I was allocated the section under the heading "Progression", which begins at recommendation 7. The Committee recommends that there be a review by the Department of Education and the Department for Employment and Learning to ensure that college courses below level 1 are adequately funded. In recommendation 8, the Committee recommends that the Department for Employment and Learning's funding process, for all its service providers, should support courses and training that provide life skills for young people with learning disabilities. The Committee also recommended that the Department for Employment and Learning, as part of its employment strategy for people with disabilities, review its programmes, with a view to making them more transparent and applicable for those with learning difficulties, including those with complex and high support needs.

On recommendation 10, the Committee recommends that the Department for Employment and Learning increase the number of training and employment opportunities available to those with learning difficulties by improving its support, training and incentives for employers.

On recommendation 11, the Committee recommends that further education colleges develop a more strategic approach to building relationships and partnerships with social firms to help to develop courses and work experience opportunities to assist the transition from classroom into work. The Committee also recommended that further education colleges and training providers should take into consideration the local labour market and possible avenues for employment when developing courses.

That finishes my element of the report, but I would like to add that we have an opportunity here. Through the recommendations, we can make a difference to the lives of the most vulnerable in our society, their families and those who work with them. I hope that they do not end up on the shelf when the new Assembly sits but become the guide for good practice. If we fail to grasp that nettle now, we will do a disservice to those with learning difficulties and their families, who look to us as legislators to make the laws that will make life much better for a wide range of vulnerable people.

**Mr Anderson:** I rise as a member of the Employment and Learning Committee to support the motion and the report to which it refers. I wish to place on record my thanks to the Chairman, the Committee Clerk, all the staff, and all those who engaged with us during our consultation and consideration of the issues covered in the report.

This is an important report. Our inquiry into post-school provision for those with learning disabilities highlighted a number of areas of concern as well as evidence of good work that is going on. Our aim is to ensure that meaningful progress is made. Our investigations into the issues led to the report's 44 recommendations. It is a cross-cutting report that will require action on the part of a range of Departments and other statutory agencies.

I will speak to recommendations 17 to 21, which deal with social inclusion. We must ensure that everything possible is done to tackle social exclusion and to integrate those with learning disabilities more and more into mainstream society. In recommendation 17, we suggest that the Department for Employment and Learning broaden the remit of post-school education services in order to provide better support for physical activity and wider personal training for people with learning disabilities.

The evidence presented to us emphasised the centrality of the community, but it also indicated that there were problems. For example, facilities can be located separately from the community in industrial estates or on the edge of towns. Geographical location can, therefore, increase the sense of social exclusion.

Concerns were expressed that day-centre opportunities can tend to be quite inactive, and that can contribute to obesity and other health risks. There is a need for access to community leisure facilities to promote healthy lifestyles for mental and physical health. Sperrinview Special School believes that those in day centres should access recreational courses, which should be extended into the community, for example, trips to leisure centres and visits to cultural events such as exhibitions and concerts. Sperrinview believes that that should be seen as part of education.

Further education colleges pointed out that many of their courses are based in the community and that they work in partnership with local communities. By way of example, they told us about schemes for community gardens, sustainability, and growing your own food.

I now turn to recommendations 18 and 19. In recommendation 18, we suggest that Departments and local councils should coordinate to conduct an audit of affordable local assets and facilities to raise awareness among providers of what is available.

Recommendation 19 suggests a joint development and roll-out of awareness-raising and training courses for front-line staff in community services and leisure centres.

We acknowledge that local community bodies are developing their own innovative solutions to increase community involvement for those with learning disabilities.

Two examples are given in the report: the Level Ground coffee shop in Dundonald Elim church hall and the Bobbin cafe in Belfast City Hall, which is part of the NOW project. Those sorts of initiatives are very worthwhile, as they are giving training and employment opportunities to those with learning disabilities. The Committee was also encouraged

by the range of business organisations that employ people with learning disabilities. That is to be commended.

During evidence, it was suggested that community facilities are not being used as well as they might be and that there is clear room for improvement. One example of good practice is that highlighted in paragraph 227. In Armagh and Dungannon, community access workers were appointed to the Health and Social Care children's disabilities team, and greater links have been developed with the local schools so that school facilities such as swimming pools can be used. That has enabled partnership-working with parents and voluntary organisations such as Mencap. It was particularly encouraging to learn that the schools' A-level pupils were also able to offer support. In general terms, the evidence suggests that there needs to be a community element to service provision, building on local knowledge of opportunities, facilities and transport.

I will now turn to recommendations 20 and 21. During our evidence sessions, we became aware that rural areas are not as well provided for as our cities and bigger towns. A representative of the health and social care trust told us that the trust on its own cannot provide the desired level of support. Councils and other statutory organisations must be fully aware of their remit from the outset and be clear about what they are providing. Opportunities must meet the needs of the target audience.

In its consideration of rural and local provision, the Committee visited the farm of Mr and Mrs Dolan in Garrison in Fermanagh. The Dolans are involved in a social enterprise, supported by the health and social care trust. The Dolans' farm provides training and work for a group of people with learning disabilities. There are opportunities to work on the farm in a safe and supervised environment. The work is both physical and educational and is based on small groups. We welcome such an innovative approach. Recommendation 20 therefore suggests that DEL engage with the health and social care trusts to develop the social farming initiative so that it might become a mainstream option. Recommendation 21 recommends that the College of Agriculture, Food and Rural Enterprise (CAFRE) provide training and support to those involved in the likes of social farming.

That is all that I have to say. I again thank everyone involved in the report, which I consider a great piece of work for the future. I commend the report to the House.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I start by paying tribute to all those who supported the Committee in carrying out the work and who helped us MLAs gain a better understanding of the issues facing people who have special educational needs. I pay tribute, as many colleagues have done, to the people who came forward and presented their personal stories and gave us their personal experience of how the system had failed them or of how it could have been set up better to meet their needs.

Personally, I have learnt a lot from the deliberations that we have had over the past number of years and from looking into the issue. It has been very helpful. I thank the Committee staff, who carried out an amazing amount of work to put the report together and kept us right, and all the outside experts who advised members and Committee staff. I also thank the departmental officials, from a range

of Departments, who were willing to come before the Committee and keep us right, even when we did not agree with what they were saying, which was nearly all the time.

In setting the context, some Members outlined how we arrived at this. As MLAs for Fermanagh and South Tyrone, my colleague Bronwyn and I received an awful lot of correspondence and lobbying from people, mainly parents, in south Tyrone. Bronwyn had a very good working relationship with them and was very much across the detail of the extent and range of problems facing people in rural areas in trying to access services that do not exist in the first place. Even when they do exist, there is a major barrier to trying to access them.

It was because of those people and their effective lobbying of MLAs from all parties that the Committee engaged in the process. I pay tribute to them and to the MLAs who listened to them, took their serious concerns on board and became champions for them. For me, that is effective working for an MLA: engaging with a section of society that generally is not heard and does not necessarily respond to public consultations. As I look through the report and its 44 recommendations, it is fair to say that those people have now been heard. There is now a substantive report that needs to be acted on, and there is cross-party support for urgent action. The message that we are sending to the permanent government — the Civil Service — is that we now expect solutions to be brought forward. We have identified, along with the stakeholders, the parents and the people who use the service, the range of problems and complexities. We now expect solutions, and the Chair of the Committee has indicated that MLAs will keep a watchful eye on this.

#### 4.30 pm

This is detailed and complex work. We are dealing with issues across the spectrum, from complex health needs to the provision of services in rural areas and everything in between. The advice that the experts gave us was helpful, as was the advice from service users. Among the stakeholders who came forward and identified problems, there was not always agreement on the solutions. The Committee took the issues in the round and tried to identify sensible and pragmatic solutions. I am hopeful that, when the many people who take a keen interest in the subject read the report, they will be content with the work that we have commenced and the recommendations we have called on the Department to bring forward.

I have written here “The majority of my remarks will focus”, but I have already used four of my seven minutes, so it will not be the majority. I was mandated to speak about the requirement for coordination between Departments. The most common frustration that I heard through all our engagements was that, no matter what we were told, there is still a silo mentality between Departments and agencies. There is not one overarching Department or agency that takes responsibility and says, “We’ll deal with that”. Everybody says, “Not my problem” or “Transport is not a problem for me. Somebody else has to sort that out”. That is where we need better coordination. We need people to work better together and to come up with solutions instead of finding reasons why something cannot be done. There needs to be a complete change of mindset as to how we get something done instead of saying why we cannot do it. That has been a frustrating aspect of the inquiry for

the people who are heavily involved in campaigning and lobbying to get these changes.

Four recommendations fall within the parameters of “coordination”. The big one, which is not really the one that you would expect, is that we fully support the development of local forums or hubs to bring together not only key stakeholders from the statutory and voluntary sectors but families and key employers in an area, who must also be involved in the process. There is no point in statutory and voluntary organisations talking to each other if they are not reflecting the views of the service users and the employers and the opportunities that exist in an area. We want to see the establishment of those forums and hubs to meet the needs of those people, to allow open conversations to take place and to allow people to feed back what is going right or wrong with the service provision.

I pay tribute to the staff who provide first-class services for people with special educational needs. Their ability to deliver is restricted by what would be called the “system”. We owe them a debt of gratitude for having the patience to still work within that deeply flawed system. We owe it to them to change the system so that it meets the needs not only of the people who use it but of those who work in it.

There is no doubt that money is a problem. You could spend as much money as you could find on this area, and it would still not be sorted. However, that is not the only problem. A change in how we value and treat people with special educational needs is an issue across society. Those issues are well reflected and identified in the inquiry report.

It has been a very rewarding piece of work personally. I do not think that there are any votes in work of this nature, but I think that the effort that MLAs from the Committee have put into it has been hugely rewarding for us. I commend the report to the House.

**Mr Newton:** I also thank the Committee because, as we in the Education Committee were working through the special needs Bill, we were aware of the work being done by the Committee for Employment and Learning. Indeed, in many ways, there was a synergy between the two pieces of work, and there certainly was for the pupils who were reaching the time of transfer from the special needs school on to, hopefully, work or education or perhaps to some other facility.

I will start by saying that I learned of one major thing that, I think, is an impediment to the pupils in special needs schools achieving their full potential so that they can move on to education or training beyond school age. Members of the Committee had contact with Fleming Fulton School, Tor Bank School, which gave evidence to the Committee, and Glenveagh School, which met members of the Committee informally. One thing that each of them raised was that they are not in full control of the school budget. Unlike a mainstream school, a special needs school is not allocated a full budget for the year so that it can make use of the budget in the way it professionally sees the needs of the school to be determined; indeed, it does not have control of the outplaying of that budget. I have not had a satisfactory answer from the Education Minister in the Chamber about that impediment. The Committee has taken the opportunity to write to the Minister about it. That is a matter that needs to be addressed so that, when people move on to training and further education, they are best prepared for it.

I only got the report a few minutes after it was launched, and the work that has gone into it is obvious. The report only becomes valuable if it results in action. We are where we are at this time and in this mandate, and it really is about what happens in the next mandate and under the next Minister. It behoves us as MLAs to make sure that specific action comes out of it.

I want to speak about recommendations 10, 11 and 12. They are important recommendations, but those three in particular do not stand alone and need to be coordinated. I speak as someone who has been supportive of a charitable organisation that does extremely valuable work in the area: the Orchardville Society. The Orchardville Society has recognised that, as budgets are reduced, it needs to take specific actions. It has taken actions along the lines of the formation of social economy businesses. Those social economy businesses, some of which have been going for a time, offer opportunities for full-time or part-time employment to those making the transition.

The Orchardville Society offers not only a job but, initially, the training by which skills can be acquired so that a student can make the transition into full-time or part-time employment.

**Mr McCarthy:** I am grateful to the Member for giving way. It is very coincidental that I have in my hand a pamphlet on what you are speaking about. I have been invited to a meeting tonight to hear what Orchardville has to offer, in conjunction with the South Eastern Health and Social Care Board, operating from Dundonald House. I am gratified to hear the Member singing the praises of Orchardville, because that is exactly what will help and encourage families like mine to get what is available.

**Mr Deputy Speaker (Mr Dallat):** The Member has an additional minute.

**Mr Newton:** Thank you very much, Mr Deputy Speaker.

It has taken the opportunity to perform, in association with employers, statutory bodies and stand-alone business enterprises. I think that you will be surprised when you hear tonight what Orchardville actually does.

Unlike Anna Lo, I did not have an opportunity to have my hair cut by anyone from that background. In fact, I would not really be much of a challenge; they would not have to demonstrate much skill to cut my hair. I do, however, eat in Espresso East, which is a cafe run by the Orchardville Society, and I can assure you, Mr Deputy Speaker, and Mr McCarthy that the food there is second to none. So, opportunities are there to be grasped, but organisations need the support to provide them.

That brings me to recommendations 10, 11 and 12, which are where those opportunities need to be picked up. Minister, there is lots that you could do in a coordinating role. However, others have a coordinating role as well, especially when we think of the huge leverage that business organisations have. Organisations like the Institute of Directors, the Chamber of Commerce, the Federation of Small Business, the Sector Skills Councils and, indeed, larger organisations can all, in a coordinated way, offer opportunities, along with DEL, to address these issues. The Minister does support industry and businesses, and these organisations are in receipt of financial aid.

One of the things that the House has been extremely keen to push forward is ensuring that any contracts awarded contain social clauses. Social clauses should also include those coming from a special needs background. By doing that, and by coordinating recommendations 10, 11 and 12, we can make a huge difference in the future to those suffering from special needs.

**Ms Sugden:** Thank you, Mr Deputy Speaker, for the opportunity to discuss the specific recommendations from the Committee's inquiry into post-special educational needs provision in Northern Ireland. Like others, I will begin by commending the work of my Committee colleagues and the Committee staff for the considerable work done on such an important inquiry. I specifically pay tribute to the Chair, Robin Swann. I think that he has led this particular inquiry with a lot of passion and genuineness, and it is clearly very important to him.

These young people often find themselves at a cliff edge when making decisions about the next steps of their life. We do have a net, but it is full of holes, and, unfortunately, too many people are slipping through, which is devastating for the young people and their families. I am personally quite interested in this issue. A woman, Clare, with learning disabilities — she will not mind me discussing her during this debate — works with me in my office, and one of the big concerns is what will happen to her if I do not get elected in May or if her mother passes away — she is an elderly lady, so that might happen — in the next five to 10 years.

A lot of such concerns have characterised this inquiry. People are concerned about what will happen to their kids or young people if and when they are no longer around. That all comes into this. So, I hope that the recommendations in the report will be seriously considered by the Department, moving forward into the new mandate. If the Minister takes away anything from this debate today, I hope that it is that he should, between now and May, use his influence to ensure the inclusion of these recommendations in the new Programme for Government.

#### 4.45 pm

I will speak to recommendations 26 to 30, which emphasise the need for high-quality information. I do not really think we need to go into too much detail about why more information is important. Knowledge is power, and, in this case, it is empowering for these young people, who certainly need our help.

The need for more information spans three issues. First, we need better and more accessible information to ensure that individuals with learning disabilities and their parents and/or carers can make informed, correct choices for their life moving forward and to ensure that participation. After all, it is their life and they should play a part in it. Secondly, there is a need to track the progression of individuals post-education. Thirdly, there is a need for systematic data collection to assist the monitoring and evaluation of programmes and projects to ensure that needs are met through the transition process.

Collectively, recommendations 26 to 28 endorse the need to collect, collate and share data. When speaking to them during the inquiry, representatives of the sector felt that, without robust data collection in particular, it is impossible to illustrate what young people with learning disabilities do when they leave school or to identify any barriers they

face in maybe going into further education or into finding employment or training programmes that could lead them into employment. I think that is important, and I stress that we need to share information and create a central knowledge platform so that parents and carers can access that for their children.

What also came out of the inquiry — this is important to note — is that, whilst it is acknowledged that there are social workers and transitional workers in place, there are not enough of them, and to get the best transitions for their young people, parents are having to do that work themselves. That is simply not good enough. Whilst we cannot provide full support through a social worker or transitional officer, we need to ensure that that information is available. It should not be disjointed and should be available in one central place.

Another revelation from the inquiry is that support seems to be inconsistent for young people whilst in education and then seems to be non-existent post-19. It is that cliff edge. Young people are getting lost, and, if anything, this is a group of people we need to support more than others.

Whilst parents are taking on that burden of statutory services that are too stretched to be provided by other agents, they are faced with the same hurdles that seem to characterise this government. That means that people are not able to pass on information to one another or collectively work together. It is the silo mentality that has been discussed by other Members. We are getting caught up in the red tape. In fact, the only people who are suffering from this are the young people.

Moving forward, one of the recommendations of the Committee is for all Departments to collect and share data on those with learning disabilities to better support individuals, plan services and decrease duplication. That duplication is happening across the board, and we are wasting resources when we could be putting them to better use.

Recommendations 27 and 28 almost follow on from that data collection in pulling things together. The Committee commissioned a piece of research from RaSe that mapped the services that are available across Northern Ireland. Recommendation 28 suggests that the Department should use that mapping model to provide a platform for parents and carers of young people with learning disabilities.

Recommendation 29 says that DEL should deliver a functional tracking system for young people leaving education. One of the big difficulties is that they fall off that cliff edge and then are lost. We do not know what is happening to them. Those in the sector, including Mencap in particular, told us that it is vital to collect that data, but, following on from that, we need to monitor and evaluate it so that we can ensure that DEL-funded or other Department-funded programmes address the need that we identified in the first instance. There is a lack of such a tracking system.

Finally, recommendation 30 suggests that transition planning should begin at 14 so that Departments such as DEL and Health can assess the numbers coming through and plan on a more long-term basis. That means that, when individuals get to that age, the right services are in place at the right time.

**Dr Farry (The Minister for Employment and Learning):**

Thank you, Mr Deputy Speaker. I welcome the report, which brings the Committee's inquiry to a conclusion. I commend the Committee for this substantial piece of work, in which it has been engaged for the best part of the past two years. Through it, the Committee has listened to the views of many individuals and organisations and has collected and assessed the evidence provided. I wish to pass on my congratulations to the members and staff of the Committee for their endeavours. I also appreciated the opportunity afforded to my Department to brief the Committee and to attend stakeholder events during the very wide-ranging inquiry, which cut across a number of Departments.

The Committee will agree that these issues are very complex and affect some of the most vulnerable young people in our society. Parents are rightly focused on what is in the best interests of their children; they do not distinguish between which Department is responsible for what programme or which Minister is accountable for which service. Parents see their children as having particular needs and government as having a moral, as well as a formal, obligation to provide whatever support is necessary. Indeed, it is not only government but society in general that has an obligation to those young people. We should not underestimate the role that the community and voluntary sector plays in helping the statutory sector to deliver specialist programmes and services. Often, the community and voluntary sector is much better placed than either government or the statutory bodies to understand, support and generate meaningful progress in disadvantaged sections of our society.

Before I make some more detailed comments, I want to assure Members that I will ensure that my Department continues to work in partnership with others to deliver, where possible and with the resources available, the best service that we can to meet the needs of people with a learning disability or learning difficulties. In particular, I want to give Members the commitment that, before its meeting on 16 March, I will respond formally to the Committee with my Department's initial position on each of the report's recommendations. I am very conscious that we are coming to the end of the mandate, and I do not want to leave the issue hanging. Given that the Committee has put so much work into the report, I believe that it deserves, where applicable, a formal response to each of its recommendations from the Department as well as some indication of where we stand and the potential way forward on each of them. That is not an indication that we will accept all of them, as there may be issues that we want to highlight. However, it is important that we give a formal response and that there is a formal handover to my successor, who will have direct responsibility for employment and learning in the new Department for the Economy.

I also wish to say to the Committee and to all Members that, given the cross-cutting nature of the report, I propose to circulate the recommendations to my Executive colleagues and will ask that the Committee report be tabled at the next meeting of the Bamford subcommittee, where colleagues will have the opportunity to further discuss the recommendations. The report is cross-cutting and, whilst the Employment and Learning Committee has, quite rightly, spearheaded this inquiry and taken on the mantle on behalf of many others, there is a collective responsibility on all Departments to provide services for young people that are fit for purpose.

As regards the transition planning process, it is important that any decision on post-school provision should involve a number of statutory bodies in conjunction with parents and carers and the young people themselves. Leaving full-time education and the stability that it provides is a major step in any young person's life. However, for these young people and their families, it is in many cases made all the more difficult as the young person, due to their disability, finds it difficult to cope with change.

My Department's services are provided on a pan-disability approach. The key aim is to ensure that the needs of all people with special needs or disabilities are individually identified and addressed in the most effective way. I am committed to the development of a highly skilled, flexible and innovative workforce that will contribute towards social inclusion and economic success.

The Department's programmes and services aim to meet the needs of individual clients, with additional support, including extended eligibility criteria and additional funding, offered to people with significant barriers, such as a learning disability. A key aim is to ensure that people with special needs or disabilities are identified and, as appropriate, provided with personalised support. The Department's delivery of those services contributes to the overarching OFMDFM disability strategy.

My Department offers a wide range of services to students leaving special schools, from job searches to training programmes to more formal education. Care is taken across the board to ensure that services and facilities are open to people with disabilities, including special educational needs and learning disabilities, and can be easily accessed by them. The Department will always welcome the opportunity to make any improvements that are necessary.

The Committee's extensive report contains 44 recommendations in total, 32 of which fall to DEL solely or jointly with other Departments. From my perspective as Minister for Employment and Learning, I and my officials will want to give careful consideration to the report to establish whether there are areas in which my Department's services can be improved. With regard to my Department's contribution to date, I hope that Members will indulge me for a few minutes as I outline a few improvements that I have taken forward over the past couple of years to help improve our offering.

There has been an increase of £1 million — to a total of £4.5 million — in the funding for students with learning disabilities through the further education additional support fund. That was in recognition of the importance of enabling access and providing support to students with learning disabilities to meet their goals in education, progression to employment or training or towards independent living. The ring-fenced funding for FE colleges enables them to provide the additional support required to allow students with learning disabilities to participate in mainstream FE provision or in discrete provision. Two and a half million pounds of that fund is used to provide additional technical and personal support, while £2 million is used to accommodate discrete provision in smaller class sizes.

Regarding social clauses, the Minister of Finance and Personnel agreed to my request to include an additional clause in public-sector contracts to:

*"provide employment, training and skills development opportunities for people with a disability."*

That, of course, includes those with learning disabilities.

In a spirit of collaboration, my Department chaired an interdepartmental group on transitions that resulted in a transitions action plan being drafted. In May 2015, my Executive colleagues agreed the action plan, which sets out a range of proposed actions across government that aims to deliver improved support for people post-19 with severe learning disabilities. The action plan was monitored for the first time in September 2015. It represents a baseline position for Departments and identifies scope for change. The action plan is very much a living, breathing document, and the potential is there for it to be reviewed on an ongoing basis.

I suggest that, as we present the findings of the Committee to the Bamford subcommittee of the Executive over the coming weeks or months — whenever the next meeting is scheduled — the action plan should provide the basis on which we can integrate the relevant recommendations and then have the ongoing monitoring of progress. In some respects, what has been happening behind closed doors in the Executive and in the process with the Committee may well readily come together in a revised and enlarged process. Given that this is an issue on which there is total unanimity on the importance of and need for improved services, I encourage Members and political parties across the House to make a commitment that we will seek to ensure that there is proper coordination and that we will use that vehicle as a means to take on board not just the Committee's recommendations but some of the existing practice in a much more holistic way.

In the time available, I also want to highlight the work of my Department's Disability Employment Service (DES) and the fact that we are moving ahead. Over the coming weeks, I hope to announce a new employment strategy for people with disabilities that has been developed in close consultation with key stakeholders from the disability sector. It aims to build on the success of existing disability employment services and will focus on the needs of those with significant disability-related barriers to work.

I also want to highlight some more recent developments in order to give a flavour of how the strategy will address several other key recommendations that are my ministerial responsibility. On the transition process after leaving school, the new disability employment strategy proposes much of what has been recommended in the report, but delivery will need input from other key players.

## 5.00 pm

My Department's Careers Service offers support to young people beyond school, in particular to young people who are not in education, employment or training, with a new strategy launched today. The continuation of the transition process past the stage of leaving school has a clear potential to impact on resources, but it must remain a key priority.

The report also recommends that my Department make its programmes more transparent and applicable for those with learning disabilities, including those with complex and high support needs. I assure Members that the new strategy will take that into account. There will also be a

disability stakeholder forum, with a proposal that user group hubs will have a two-way link to the group. The forum will also have members who have disabilities, including learning disability.

The Committee's report rightly flags up the need for more robust data collection and information-sharing systems to enable the tracking of young people, including those with learning disabilities. My Department has been exploring this area of work for some time, and we continue to advocate the use of the unique learner number to facilitate tracking the destinations of young people.

Work experience and job placements are important aspects of increasing skills and building confidence, and the strategy will also help to facilitate engagement with local businesses in encouraging them to consider the benefits of taking on young people with learning disabilities. In addition, the Careers Service will play a critical role in that work experience, including new portals and websites to ensure that we have proper visibility and equality of access.

I know only too well, from my engagement with young people with learning disabilities, their families and through representations that I have received from elected representatives, that this is an increasingly important matter for them and requires a concerted cross-departmental effort if we are to deliver better-quality services. I very much welcome the report, and, as I said, I give a commitment that I will formally respond to the Committee before the end of the mandate, so that members can at least see, on an interim basis, how government envisages taking forward the recommendations from a very detailed report and an extremely worthwhile exercise.

**Mr Buchanan:** I pay tribute to the Chair of the Committee, as Members have done throughout the debate, for the way in which he led the Committee through the entire process. I also thank the Committee Clerk and the staff for the enormous amount of work that they put into bringing the report together.

In taking on the inquiry, the Committee acknowledged that there were huge problems for individuals with learning difficulties and their families when they leave full-time education, where they have had long-term support. They then find that they have very little help and few options on where to go and what to do next. It was recognised that help is available until the age of 19, but it then drops off in many instances, leaving those vulnerable young people with no option or outlook for the future and having to remain at home with elderly parents and relatives.

In addressing those issues, this inquiry and report represent one of the best pieces of work that has been done during the term of this Assembly. It has not only shone a light on where the difficulties lie but brings forward 44 recommendations to help to address problems that have been ongoing for many years. I believe that, when the recommendations are implemented by the relevant Departments in the new mandate, they will make a significant difference to the lives of those who need it most.

Committee members focused their remarks on various aspects of the report and recommendations. Before I turn to their remarks, I will focus for a few moments on the legislation issues and the report's recommendations. From the outset of the inquiry, the Committee agreed that

it would not shy away from bringing forward legislation, should that be deemed necessary, to improve post-school provision for those with learning disabilities. The Committee looked at the legislation in England and Wales and considered a range of evidence on possible legislative options, as well as commissioning research papers from the Assembly's Research and Information Service.

The two main recommendations submitted to the inquiry, which the Committee considered, were to extend the age limit for state support from 19 to 25 and to create a commissioner or champion for learning disabilities.

**Mr McCarthy:** I am grateful to the Member for giving way, just for a second. Does he agree with me that this is a fantastic report, particularly for youngsters with learning disabilities? Hopefully, as the Minister says, if it is acted upon, it will make such a difference to the community that we all represent. Does the Member agree that if Stephen Nolan, Mark Carruthers or Conor Bradford got ahold of this, they should advertise it and let the public know that this place has produced a fantastic report on behalf of people with learning disabilities?

**Mr Buchanan:** I think the Member makes a good point, but you can be sure of one thing: that is not the type of news that those people want. They want to point to something that is much more negative than this to say that we, up here, do not really do anything that is of benefit to the people.

In the evidence that the Committee received, some pointed to the fact that those with learning disabilities do not have the same opportunities at 19 years as others and said that Northern Ireland should adapt to support people with learning disabilities until they are 25 years. Others felt that consideration should be given to the potential for a college for 19- to 25-year-olds with learning disabilities, which would provide greater opportunities for them to develop their lifelong skills. At a joint briefing, Department of Education officials pointed out that a proposed increase in statementing to age 25 was such a fundamental change that it would be difficult to stand over and assess. They did not think that it was the right way to go.

The Assembly research service provided evidence of the benefits to be gained from piloting initiatives, such as internship programmes, as well as the independence to be gained from FE programmes, as this can have important social benefits for people with learning disabilities, allowing them to develop and carry on their friendships. The National Audit Office identified the savings made to the public purse in the long term when investing in support for young people with learning disabilities in the short term. It appears to be a prudent use of limited resources, especially in the context of ongoing financial constraints and challenging spending decisions for the future.

The Committee recommended that DEL undertake an assessment of the English legislative model and consider its applicability to the Northern Ireland setting. It recommended that the Department of Education and DEL should assess the potential long-term savings made by investing in support for young people with learning disabilities.

One view received in the Committee's evidence was that a commissioner for people with learning disabilities should be established. Throughout the evidence-gathering and many visits to schools and post-school provision, the Committee was left in no doubt about the work that goes on daily on behalf of individuals with learning disabilities. There was

no escaping the fact that many parents are fighting a battle a day to get what should, by right, be provided for them. Many feel that they have to struggle, on a daily basis, for rights that are freely available to everyone else but not to them. Again, the Committee's recommendation is that DEL, DHSSPS and OFMDFM should ensure that advocacy services for those with learning disabilities are adequately resourced to ensure that there is a strong vocal presence, engaging with and challenging government on a case-by-case basis and at policy level, to ensure equal rights and access to the services.

Another issue highlighted was the problem found by people with learning difficulties that, when it came to employment, employers shied away from employing these individuals. DEL highlighted that it had established a dedicated social clause team to engage with successful employers and ensure that there was a single point of contact supporting employers to access the supply chain. The Committee's recommendation was that DEL should lead the way in introducing work experience and employment opportunities into a social clause structure, with a view to such practices being rolled out right across all the Departments.

I turn to what Committee members brought forward in the report. It is a very detailed and lengthy report, and it is very good.

My colleague Mr Hilditch raised the issue of parents having to negotiate the benefits system when trying to help their loved ones and friends and find training opportunities that do not see them losing their benefits. That is one of the big issues. Because of the way the system works, people can lose out on their benefits if they seek to help someone else with a learning disability.

Ms McGahan highlighted the problem of transport provision for those with learning disabilities. She used the example of the Dungannon area and said that she knew, from her experience, of the transport issues facing those in rural areas. If you come from a rural area, you know exactly the problems and difficulties in the coordination of transport services in those areas. We see so many different transport provisions, yet and all they are not utilised to their full potential. A lot of work needs to be done to address those issues.

Ms McGahan also mentioned the transition process for pupils leaving Sperrinview Special School and the frustrating experience that leaves young people with little choice for continued education. That frustration came across when we made our visits and spoke to people during the inquiry.

Mr Gerard Diver talked about the need to ensure good work experience and spoke of the barriers that employers face when offering places to young people with learning disabilities. He noted that this applied to employment opportunities as well, and he noted the Committee's recommendations that more could be done to support employers in taking on individuals with a learning disability. The Departments need to look at how we can better support employers in taking on those with learning disabilities, what incentives we can offer them and how we can help them to do that. If we are serious about the report and its recommendations, that area needs to be developed.

My colleague, the Chair of the Education Committee, Mr Peter Weir, highlighted the recommendations relating to

the Department of Education, especially with regard to better cross-departmental working. He supported the recommendations on the transition process.

Anna Lo was impressed by Springvale training centre and its post-18 transition programme. She thought that recommendation 5 was very important and said that, from the evidence, there must be person-centred approach, which she said was very important for the future education of those young adults. Of course, a person-centred approach is the way forward for people with a learning disability. For people who need help and support, it is a person-centred approach that will take them forward and give them the confidence that they need to move into employment and into supported living. Ms Lo also said that there was lots of good practice in Northern Ireland but we must ensure that more is done. That is absolutely correct: more work needs to be carried out in these areas.

Mr McCann talked of the dedication of the staff who work with young people with learning disabilities and highlighted the Committee's recommendations around the issues of better planned progression to ensure that the young people continue to learn and develop after leaving school. Again, a good point that was raised is that more work must be done in the area.

My colleague Mr Anderson noted the cross-cutting nature of the report, across not just Departments but their agencies and other sectors. He talked of the need to widen the definition of education provision to include physical activity, the need for better awareness-raising to support people with learning disabilities in community locations and the better use of community facilities. He highlighted the use of the social farm, which, of course, the Committee visited. Unfortunately, I did not get there that day, but I talked to the folk here about it later. The social farm development and the work that it does for young people with learning disabilities is worth seeing. It is worth seeing exactly what that provides.

## 5.15 pm

Mr Flanagan spoke about coordination and the difficulties some individuals have in finding someone in government who takes responsibility. He highlighted a problem there. My party colleague Mr Newton spoke of the vital role of the social enterprises in supporting people into work. He highlighted the work of the Orchard Vale Trust. He also spoke of the need to use social clauses to open up many more opportunities.

Ms Sugden spoke about better information gathering to ensure that young people are represented, know what services are available and, more importantly, know what is right for them. She also highlighted the mapping exercise carried out by Assembly research and said that it was a model that could be used by the Departments.

As I said at the outset, I believe this is one of the best reports that has been brought forward. As one Member mentioned, perhaps Mr Nolan and other people in the media will pick it up, look at it and bring it forward. Of course, not forgetting the Minister, we are glad that we have his support. He said that, by 16 March, he is going to bring a report back to the Committee and respond to the recommendations. We look forward to that. We assure you, Minister, that you have our support all the way on this issue. We hope that, in the next Assembly, whoever is in

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ministerial positions will pick the report up, take it forward and implement it in full. We will then begin to see on the ground the difference this place makes for the people who really matter to us in Stormont.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Employment and Learning on the inquiry into post special educational need (SEN) provision in education, employment and training for those with learning disabilities in Northern Ireland [NIA 306/11-16]; and calls on the Minister for Employment and Learning to liaise with his relevant Executive colleagues to implement the recommendations contained in the report.*

*Adjourned at 5.17 pm.*

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# Northern Ireland Assembly

Monday 7 March 2016

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Speaker:** Before we proceed, I want to return to the point made by Mr Wells last week about the amount of legislation going through the House. In the previous four years of this mandate, by my reckoning, we passed 37 Bills, but we may well end up passing a further 30 Bills in the final year of the mandate since September 2015. It is important to note that that has created very significant pressure on the Assembly in recent months. I thank the Whips, Members and particularly staff, who have managed it so well.

Now that Mr McCallister's Bill has been passed by the House, I can say that I am delighted that it includes a provision for an annual legislative programme. I and my predecessors have been calling on the Executive for some time to introduce a legislative programme to assist with the management of their business. I believe that that will assist in better regulating the hours of the Assembly to eliminate peaks and troughs across the mandate.

The next Assembly should seriously consider other measures to help to develop a much more family-friendly system of working, including systems of electronic voting. At the start of the Assembly's Women's Week, I acknowledge that reducing the number of late sittings would make seeking election to the Assembly much more attractive not only to women but all parts of our community.

## Matter of the Day

### Attack on Prison Officer in East Belfast

**Mr Speaker:** Mr Andy Allen has been given leave to make a statement on the attack on a prison officer in east Belfast, 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 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 finished.

**Mr Allen:** I tabled this Matter of the Day with feelings of disgust, sadness, anger — the list goes on. There can be no justification whatsoever for the despicable and heinous act of those people who attempt to drag us back to the days of the past. They are gone; they are behind us. Those people need to get with the times.

We need to support the Police Service of Northern Ireland in every effort to take these people off the streets so that they cannot carry out these attacks on our fellow citizens. Let us not kid ourselves or deny the fact that this could have caused havoc and devastation in a built-up area. You cannot put it into words.

I was at the receiving end of an IED blast and know only too well the devastation that that can cause. My thoughts are with the prison officer and his family at this difficult time. Let me say this to the prison officer: there is light at the end of the tunnel, and I am living proof of that. We will not allow these people to take us back to the past.

**Mr Givan:** This attack was despicable and disgraceful. It was an attack on a prison officer, a father and a family man. It was an attack on an individual because of the uniform that he wore — a uniform that he put on to protect all of us. Prison officers do a job on behalf of all the community, because we in our society have determined that individuals who break the law should be punished and sent to prison. They do a job for all of us. This attack is part of the ongoing campaign by republican terrorists in Roe House to get greater control and movement and to return Maghaberry to the way that it was during the Maze. It is a well-trying and tested tactic of republican terrorists: 29 prison officers were murdered during the days of the Maze, and then David Black was murdered during the days of Maghaberry. Now there has been another attack on a prison officer as part of this campaign.

I know, as the son of a prison officer, now retired, who served for over 30 years, the impact on families and the sacrifices that thousands of them have made over the past decades, such as checking under your car, not being able

to drive on certain roads and having to avoid certain areas of Northern Ireland. That was normal to me; now, when I look back, it was far from normal.

We, as a society, need to send a very clear message to those prison officers that we stand shoulder to shoulder with them. Prison officers and their families have not got the recognition and the support that they deserve; they did not in the past and they still do not today. They do not get the support that they should from the Department of Justice or from Prison Service management. I spoke to prison officers over the weekend, and they know that they will hear words of condemnation from the heads of all those organisations, but then the pressure is on: "Get back to work." The sick leave policy is, "Yes, you have been assaulted, but get back to work." If you do not, you are threatened with dismissal.

We need changes to how the Department and the Prison Service treat the rank and file of the Prison Service. As a society, we need to send a very clear message that we will not tolerate this and will stand shoulder to shoulder with the men and women of the Prison Service.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. I join with previous Members to speak in declaring our total and absolute solidarity with the family of the prison officer who was injured in Belfast last Friday. We wish him a full and speedy recovery and give our full and total support to his family as they deal with this. This attack has, quite rightly, been condemned this morning by all in the Assembly and, no doubt, by anyone else who is going to speak about it in the coming moments. That is right. We also have to give our full support to the PSNI as it carries out its investigation.

We have to send a very clear message to those who launched the attack. Thankfully, they have little or no support in the community. We have to send them a message from the Assembly and all the political parties that there is no place for this type of attack and that whatever disputes and issues need to be resolved will be tackled by peaceful and democratic means. That is the right message to go out from here this morning.

I conclude by, once more, wishing a speedy recovery to the prison officer involved.

**Mr Eastwood:** I thank Mr Allen for raising this Matter of the Day. He spoke with great eloquence and experience of these matters. Our thoughts and prayers are, obviously, with this public servant — for that is what he is — who goes about his everyday work and should not have to expect a bomb underneath his car. The people who carried out this attack did so with a mix of vanity and insanity and are deploying what has been proven to be a failed strategy. They are deploying it today when the people of my generation and the generations to come want to move on and are fed up with this type of nonsense. These people think that they can drag us back to the past while, at the same time, talking about the future.

It makes absolutely no sense, and the people of this part of the world stand in opposition to them. They tell us that they are fighting the British state and elements of it, but the people those so-called dissident republicans are actually fighting are the Irish people, and there will only ever be one victor in that battle.

**Mr Ford:** I wish to add my words of condemnation and sympathy. What happened on Friday morning was an outrageous attack. Not only was it an attempt to take the life of an individual prison officer, it was an attack on anybody who happened to be in the vicinity. It put lives at risk, and it was an attack on all who work in the Prison Service. As such, it has to be resisted by all of us.

I am pleased that the injuries to the officer were not as severe as first feared, and I add my wishes for his speedy recovery. On Friday morning, I had the opportunity to speak to some members of his family, and I was pleased to see the support that they were already receiving from members of the Prison Service Central Benevolent Fund as they coped with the potentially tragic news that had been inflicted on them, because they were still unsure of how things were.

I spoke also to senior officers in the Prison Service and in the PSNI. The director general — I think that this is now public — has made it clear that she has requested an updated assessment of the security threat to her staff. I have no doubt that that will be supplied speedily and that the Police Service will continue to support prison officers as best it can.

What is most important is the resolution and determination shown by all in the Prison Service and Police Service in standing up to those who would carry out such an attack. I am grateful to hear the messages of condemnation that came from right across the community, not just from parties represented in the Assembly but from others far beyond it, making it absolutely clear that these people have nothing to offer us. It appears that they are more wedded to some form of struggle than to any possible outcome. The unity of the community in standing against them is much to be welcomed and applauded.

I met the officer concerned a few months ago, when I was out on one of my visits. He is an officer with a significant number of years' service who plays a key part in the Prison Service. He is also active in the community. His service to the community is not just when he is wearing a prison officer's uniform — although it is significant when he wears that uniform — but he is active elsewhere. He is the kind of citizen that society needs. He is the kind of person who is of benefit to the public service as well as to the wider community, and he is a fine person who had no reason to be attacked. He was a person who was doing his duty in uniform, as well as being an active citizen elsewhere.

I join in sending, again, my best wishes to him, his family, his friends and his colleagues. They are all in our thoughts and prayers, and we trust that we will see him receive a speedy recovery.

**Mr Douglas:** I rise as a Member for East Belfast and as a member of the Justice Committee. I thank Andy Allen for bringing this matter to the House this morning. I, along with the rest of the House, want to offer my support, my sympathy and, indeed, my prayers to the injured prison officer but also to the residents of the area, who have been traumatised in many ways. I live a few streets away from the prison officer, and I know the area. Women take their children to school every morning, often at that time. So, it was a cowardly attack on an innocent man but also on the whole community.

These cowards — that is what they are — hide in the shadows. They are not political idealists; they are death

squads. They are not concerned whether they kill a prison officer or member of the security forces — a Protestant, Catholic, dissenter or whatever — because they are absolute death squads. I have heard them say that their day will come. I think that the message from the Chamber today is that, “Your day will never come”. Whatever that day is, it will never come, and certainly not by murdering and trying to murder innocent people.

#### 12.15 pm

I was in one of the prisons at the weekend, and I spoke to prison officers. It gave me a sense of real admiration for those people who not only work in the prisons but have to go home, probably in dangerous conditions, and to their work. So, I want to say very clearly today that we need to continue to support prison officers, and I am encouraged that all sides of the House are condemning these murderous death squads.

**Mr Allister:** Under the veneer, from time to time, of apparent normality, it is often forgotten that prison officers continue to be on the front line, because there continues to be a concerted, deliberate, driven campaign to try to retake control of the prisons. And, of course, it is modelled and built upon the Provo template of the past, when taking control of the prisons was a key component of strategy, and complementing it was the attempt outside the prisons to terrorise those who dared to work in them. What we saw in the murderous attempt on Friday morning was more of the same. It was just as vile, as wrong and as contemptible as every one of the past murderous attempts, which all too often did succeed and saw 30 prison officers murdered over the years.

I must say that, given that the murderous intent was just the same as that of a Member of this House who shot a prison officer in the head, I found it nauseating to have to listen to the hypocrisy of that Member in our public media, lamenting supposedly about this attack, when it is an attack precisely on a par with the one that he was quite happy to participate in.

Make no mistake: what we saw on Friday was a repetition of the Provo template; maybe even a repetition of the use of the Provo Semtex that was used, supposedly decommissioned but applied to the same purpose as in the past by others, who have yet to admit and acknowledge that what they did in murdering 29 prison officers was ever wrong, was ever contemptible or was ever any of the things that, for the sake of it, they now say about this attempt. All of it points to the debauchery and the amoral situation of all those who espouse, take to and have benefited from terrorism. Be it past or be it present, they all are equally reprehensible.

**Ms Sugden:** I join others in condemning the attack on the prison officer at the weekend. Some of the comments that Mr Givan made resonate with me, because I was the daughter of a prison officer, and we grew up, over 10 to 20 years, feeling threats in our lives. I remember once getting a telephone call to say that we would have to go to a safe house. We did not go to the safe house, and, thankfully, it was not necessary at the time, but it was a real threat. The worrying side of that was that it was normality for my family and the families of prison officers across Northern Ireland. That was 10 or 15 years ago, and it is quite sad to think that, in 2016, we are still faced with those types of threat. Whoever may try to justify this, there is no justification for

it. Regardless of whether it is for the centenary or any sort of commemoration this year, it is despicable.

Whatever side of the fence you are on in your political beliefs, these types of attacks do nothing more than undermine the cause you are trying to promote. I think what we, as Assembly Members, and people right across Northern Ireland can do is to stand together with all those in the security forces, including prison officers, against this attack. My thoughts are with the prison officer and his family.

## Assembly Business

### Standing Order 10(2) to 10(4): Suspension

**Mr Weir:** I beg to move

*That Standing Orders 10(2) to 10(4) be suspended for 7 March 2016.*

**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 Standing Orders 10(2) to 10(4) be suspended for 7 March 2016.*

**Mr Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. The motion is agreed.

## Executive Committee Business

### Fisheries Bill: Further Consideration Stage

**Mr Speaker:** I call the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, to move the Bill.

*Moved. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**Mr Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Fisheries 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.

### Health and Personal Social Services (Amendment) Bill: Further Consideration Stage

**Mr Speaker:** 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 Speaker:** As no amendments have been tabled, there is no opportunity to discuss the Health and Personal Social Services (Amendment) 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.

## Health (Miscellaneous Provisions) Bill: Further Consideration Stage

**Mr Speaker:** 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 Speaker:** Members will have a copy of the Marshallled 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 three groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1, 2, 3 and 15, which deal with the prohibition of the use of tobacco or nicotine products in a private vehicle. The second debate will be on amendment Nos 4 to 7 inclusive and 16, which deal with provision on sugar-sweetened drinks. The third debate will be on amendment Nos 8 to 14 inclusive, which deal with provision on human transplantation.

I remind Members who intend to speak during the debate on the three groups of amendments that they should address all the amendments in the 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. If that is clear, we shall proceed.

### New Clause

**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, 3 and 15. Those amendments relate to the prohibition on the use of tobacco or nicotine products in a private vehicle. 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, leave out clause 5 and insert

#### ***“Prohibition of use of tobacco or nicotine products in a private vehicle***

**4A.—(1)** *The Smoking (Northern Ireland) Order 2006 is amended in accordance with subsections (2) to (7).*

**(2)** *In Article 6 (smoke-free vehicles)—*

**(a)** *after paragraph (1) insert—*

*“(1A) Regulations under this Article may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”;*

**(b)** *in paragraph (2), for “The regulations” substitute “Regulations under this Article”.*

**(3)** *In Article 10 (fixed penalties)—*

**(a)** *for the heading substitute “Fixed penalties”;*

**(b)** *in paragraph (1), for “, or in a place or vehicle,” substitute “or in a place”;*

**(c)** *after paragraph (1) insert—*

*“(1A) An authorised officer of an enforcement authority who has reason to believe that a person has*

*committed an offence under Article 7(5) or 8(2) in a vehicle in relation to which the authorised officer has functions may give that person a penalty notice in respect of the offence.*

**(1B)** *The Department may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 9(3) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”.*

**(4)** *In Article 11 (enforcement)—*

**(a)** *for the heading substitute “Enforcement”;*

**(b)** *in paragraph (1), for “premises, places and vehicles” substitute “premises and places”;*

**(c)** *after paragraph (1) insert—*

*“(1A) The Department may make regulations designating the persons or bodies or descriptions of person or body which are to be enforcement authorities for the purposes of enforcing, as respects vehicles, the provisions of this Order and regulations made under it.*

**(1B)** *The regulations—*

**(a)** *must specify the descriptions of vehicle in relation to which an enforcement authority has functions,*

**(b)** *may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred back) to, and taken over by, another enforcement authority.*

**(1C)** *It is the duty of an enforcement authority to enforce, as respects the vehicles in relation to which it has enforcement functions, the provisions of this Order and of regulations made under it.”;*

**(d)** *in paragraph (2)—*

**(i)** *after “district council” insert “or other enforcement authority”;*

**(ii)** *after “the council” insert “or other authority”;*

**(iii)** *for “authorised by it” substitute “authorised by that council or other authority”.*

**(5)** *In Article 12(1) (obstruction of officers), after “district council” insert “or other enforcement authority”.*

**(6)** *In Article 15(3) (regulations subject to affirmative procedure)—*

**(a)** *in sub-paragraph (a), for “or 14” substitute “, 10(1B) or 14”;*

**(b)** *in sub-paragraph (b), for “or 8” substitute “, 8 or 18”.*

**(7)** *In Schedule 1 (fixed penalties), after paragraph 17 add—*

*“Power to amend or modify Schedule*

**18.** *The Department may by regulations—*

**(a)** *amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind,*

**(b)** *provide for this Schedule to apply with modifications in relation to such notices.”*

*(8) The Department may by regulations make provision prohibiting the use of nicotine products in a private vehicle where a person under the age of 18 is present in the vehicle, and such regulations may for that purpose amend, or apply with modifications, the provisions of the Smoking (Northern Ireland) Order 2006 to nicotine products.”.*

*The following amendments stood on the Marshalled List:*

No 2: In clause 6, page 2, line 34, leave out “this Act” and insert “this section”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 3: In clause 6, page 2, line 35, after “Regulations” insert “made by the Department”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 15: In the long title, after “sale” insert “or use”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Hamilton:** I am on record as saying that the case for banning smoking in cars when children are present is clear. We are all well aware that children are particularly vulnerable to the effects of second-hand smoke. At Consideration Stage, an amendment tabled by Sinn Féin Members included a provision for regulations to be made to ban the use of nicotine products in cars carrying children. That amendment was subsequently agreed by the Assembly. Whilst I was prepared to support that amendment and did, I indicated that I might seek to tighten it. Having given the matter careful consideration, I have proposed an amendment that received support from the Health Committee during its scrutiny of the Bill.

Amendment No 1 seeks to remove clause 5, as the intention is to replace it with a clause that will amend article 6 of the Smoking (Northern Ireland) Order 2006 in relation to smoke-free vehicles to allow offences to apply to private vehicles where under-18s are present. The offences are similar to those that exist for work vehicles under the Smoking (Northern Ireland) Order 2006 and relate to smoking in a smoke-free vehicle and failing to prevent smoking in a smoke-free vehicle. My amendment will also allow for the application of fixed penalties for the offences to which I just referred. In order to allow the Department time in which to consider fully the enforcement issues, the amendment is drafted in such a way as to provide naming the particular enforcement body or bodies in the primary legislation and refers instead to the “enforcement authority”.

Dependent on a successful outcome to discussions with the Department of Justice, it is envisaged that a dual enforcement approach between councils and the Police Service of Northern Ireland will be introduced. The dual enforcement approach will be similar to that already adopted in England and Wales, where a ban has been in place since October 2015. In practice, that would mean that a fixed penalty notice could be issued by the Police Service of Northern Ireland or a council. A definition of “enforcement authority” will be included in the regulations that will emanate from the Bill.

I also assure Members that, as there has been no public consultation on this subject in Northern Ireland, it is my intention to carry out a full consultation on the regulations. Furthermore, given that the amendment agreed by the

Assembly at Consideration Stage allowed for regulations to be made on the use of nicotine products in private vehicles carrying children, I reassure Members that my proposed amendment includes a similar power. The new clause 6 requires my Department to review the implementation of Part 1 three years after commencement of the Act. Given that the Act requires a phased commencement, there will be no definite starting date for that clause. I, therefore, proposed amendment No 2, which is a technical amendment that will require the Department to publish a review three years after commencement of that clause, rather than the commencement of the Act. That will enable my Department to commence the clause when it is ready to make regulations under Part 1, thus making a review more meaningful.

I have also proposed amendment No 3, which is a small technical amendment to clause 6. It will clarify that regulations setting out the terms of the review will be made by the Department of Health, Social Services and Public Safety.

Finally, as a result of the amendments on banning smoking in cars when children are present, the scope of the Bill has changed slightly, and amendment No 15 makes the necessary change to the long title. I trust that Members will appreciate my rationale for making these amendments and understand that they are designed to send out a clear message that I am serious about tackling smoking and the danger that second-hand smoke exposure poses to children. I believe that these amendments will strengthen the Bill, and I ask Members to give them their support.

**Mr Easton:** I intend to speak on amendment Nos 1 and 2 in group 1 but not amendment Nos 3 and 15. The amendments were brought to the Health Committee last week. The Committee decided to note them as no officials were available at that time. However, the Minister stated that he intended to tidy up amendment No 1 in this Part of the Bill at an earlier stage. That amendment will introduce a clause that will allow offences to apply to private vehicles where under-18s are present and allow for fixed penalties, as well as providing for the option of a dual approach with enforcement authorities. The Health Minister has also gone on to assure Members that, as there has not been a public consultation, his intention is to carry out a full consultation at regulation stage.

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

Amendment No 2 relates to clause 6. New clause 6 requires the Department to review the implementation of the Act three years after its commencement. The Act is required to have a phased commencement as there is no definite starting date. The amendment, therefore, allows and requires the Department to publish a review three years after the commencement of the clause rather than the Act. That will also allow for the terms of the review to be set out.

Amendment Nos 3 and 15 are technical, and I do not intend to speak on them.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I support the amendments in group 1, including the new clause and amendment Nos 2, 3 and 15. As the Minister stated, those amendments received support from the Committee. They are required to tidy up this legislation and the existing Smoking Order 2006, and, importantly, to deal with the enforcement of a ban on smoking in cars or

vehicles carrying under-18s. The main purpose of the Sinn Féin amendment at Consideration Stage was simply in the interests of children's health by way of prohibiting smoking in vehicles where under-18 children are present.

From our perspective, "smoking" means all nicotine products, and that is reflected in the legislation. It means all enclosed vehicles whether they are moving or parked. The amendment applies to those who are in a car and not just passengers.

### 12.30 pm

Whilst we can reflect on the fact that smoking rates have reduced, it remains the case that they are the biggest cause of preventable death. Tobacco kills half of its long-term users: between six and seven people every day here, and 2,300 people a year. Quite simply, the prohibition of smoking in cars carrying under-18s is the right thing to do. It is important to point out that children are particularly vulnerable in how they develop physically and to all that second-hand smoke entails. Our aim is not only to advance the legislation and amendments but to move towards a tobacco-free society by 2035, which is an aspiration of all the cancer charities in their daily endeavours.

The Minister referred to enforcement in relation to the amendments, and that issue has to be tackled. It is apparent that, in some regards, enforcement requires a dual process by local authorities and the PSNI. We have witnessed high compliance with other smoke-free legislation, and its success will be greatly assisted by a public awareness campaign. I appreciate the Minister's commentary on full consultation on the regulations.

We need a long-term, sustained, comprehensive tobacco control strategy that looks at all the influences, curtails the tobacco industry, helps people to stop smoking and ultimately protects children and others from second-hand smoke. Amendment No 1, in our view, amends the Smoking Order 2006 in accordance with subsections (2) to (7). It amends article 6 to ensure that regulations provide for a private vehicle to be smoke-free when a person under 18 is present. This is a major public health initiative that is being taken by the Assembly. It is quite simply the right thing to do. We support amendment Nos 1, 2, 3 and 15.

**Mr McKinney:** As the SDLP health spokesperson and a member of the Health Committee, I will address the amendments in group 1.

At this stage, the negative health implications that flow from passive smoking in cars have been well rehearsed in the Chamber, but I will again quote some statistics from the Health Department. Around 15% of adults smoke with their children present in the car. Given that there are around 360,000 smokers in Northern Ireland, it is easy to do the maths: over 50,000 people regularly smoke with one, two or three children in the car. You can begin to see the impact that that can have. For us, as a party, that is unacceptable.

Passive smoking proves to be a serious health hazard. Every time that someone smokes a cigarette, they breathe in a lethal concoction of toxins, but they breathe out even more, as the smoke contains over 4,000 chemicals, many of which are highly toxic. That is why the SDLP tabled amendments at Consideration Stage. I am glad that the Health Minister has now recognised that by providing for further amendment through amendment No 1. It provides for a general ban on smoking in cars with children. It

provides powers to amend or modify the schedule if, for example, electronic cigarettes are deemed to be harmful. Importantly, amendment No 1 deals with the issue of enforcement where the Minister and Department had some difficulties with the original amendment. The Minister's sole focus on the provision being enforced by local authorities was hampered by the fact that local authorities do not have stop-and-search powers, meaning that they are unable to issue a fine. Only the PSNI has those explicit powers. The SDLP raised that at Consideration Stage, and I am glad that the Minister has listened and has rectified the oversight.

Amendment No 2 deals with clause 6, which was proposed by the SDLP. Clause 6 provides in law for the Department to review the legislation three years after it comes into force. I am glad that the Minister has recognised the need to review the legislation by supporting clause 6.

The Minister's amendment Nos 2 and 3 are technical and do not remove any of the intent behind the original amendment. Therefore, I am happy to support them. Amendment No 15 is, again, a technical amendment, as has been reflected, and I have no issues with it.

To conclude, we have a proud history in this Chamber of bringing forward instrumental pieces of legislation in relation to smoking, all of which have proved hugely successful in changing societal behaviours and culture. The SDLP believes that today's amendments do not take anything away from what we originally proposed, and we are happy to support the group 1 amendments.

**Mrs Dobson:** As Ulster Unionist Party health spokesperson, I am happy to support the amendments in this group. The fact, however, that the Department has had to bring the amendments forward today is further proof of why a ban on smoking in cars carrying passengers under 18 should have been in the Bill at its introduction. Instead, it was left up to Members to bring the issue forward through amendments, despite cross-party support and general support in the Department. I am still not really sure why such an approach was adopted; nevertheless, we are where we are, and today's amendments should further strengthen the prohibition.

**Mr McCarthy:** The Alliance Party is content to support the amendments. They probably tighten up what has already been agreed by the Assembly and provide a sounder basis on which to proceed. However, it would have been better if the amendments had been presented at Consideration Stage, and it is still unclear why that could not have been the case, given the apparent consensus on the need for action. In conclusion, policing of the amendments and the Bill will be difficult, but I appeal to all smokers to simply think of all the children and young people travelling in your vehicle before you light a cigarette. Never, ever put the health of your children in jeopardy. I support the amendments.

**Mr Hamilton:** I thank those who contributed to the debate, in particular those — I think all — who accepted the rationale behind the amendments and supported them. The Assembly's view on this issue was very clear; it supported the Sinn Féin amendments around the subject. The Committee previously supported the text of what is now amendment No 1. The intention of that amendment and other amendments in the group are to tighten up and tidy up, as another Member said, previous amendments and to make this new law more robust.

As I indicated previously, my reason for proposing the amendments is to send out a strong and unequivocal message that the best way to provide children in Northern Ireland with effective protection from passive smoking in cars is to prevent them from having to inhale smoke in the first place. I ask Members to support the amendments in the group.

*Amendment No 1 agreed to.*

#### **Clause 6 (Review)**

*Amendment No 2 made:*

In page 2, line 34, leave out “this Act” and insert “this section”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 3 made:*

In page 2, line 35, after “Regulations” insert “made by the Department”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

#### **Clause 8 (Levy on sugar sweetened drinks)**

**Mr Principal Deputy Speaker:** We now come to the second group of amendments for debate, which deal with provisions in relation to sugar-sweetened drinks. With amendment No 4, it will be convenient to debate amendment Nos 5, 6, 7 and 16.

Amendment No 6 is consequential to amendment No 4.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I beg to move amendment No 4: In page 3, line 17, leave out “consult” and insert “carry out a study”.

*The following amendments stood on the Marshalled List:*

No 5: In page 3, line 18, leave out “a year” and insert “two years”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 6: In page 3, line 19, leave out “consultation” and insert “study”.— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 7: In page 3, line 28, leave out subsections (3) and (4).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 16: In the long title, after “tobacco,” insert

*“to make provision in relation to sugar sweetened drinks.”— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Hamilton:** We had a very useful debate on this subject at Consideration Stage, and I do not think that anyone would deny that poor diet is very much linked to the prevalence of many medical conditions in our society such as stroke, heart disease, type 2 diabetes and cancer. We are also well aware of the health risks associated with sustained high levels of sugar intake. That is particularly disturbing when we consider that current estimates of sugar intake in Northern Ireland show that the average intake amongst school-age children and teenagers is almost three times higher than the new 5% maximum recommended level and around twice the maximum recommended level in adults. Sixty per cent of the adult population is overweight or obese. Even more worryingly,

28% of our children and young people, some as young as two years of age, are overweight or obese.

At Consideration Stage, I outlined my opposition to the new clause that was proposed by Sinn Féin Members, which would have required the Department to consult on a levy on sugar-sweetened drinks within a year of enactment. I opposed it not out of opposition to the idea itself but for other reasons, including uncertainty over the Assembly’s ultimate competence to legislate in the area, which is an uncertainty that remains based on recent advice; whether, as a principle, we should legislate to compel Departments to carry out a consultation; a lack of consensus on the issue, with even dieticians from the British Dietetic Association urging caution that we should not become fixated on a tax or single out sugar, when a balanced diet is key; the fact that we need to do more to educate people on sugar before moving to legislate; the lack of any evidence base that shows impact on health outcomes and not just on purchasing behaviour, which means, simply put, that people may switch to other unhealthy food and therefore we just displace the problem rather than resolving it; the fact that such a tax could well be regressive and could exacerbate food poverty; and, finally, the unknown impact on business, jobs and cross-border trade. However, in spite of my putting forward such a good argument, the Assembly agreed that the clause proposed by Sinn Féin Members should be inserted into the Bill, and it now appears as clause 8.

I have proposed a number of amendments to the clause. Amendment Nos 4 and 6 remove the duty to consult and replace it with the duty to carry out a study. That gives the Department time to commission a robust study of the impact of such a tax. That will also be open to a public discussion and will allow us to try to resolve the potential legal challenges. If the outcome of that is positive, the Department can move forward on a consultation. However, if it is not possible, there will be no compulsion on the Department to undertake what could well be further nugatory work. It is vital that, to comply with European Union trade and human rights legislation, the level at which any potential tax would be set needs to be proportionate and effective. I note with interest the recent report by Cancer Research UK and the UK Health Forum that estimated that a 20% tax on sugar-sweetened drinks could reduce calorie intake by just 15 calories a day. That is, at most, 0.7% of the recommended daily calorie intake and seems to me to be unlikely to make any real difference.

Amendment No 7 will remove subsections (3) and (4) from clause 8 as they contain the details of the consultation, which would, of course, be redundant if there was no such consultation.

Amendment No 5 will extend the period within which the work must be carried out to two years after enactment. That takes into account the complexity of the issues and gives the Department more time to commission appropriate studies and advice and consider them before reporting on a study. On top of the econometric modelling, we need to agree on the definition of a sugar-sweetened drink. It will take time to consider that, and we may need to commission expert advice and research that could take some time to complete. I believe this to be a reasonable time frame and hope that Members will understand and support the rationale for proposing the amendment.

As a result of the amendment about the provision for a study on a levy on sugar-sweetened drinks, the scope of the Bill has further changed, and amendment No 16 will reflect that change in the long title.

I trust that Members will understand the rationale for proposing the amendments and will appreciate that, from a practical perspective, they are reasonable in terms of what the Department will undertake to do and the timescale in which it would be done. Therefore, I ask Members to support the amendments.

**12.45 pm**

**Mr Easton:** I intend to speak on amendment Nos 4 and 6 and amendment No 5; I do not intend to speak on amendment Nos 7 and 16. Amendment Nos 4 and 6 remove the duty to consult and replace it with a study. That will allow the Department sufficient time to commission a study on the impact of such a tax and look at any potential legal challenge. It would also allow the Department to look at EU trade and human rights issues, the potential for this to cause problems with food poverty and the potential impact on businesses and jobs.

Amendment No 5 will allow the Department more time, due to the complexity of the study, to prepare itself. The study will require extensive research and work, so extending the period for it to be carried out to two years makes sense.

Amendment Nos 7 and 16 are technical, and I do not intend to speak on them.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I rise to address the second group of amendments, particularly amendment Nos 4, 5, 6, 7 and 16.

It is important at this juncture that we reflect on a number of factors in relation to a sugar tax levy. The Sinn Féin amendment at Consideration Stage was based on key principles. First, as the Minister said, as a society we consume too much sugar. There is a strong correlation between sugar consumption and health problems, dental decay and obesity. The Minister mentioned the number of people who are overweight or obese. It is also a strain on the health service. Some of the research that we looked at, particularly that carried out by Safefood in 2012, estimated that the direct health costs such as GP, inpatient and outpatient costs and prescriptions to deal with obesity in the North was £92 million per year. So, there is a clear concern about strain on the service, and it is important to reflect the fact that sugary soft drinks are a particular concern in that regard.

The tax needs to be part of a broader strategy; the Sinn Féin amendment was a recognition of that. It is not a panacea for our issues, but it is certainly a positive public health initiative that can and should be legislated on.

Amendment No 4 leaves out “consult” and inserts “carry out a study”, and amendment No 6 removes “consultation” and inserts “study”. We can support that, but we stress that the study will need active participation from the various sectors and wider society. That should, if conducted properly and accurately, provide us with the evidence that we need in moving forward.

We take issue with amendment No 5, as we are of the view that the work can be conducted within a year of commencement of the Act. I listened carefully to the

Minister. He referred to a lack of consensus on moving on and the lack of an evidence base on health outcomes, and he questioned the competency to legislate. However, the plastic bag levy was legislated for through this very House.

There are concerns that the tax may be regressive. It stands to reason, from the evidence, that the highest consumption of sugary drinks, for want of another description, is among children and young people. There is a higher percentage in areas of high social need, so it stands to reason that an initiative that would go some way to preventing that access would have a positive health outcome. In our view, therefore, we cannot stand over the sense that it would be regressive.

I have not heard anything to say why we would need to extend the consultation time to two years.

I think that it is reasonable for us as a society to expect that, once the Act comes into a place, a study can be conducted within a year. As the Minister said, amendment No 7 removes subsections (3) and (4). That, effectively, ties up the whole issue of consultation versus study, which I have dealt with. Amendment No 16 amends the long title to make provision in relation to sugar-sweetened drinks.

In conclusion, we have issues around amendment No 5 and are happy to support the other amendments that are in front of us today. Again, as in the previous group, this is a key public health initiative and is quite simply the right thing for the Assembly to do.

**Mr McKinney:** Obesity is the epidemic of the 21st century, and the SDLP believes that this Chamber should do all in its powers to prevent it from occurring in the first place. In that regard, the party believes that a more holistic approach is required, and I will deal with that at the end.

During Consideration Stage, the SDLP was broadly supportive of clause 8, in that it would give the Chamber more information to gauge the necessity for intervention in introducing a levy on sugary drinks. However, there are a number of issues with today's amendments. First, amendment Nos 4 and 6 appear to reduce the ambition by prescribing the carrying out of a study rather than a formal consultation, as was originally proposed. There are perhaps a number of questions for the Minister. Would this simply be an academic piece of literature or would it be something similar to RaSe research? In his remarks, he referred to the fact that it will be a robust study, but when does a robust study not become a consultation? Surely a consultation should form a key part of a robust study. Through amendment No 7, the Minister intends to rule out public engagement, and the question remains as to what extent the Department will engage with stakeholders or the public to assess the appetite for change. For example, will there be a call for evidence?

On amendment No 5, the Minister has described how he intends to increase the time limit to carry out such a study from one year to two years. We do not agree that it would take any more than a year to complete such a body of work. One year would provide the Chamber with more information to gauge the need for intervention, and I think it is important that, if you are serious about these things, you need to send out a signal that you are serious. Pushing it back two years could be seen as kicking the issue down the road. However, as I said at the start, it is important to remember that we need a joined-up government approach to tackling obesity, and, while piecemeal legislation may

provide some valuable information, we really need a cross-departmental, targeted approach that focuses on education, prevention and early intervention.

**Mrs Dobson:** The Minister and his officials have quite clearly decided that a public consultation on sugar-sweetened drinks is not necessary. I think that that is quite disappointing. However, given how little value many Departments, not least Health, now give to consultations, the outcome will be little changed. At this stage, rather than only having a consultation for consultation's sake, I will give the Department the benefit of the doubt with this study exercise. It is my hope that this report, aside from being expert-led and ambitious in its thinking, will still very much test public opinion on the introduction of a levy. In addition, I hope that the study, not least because of clause 8(2)(f) in the Bill, will produce a researched set of recommendations on how it is envisaged that any revenue raised be spent. In addition, I hope that the study will report on any findings from other countries where the levy is operating. That will be very important, because much of the global debate is now concentrating not only on the possible health benefits but on what some people see as a disproportionate or unfair impact on poorer families. Under the two years proposed in amendment No 5, the Department will have no excuse not to give this issue the full depth of consideration that it deserves.

**Mr McCarthy:** The Alliance Party is happy to go along with the Minister's contribution, and I very much welcome his determination and acknowledgement of the scourge of obesity that we have in society. He is obviously prepared to do something about it. The intake of unhealthy food and drink, particularly among our children and young people, is certainly storing up problems for the health service in the future. My party and I were a bit concerned about the difference between the words "study" and "consult", but having listened to the reasons or excuses — call them what you will — I am happy to support the amendments.

**Mr Hamilton:** I again thank the Members who contributed. I particularly thank those who support the amendments brought forward in my name. My reasons for proposing the amendments were, I think, articulated clearly. They will allow a piece of work to be undertaken that should provide us with useful information about how to proceed on a sugar-sweetened drinks levy. I share the public health concerns raised by many Members across the House, and I understand and accept the point made by Sinn Féin about seeking a broader strategy on this. I could argue that a broader strategy is in place with Making Life Better, a public health strategy that the Department has in place. In fact, an Executive subcommittee on public health met last week to discuss this important issue and the substantial progress being made on implementing the strategy.

We focused here on one particular issue — the contribution of sugar to the issues around obesity — but there are others, such as other types of food, lack of exercise or whatever it might be. It is absolutely right that we examine all those further, and that is what the Making Life Better strategy is about. I am sure there will be other contributions to that debate over the years to come. It is taking the time to examine the issue properly that is the intention of the study, which is at the heart of the amendments before us. If the results of that are positive, my Department or the Assembly could then move towards

a consultation on what specifically to do on a levy or tax on sugar-sweetened drinks.

In my view, doing a consultation first is the wrong way round. It is putting the cart somewhat before the horse. I think you need to do a study, and it needs to reflect on the views of the public on whether there is support for such a thing, as Mr McKinney said. I think we need to be mindful of that. Any study worth its — I was going to say "salt", but, of course, too much salt is not a good thing either, and it would only encourage people to think about an amendment on that as well. Any study should consider what the public's view is and whether there would be public acceptance of the introduction of such a levy or tax. I think a consultation signals a clear intent to do something, and I do not think we are quite there yet. Whilst there is an acceptance that there is a problem here, I think there are issues underneath the problem that we are not quite clear and sure about. That is why I think we need to take our time with this study, and then we can consult on specifics and specific proposals thereafter.

I reiterate the need to extend the period from one year to two years, as I believe that will allow for a more comprehensive and meaningful end product that will help to inform further debate about how we should move forward on this important issue. It is a complex issue, and there is much that is unclear about it. I make the point to Members that, although the amendment would mean that it has to take place within two years, that does not mean that it could not be concluded inside those two years. We do not have to wait until the end of two years to get something done. It could be done in a much shorter time, if possible.

With those things said, I ask that Members support the amendments before them.

*Amendment No 4 agreed to.*

In page 3, line 17, leave out "consult" and insert "carry out a study".— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

*Amendment No 5 proposed:*

In page 3, line 18, leave out "a year" and insert "two years".— [*Mr Hamilton (The Minister of Health, Social Services and Public Safety).*]

*Question put, That amendment No 5 be made.*

*The Assembly divided:*

*Ayes 52; Noes 38.*

## AYES

*Mr Agnew, Mr Allen, Mr Anderson, Mr Beggs, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.*

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

**NOES**

*Mr Allister, Mr Attwood, Mr Boylan, Ms Boyle, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Murphy, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McKay and Ms Maeve McLaughlin.*

*Question accordingly agreed to.*

*Amendment No 6 made:*

In page 3, line 19, leave out "consultation" and insert "study".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 7 made:*

In page 3, line 28, leave out subsections (3) and (4).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Clause 15 (Duty to promote transplantation)**

**Mr Principal Deputy Speaker:** We now come to the third group of amendments for debate, which deal with provision in relation to human transplantation. With amendment No 8, it will be convenient to debate amendment Nos 9 to 14 inclusive. I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move amendment No 8 and to address the other amendments in the group.

**Mr Hamilton:** I beg to move amendment No 8: In page 8, line 11, after "transplantation" insert

*"and the donation for transplantation of parts of the human body".*

*The following amendments stood on the Marshalled List:*

No 9: In page 8, line 12, leave out "subsection (1)(a)" and insert "subsection (1)".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 10: In clause 16, page 8, line 15, after "in" insert "respect of".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 11: In clause 16, page 8, line 16, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 12: In clause 16, page 8, line 20, leave out "transplantation activities" and insert "transplantations".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 13: In clause 16, page 8, line 23, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 14: In clause 16, page 8, line 25, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Hamilton:** Two new clauses were introduced at Consideration Stage. Clause 15 introduces a requirement on the Department to promote and provide

information on transplantation, and clause 16 places a duty on the Department to produce an annual report on transplantation. I believe that we had a useful and largely informed debate about transplantation at Consideration Stage, and I have consistently made it clear that I want to see many more of our fellow citizens who need an organ to improve their health and, indeed, in many cases, save their life, receive that organ at the earliest opportunity.

**1.15 pm**

Furthermore, in the last 21 years, more than 55,000 people in the United Kingdom have received an organ transplant, thanks to someone donating when they died. In addition, 21 million people across the United Kingdom have registered to help others. It is worth putting it on record that those are remarkable achievements, and Northern Ireland can be extremely proud of the part that it has played in the success of the organ donor register. I also remind Members that, over the past five years in Northern Ireland, there has been a 500% increase in living kidney donors, with 55 people donating in 2014-15. That is twice the number, measured per million of population, of any other region in the United Kingdom and is higher than in any European country.

Much valuable work to promote organ donation is undertaken all year round by the health sector, led by the Public Health Agency and involving charities and local support groups across Northern Ireland. This is important work that deserves our support. I also give thanks to the media, regional and local, which have carried many news stories and features encouraging organ donation.

At Consideration Stage, Mr Alastair Ross enquired as to the possible inclusion of language around organ donation. He made a valid point, as promotion carried out by the Department would, indeed, be in relation to the act of donation rather than transplantation itself. However, rather than redraft the entire clause, amendment No 8 simply adds words to the effect that the end of clause 15(1)(b) will now read:

*"provide information and increase awareness about transplantation and the donation for transplantation of parts of the human body."*

Amendment No 9 is a purely technical amendment to correct an inaccurate reference to clause 15(1)(a), in light of the fact that the information campaign would fall under subsection (1)(b). However, as the provision could properly apply to the whole of subsection (1), my amendment will leave out "subsection (1)(a)" and replace this with "subsection (1)".

During Consideration Stage, the Assembly agreed an amendment tabled by Sinn Féin Members that places a duty on the Department to promote and produce an annual report on transplantation. I have proposed amendment No 10, which will simply clarify the fact that, if the proposed report is to fully cover activities in a year, it can only be finalised after the year has ended. My amendment, therefore, proposes that clause 16(1) should read:

*"The Department must lay before the Assembly, in respect of each financial year, a report about transplantation activities in that year."*

In relation to the duty to report on transplantation, I have proposed amendment Nos 11, 12, 13 and 14, which,

again, are technical amendments and will remove the term “transplantation activities” from the Bill and replace it with “transplantation”. I understand that the term “transplantation activities” was a fairly technical term used in Mrs Dobson’s Human Transplantation Bill but not reflected in the amendments to the Health (Miscellaneous Provisions) Bill to cover the range of activities to which that Bill would have applied. In my view, the term “transplantation activities” is unnecessarily wide and the definition too complicated for the purposes of the Health (Miscellaneous Provisions) Bill, which deals only with promotion and reporting. As I have already stated, my amendments will simplify this by referring to “transplantation” and removing any references to “transplantation activities”.

I trust that Members will understand that the amendments are an attempt to provide greater clarity to the clauses in the Bill, and I ask them to support all of the amendments in this group.

**Mr Easton:** I intend to be extremely short and to speak on amendment No 8, not on amendment Nos 9 or 10, and amendment Nos 11, 12, 13 and 14 in relation to activities. On amendment No 8, at Consideration Stage there was some concern about the language around organ donation in terms of the relationship of the act of donation, rather than transplantation. This amendment corrects that. In amendment Nos 11, 12, 13 and 14, which deal with leaving out “activities”, the amendments simply change the wording and make it less complicated by referring to “transplantation” and removing any references to “transplantation activities”.

**Ms Maeve McLaughlin:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I rise to speak on group 3 as tabled for Further Consideration Stage, namely amendment Nos 8, 9, 10, 11, 12, 13 and 14. As with other groups tabled today, it is important that we remind ourselves of the context.

There has been much debate, as the Minister outlined, on the need to have a duty placed on the Department to promote transplantation. It is worth reflecting on evidence such as that from the Heart Foundation, which highlighted that the current system is ultimately failing to meet the demand, for example, for donor hearts and that eight people are waiting on life-saving hearts.

So there has been much debate and expectation around the need to tackle the issue of human transplantation and organ donation. It has been apparent, however, that there is unity on the need to promote organ donation, and the Sinn Féin amendment that was brought here a few weeks ago does that. It simply places a responsibility on the Department of Health to promote and raise public awareness of organ donation. There is overwhelming support for such a duty by way, for example, of a public awareness campaign. There is a general view that increased promotion will result in the outcomes required for an increase in donation rates.

I turn to the amendments tabled by the Minister. Amendment No 8 reads:

*“and the donation for transplantation of parts of the human body”*

The language used has been the subject of conversation and dialogue, and it is appropriate that we get the

language right in this regard. We have no issue with amendment No 8.

We can support amendment No 9. I suggest that we are not about condoning any negation of the Department’s duty to promote transplantation, and we have been very interested to hear what the Minister has to say and what assurances have been given. The duty will be on the Minister to promote it at least once a year. The Minister is actually, in our view, adding more to it and making it broader. We have no issue with amendment No 9.

Amendment No 10 is technical; it inserts “respect of” and causes us no issues at all.

Amendment Nos 11, 12, 13 and 14, as has been said, are also technical; they remove the term “activities” and insert “transplantations”. They cause us no issues, and we are happy to support them.

In conclusion, we are happy to support all the amendments in group 3. It is important that, as we move through Further Consideration Stage and, hopefully, to Final Stage, the Assembly has done the right thing in ensuring that the promotion, and the duty to promote, organ donation is legislated for.

**Mr McKinney:** I welcome the opportunity to contribute to the debate on the group 3 amendments. I, too, will be brief. The amendments in this group are technical in nature and uncontroversial. Amendment No 8 extends clause 15 to include the promotion of the:

*“donation for transplantation of parts of the human body”.*

Amendment No 9 is a technical amendment to clause 15, in relation to the scope of the annual campaign. Amendment Nos 10 to 14 are technical in relation to the operation of the annual reporting obligation and the obligation to consider necessary reform within five years. Those amendments narrow the scope of the provision so as to focus solely on transplantation. The SDLP has no issue with those amendments.

The SDLP believes that the Bill does not resolve the outstanding issues surrounding organ donation. The issues relating to increasing donor rates need much wider consideration and are not covered adequately through this mechanism. However, we are coming to the end of the mandate, and the SDLP is content to support clauses 15 and 16, as amended, which call for greater awareness raising and an annual review of organ donation. The five-year review is particularly important as the Welsh Act progresses and is important in informing the Assembly on the potential need for further legislation in the next mandate. I hope that this issue is revisited then.

**Mrs Dobson:** I welcome the opportunity to speak on the third group of amendments on human transplantation and organ donation. The amendments proposed, Nos 8 through to 14, are largely technical, and I am content to support them. It will come as little surprise to Members that I am prepared to accept my own wording in relation to organ donation, which is a direct lift from my private Member’s Bill, the Human Transplantation Bill.

As I said during Consideration Stage last month, I support the amendments in this Bill, but I reiterate that public awareness is just one part of a soft opt-out system.

In relation to public awareness, I would welcome the Health Minister's assurances that the local charities in the transplant forum, which have done the heavy lifting in promoting organ donation for decades, will be involved in the awareness campaigns to ensure that their considerable expertise and knowledge is utilised to the full. I do not, however, wish the Health Department to kick the can down the road by stating that, once the Bill is passed, we must wait for the legislative outworkings to become clear before we can ever look at adopting a soft opt-out system in the future; in other words, Members, that we should adopt a wait-and-see approach — only to find that the Welsh system is delivering results and saving lives — and then decide for ourselves that it would be a good idea to explore a similar system in the future. I, for one, would find that to be a betrayal of the considerable public will for change clearly identified by the Public Health Agency's surveys.

Once again, I challenge the Health Minister to ensure that organ donation is given prominent billing in the next Programme for Government discussions. I am content to support the amendments proposed by the Minister and Department, but I am mindful that we should all remember the brutal reality: that despite many years of trying, and public support for organ donation standing at around 90%, the number of local people signing up to the organ donor register has not risen above around 35%.

**Mr McCarthy:** I support the amendments before us this afternoon. I will say a few words in relation to my disappointment that Jo-Anne Dobson's Bill was not successful, despite the enormous amount of work that was put into it. She ought to be congratulated for that work and for her determination. I put on record my thanks to all those who contributed to that process and who came to the Committee. I thank all the Committee staff for their work and support during that period.

The Alliance Party is content to support the amendments and every effort in the future to increase the availability of organs to save lives throughout Northern Ireland.

**Mr Hamilton:** Like other Members, I seek to be brief. I thank those who contributed to the debate, particularly those who spoke in support of the amendments.

To reiterate the point, I am proud — and everybody here should be proud — of our organ donation system in Northern Ireland. It is one that is without doubt the best in Europe and amongst the best in the world for live donor rates. As I indicated previously, my main reason for proposing the amendments is to strengthen the Bill and remove any potential ambiguity from the clauses as drafted. The language provided by my amendments is now clear and easily understood. With that said, I ask Members to support the amendments in this group.

*Amendment No 8 agreed to.*

*Amendment No 9 made:*

In page 8, line 12, leave out "subsection (1)(a)" and insert "subsection (1)".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

## **Clause 16 (Annual report on transplantation)**

*Amendment No 10 made:*

In page 8, line 15, after "in" insert "respect of".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 11 made:*

In page 8, line 16, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**1.30 pm**

*Amendment No 12 made:*

In page 8, line 20, leave out "transplantation activities" and insert "transplantations".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 13 made:*

In page 8, line 23, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 14 made:*

In page 8, line 25, leave out "activities".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

## **Long Title**

*Amendment No 15 made:*

After "sale" insert "or use".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 16 made:*

After "tobacco," insert

*"to make provision in relation to sugar sweetened drinks,".*— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**Mr Principal Deputy Speaker:** That concludes Further Consideration Stage of the Health (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker.

Order. I ask Members to take their ease as we move to the next item of business.

## Houses in Multiple Occupation Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister for Social Development, the Lord Morrow of Clogher Valley, to move the Further Consideration Stage of the Bill.

*Moved. — [Lord Morrow (The Minister for Social Development).]*

**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 is a single group of amendments — amendment Nos 1 to 4 — which deals with antisocial behaviour and the operation of notices. I remind Members intending to speak that they should address all the amendments on which they wish to comment. Once the group debate 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. If that is clear, we shall proceed.

### Clause 10 (Fit and proper persons)

**Mr Principal Deputy Speaker:** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4. The amendments deal with antisocial behaviour and the operation of notices. I call the Minister for Social Development, Lord Morrow, to move amendment No 1 and to address the other amendments in the group.

**Lord Morrow (The Minister for Social Development):** I beg to move amendment No 1: In page 8, line 10, leave out “immoral or”.

*The following amendments stood on the Marshalled List:*

No 2: In schedule 5, page 66, line 25, leave out “21” and insert “28”. — *[Lord Morrow (The Minister for Social Development).]*

No 3: In schedule 5, page 66, line 31, leave out “under section 67” and insert “in accordance with section 67(4)”. — *[Lord Morrow (The Minister for Social Development).]*

No 4: In schedule 5, page 66, line 33, after “and” insert “such”. — *[Lord Morrow (The Minister for Social Development).]*

**Lord Morrow:** I am sure it will come as some relief that I will be brief on this today.

At Consideration Stage, I mentioned that the Attorney General had raised one competence concern on clause 10(7) in relation to the reference to “immoral” purposes in the definition of antisocial behaviour. As this was raised after the deadline for tabling amendments, I mentioned my intention to table an amendment at Further Consideration Stage. The amendment will remove the reference to “immoral” in terms of compliance with article 8 of the European Convention on Human Rights.

I have three further amendments to schedule 5 that will ensure that the detail provided in the schedule complies with clause 67(4), which clarifies the right-of-appeal period — 28 days — for the operation of notices.

That concludes my amendments.

**Mr Douglas:** I rise as a Democratic Unionist Party Member and as a member of the Committee for Social Development to support the amendments. I concur with the Minister: it has been a good scrutiny process. We engaged with a range of stakeholders, many of whose views have been incorporated into today’s amendments. I will be brief and just say that it has been a good process and I support the amendments.

**Mr Beggs:** I, too, will be brief and say that I am comfortable with the amendments. They are minor amendments, mainly technical, to ensure that our legislation will work. I am happy to indicate the support of the Ulster Unionist Party for the continued passage of the Bill with the amendments.

**Lord Morrow:** As I said at the start, Members will be relieved to know that I will be brief. I have not heard anything raised in concern. I thank Members for the constructive attitude with which they have approached the Bill. I, as Minister, am very grateful.

*Notice taken that 10 Members were not present.*

*House counted, and, there being fewer than 10 Members present, the Principal Deputy Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Amendment No 1 agreed to.*

### Schedule 5 (Part 4 notices: further provision)

*Amendment No 2 made:*

In page 66, line 25, leave out “21” and insert “28”. — *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 3 made:*

In page 66, line 31, leave out “under section 67” and insert “in accordance with section 67(4)”. — *[Lord Morrow (The Minister for Social Development).]*

*Amendment No 4 made:*

In page 66, line 33, after “and” insert “such”. — *[Lord Morrow (The Minister for Social Development).]*

**Mr Principal Deputy Speaker:** That concludes the Further Consideration Stage of the Houses in Multiple Occupation Bill. The Bill stands referred to the Speaker.

## Addressing Bullying in Schools Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister of Education, Mr John O'Dowd, to move the Further Consideration Stage of the Addressing Bullying in Schools Bill.

*Moved.* — [Mr O'Dowd (The Minister of Education).]

**Mr Principal Deputy Speaker:** Members 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 is a single group of amendments — amendment Nos 1 and 2 — that deals with records and definitions. We will debate the amendments in turn. Once the group debate is completed, the other amendment in the group will be moved formally, and the Question will be put without further debate. If that is clear, we shall proceed.

### Clause 3 (Duty to keep a record of incidents of bullying)

**Mr Principal Deputy Speaker:** We come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2.

**Mr O'Dowd (The Minister of Education):** I beg to move amendment No 1: In page 3, line 4, leave out paragraph (b) and insert“(b) include a brief description of the nature of the incident; and”.

*The following amendment stood on the Marshalled List:*

No 2: In page 3, line 20, leave out subsection (6).—  
[Mr O'Dowd (The Minister of Education).]

**Mr O'Dowd:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. It is only a short time since the House debated Consideration Stage. On that occasion, I elaborated on some of the background to the Bill, its origins and the policy outcomes that I intend it to deliver. Members will, therefore, be pleased to hear that I do not propose to labour those same points again today.

The Bill recognises that, while most schools already treat the issue very seriously, bullying in schools remains a problem. By introducing a limited number of new duties on schools and their board of governors, it seeks, in a measured way, to enhance the consistency with which all schools seek to address the problem. The framework that it provides will give all schools the tools and management information that they require to monitor their performance in tackling the issue and to identify at an early stage any new or emerging problems. The duties that it introduces reflect best practice, and many schools will find that it endorses the systems and practices that they already have in place.

At Consideration Stage, several technical amendments were tabled by the Department; I accepted several amendments tabled by the Education Committee, following its scrutiny of the Bill; and one further amendment, tabled by Sandra Overend and Mr Danny Kennedy, was made during the debate. I will begin by returning to that amendment. In clause 3, page 3, line 4, it is required that, as part of the record of the incident, a school must:

*“state the methods of bullying, as defined by section 1”.*

I understand that the intention behind that amendment was to make it clear that schools must include the method of

bullying in their record of each incident. The Department intends to address the detail of exactly what a record of a bullying incident should capture as part of its supporting guidance, and, as I noted during the last debate, we fully intend to engage with schools and other stakeholders to maximise the value of the records to the school. Nonetheless, I accept that there is merit in clarifying this point in the Bill.

I sought further advice from the Office of the Legislative Counsel (OLC) on the amendment, and it suggested a refinement in the language, modifying the wording at clause 3(2)(b) to:

*“include a brief description of the nature of the incident”.*

This wording fully maintains the original intent but additionally clarifies that schools should not interpret clause 3(2)(b) as requiring them only to note that the incident involved, for instance, physical bullying, verbal bullying and so on. I urge the House to support amendment No 1.

I turn to amendment No 2. At Consideration Stage, I had tabled an amendment to clause 3(6), removing a link between the terms “gender reassignment” and “disability” and their established legal definitions. During the debate, some Members were of the opinion that it was more beneficial to retain this. I agreed to consider it further and did not move the amendment at that time.

I have now taken further advice from the OLC and wish to pursue the amendment today. The OLC pointed out that, as currently drafted, clause 3(6) is inconsistent. It picks out two of the potential motivations for bullying and links them to their legal definitions, but it does not do so for the other motivations, many of which also have their own legal definition. Many of those definitions are extremely complex in law. The law, for example, on what constitutes disability is complex and runs to many pages of primary and subordinate legislation, and the guidance for the Equality Act contains around 60 pages seeking to explain the meaning of “disability”.

### 1.45 pm

It is not the intention of the Bill to require school staff to grapple with legal technicalities each time they need to record an incident; rather, it is to allow them to take a common-sense view in determining the motivations behind it. By removing that clause, all the motivations will revert to their common-use meanings, simplifying matters considerably for anyone trying to fill out the record of an individual incident.

Removing the subsection also addresses the point I have already raised regarding the need to handle all motivations set out in the Bill consistently. I urge Members to support amendment No 2.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to speak on the two amendments. As has been outlined by the Minister, they are rather technical in nature, so I will not rehearse all the arguments.

It is right and proper, especially when we look at amendment No 2, that we tidy up the Bill and remove inconsistencies. Amendment No 1 perhaps has a wee bit more meat on its bones in that it brings additional

clarity and a slight refinement in language, which is to be welcomed. On the whole, I join stakeholders and schools who are eagerly awaiting the tools and the focus that the Bill will place on addressing bullying.

**Mr Rogers:** We always hear that school days are the best days of our lives. We want all our children to be happy at school because it is within that environment that they achieve their potential, with no fear of bullying. If there is bullying, we want it dealt with effectively. We are coming to the end of this Bill's passage, and that is what it attempts to do.

Amendment No 1 relates to an amendment that was made at Consideration Stage, tabled by Sandra Overend and Danny Kennedy. We supported that amendment. The UUP amendment sought to ensure that, when incidents of bullying are recorded, the methods of bullying must also be included. As it stands, the Bill states that a record must:

*"state the methods of bullying, as defined by section 1".*

Amendment No 1 seeks to remove those words and replace them with:

*"include a brief description of the nature of the incident".*

Therefore, the sentiment behind amendment No 1 is much the same as the UUP amendment that was made at Consideration Stage. It appears that the Minister has considered the amendment that was made and wants to edit it slightly to say that a brief description of the nature of the incident must be included in the report instead of stating the methods. That may allow for a more rounded body of information about incidents of bullying to be collected.

Amendment No 1 changes "methods of bullying" to:

*"a brief description of the nature of the incident".*

Therefore, it should allow more flexibility in how incidents are recorded. That would ensure that each incident is treated individually, which can be reflected in the records that are kept. We support amendment No 1.

Amendment No 2 is similar to amendment No 14 that the Minister tabled at Consideration Stage. However, the Minister did not move that amendment. He noted that removing clause 3(5) would lead to the terms "gender reassignment" and "disability" reverting to their commonly used meanings rather than requiring readers to cross-reference with other legislation. When winding up that debate, Minister O'Dowd said that he would not move amendment No 14 and would consult further with his officials on the matter.

At Consideration Stage, we stated that it would be beneficial to keep the definitions of "disability" the same as those outlined in the Disability Discrimination Act and the definitions of "gender reassignment" the same as outlined in the Sex Discrimination (Northern Ireland) Order. We stated at Consideration Stage that we would not support amendment No 14. Having listened to the Minister talk about picking out two motivations, I still contend that it is important that, where there is relevant legislation, we should have a link to it, so we will not be supporting amendment No 2.

**Mr Weir (The Chairperson of the Committee for Education):** I apologise to the House for being a little bit late. Business has moved a little bit quicker than I

anticipated. I will speak initially on behalf of the Committee on the Further Consideration Stage of the Addressing Bullying in Schools Bill, and then make some remarks in my capacity as a DUP Member.

At Consideration Stage, the Assembly agreed 10 out of the 14 amendments. I indicated then that the Committee generally took the view that this was a good Bill. With the amendments that have been made since, it is now a bit better. The Committee has not taken a formal view on the two amendments before us. The Minister has indicated that they are either technical in nature or largely do not alter the Bill's content or import significantly. From that point of view, Committee members will want to listen carefully to further contributions before deciding accordingly.

I now turn to the two amendments as a DUP Member.

I will take them in reverse order. Amendment No 2, which has been put forward by the Minister, makes a technical change to subsection (6). We have no problem with that. That seems to be sensible and, indeed, a preferable route to the previous amendment No 14. However, I have concerns with amendment No 1. It may be an element, across the Chamber, of dancing on the head of a pin, but it may be of significance. If amendment No 1 was proposing to simply add:

*"a brief description of the nature of the incident",*

I would have no problem with that addition. The problem, I suppose, is that we supported, at Consideration Stage, a direct reference to the methodology of the incident. Is that encompassed by "brief description"? The problem is that we are moving from something that is quite explicit in referencing the method to something that leaves out the reference to method. As such, I think that that, potentially, is a retrograde step. I think that it is important. Having spoken to some of those who are involved and who are experts in this subject, I found that there was concern about the removal of the reference to method. As such, I think there may be a different way of doing it. If we keep the current legislation as drafted, which refers to the method, there may be an opportunity in guidance on how these are recorded, for instance, to encompass something from amendment No 1. I await to hear what is said in the rest of the debate, but I remain to be convinced of the merits of amendment No 1. On balance, I prefer what is there, at present, to the potential change from amendment No 1. As I said, had it simply been a question of adding a brief description to the method, that would have been the case, but the amendment actually deletes the reference to the method.

With those remarks, I will conclude.

**Mrs Overend:** I rise as Ulster Unionist education spokesperson to look at these amendments. It is important that we get this legislation correct. We need to address bullying in our schools from all sources, no matter what they are. Anecdotally, cyberbullying has been on the increase, so the legislation that brings forward the reporting of bullying incidents is an important part of being able to analyse what is happening so that we can address any patterns and make improvements in practices across schools in Northern Ireland. I am particularly referencing amendment No 1. It proposes to take out "state the methods of bullying" and to include:

*"include a brief description of the nature of the incident".*

Obviously, that is the amendment that I brought through at Consideration Stage. The reason behind that was the obligation of a school when it wants to report bullying incidents. Clause 3(2)(a) states that the record must:

*“state what, from all of the circumstances, appears to be the motivation of the incident”.*

Clause 3(2)(b) mentions the method, and clause 3(2)(c) —

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

**Mrs Overend:** I will, but just a second. Clause 3(2)(c) states:

*“include information about how the incident was addressed.”*

If we are going to analyse what has happened and how to make improvements, it is important that those three items are included.

**Mr Weir:** I thank the Member for giving way. One concern that I have with amendment No 1 is that, at present, we have certain statistics that can be drawn together. The idea is not to punish or highlight a particular school, but to see the trends of where there are problems. One advantage of having a list of motivations, for example, which is already concluded, is that we can see whether there is a trend happening throughout Northern Ireland or within particular areas. Similarly, the advantage of having a direct reference to the methodology is that it can show where there are trends in methods. Whereas, by definition, a brief description could be a sentence, or it could be 100 words or it could be longer. There will not necessarily be that same consistency of recording if you simply have a brief description, as opposed to a direct reference to what the method is.

**Mrs Overend:** I thank the Member for his intervention. Yes, he is reading from the same page as I am, I think. A brief description of the incident should certainly be included in the guidelines that the Minister and his team will draw up afterwards. Most certainly, when anyone drills down into the detail of any bullying incident, they will be able to understand what has happened from the beginning to the end. On the face of it, we need to include the method. It is like creating an additional column of an analysis. You would be able to look down and see physical, verbal and cyberbullying. In my mind, it makes for better analysis. We do not want to create woolliness and an impossible situation to analyse. I am minded to oppose amendment No 1.

As for amendment No 2, we were content to support it at Consideration Stage and are happy to do so at this stage.

**Mr Principal Deputy Speaker:** Members, as Question Time is 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 the Minister of Education.

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

2.00 pm

## Oral Answers to Questions

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

#### Victims and Survivors: Funding

1. **Mrs Overend** asked the First Minister and deputy First Minister what departmental funding streams are available to local victims and survivors groups, other than the through the Victims and Survivors Service. (AQO 9780/11-16)

**Mrs Foster (The First Minister):** We remain committed to ensuring that victims and survivors receive the best services possible. The Victims and Survivors Service continues to be our front-line delivery body for the provision of these services. Some £14 million has been allocated to victims and survivors in this financial year, which is the highest ever opening budget for the sector.

Victims and survivors groups who meet the criteria can also apply for funding from our departmental central good relations fund. The Peace IV cooperation programme for 2014-2020 has recently been launched, and it also includes, for victims and survivors, the sum of €17.6 million. That is anticipated to open for application in autumn 2016.

**Mrs Overend:** I thank the Minister for that detail. The First Minister will know that 10% of all people who lost their lives in the Troubles were from Mid Ulster, yet less than 10% of the support funding for victims and survivors is allocated to my constituency. Is the First Minister willing to look at that anomaly and attempt to address it?

**Mrs Foster:** I thank the Member for her question. One of the concerns we have had over the years is the fact that unless victims had been affiliated to victims groups they could not access the funding. One of the ways that we are trying to deal with this is through the individual pilots that we have been running to see if there are ways that we can reach those people, and that continues to be the case. We are continuing to reach out to people who, otherwise, would not have access to the funding. We understand that it is not necessary for victims and survivors to be involved with victims groups. Some people do not want to become involved in that way, which is perfectly reasonable, but it is about how we reach those people. We are making strides to reach out to them, and we will take any suggestions in the office as to how we can do so. We will consider those suggestions, and if the Member has any particular ones, we welcome them.

**Mr Speaker:** Before I call Mr McIlveen to ask a supplementary question, I remind the Member, as the Minister's Assembly private secretary and in line with protocol, that the question should relate specifically to a constituency matter in which he is directly involved.

**Mr D McIlveen:** I welcome the money that has been allocated for Peace IV. Will the First Minister update the House on what amount of that will be allocated to trauma services?

**Mrs Foster:** Mr McIlveen is not my PS. He was, when I was in Finance, so maybe that is the issue. The Department has been exploring opportunities to utilise Peace IV funding to try and take forward elements of the trauma-related services. The Member will be aware that my colleague the Health Minister made announcements in relation to mental health services recently in the general sense, and I very much welcome that, but we have been working, through the Peace IV steering group, to try and make sure that we have access to moneys for trauma-related services. The Victims and Survivors Service will take those issues forward on our behalf. There is €17.6 million in that victim sector, including the match funding, and we want to make sure that we draw it down and use it in the most productive way possible.

**Mr Speaker:** I owe you an apology, Mr McIlveen, but I congratulate you on a magnificent recovery.

**Mr Diver:** First Minister, do you agree that the £150 million identified at Stormont House is inadequate to deal with the issues of victims and survivors and that, given the £30 million alone that is mooted for Stakeknife and the new work by the Lord Chief Justice on inquests, there is actually a need for a major uplift in the moneys required?

**Mrs Foster:** As the Member is probably aware, at the moment, we do not have access to that £150 million because there was a lack of agreement on dealing with the past. I am on record calling on the Secretary of State to release that money so that we can free up the resources that have been needed, not least by the Lord Chief Justice and, indeed, by the Police Service of Northern Ireland.

I was rather alarmed to hear recently that the Chief Constable was indicating that most of his budget for dealing with the past is being, if you like, seconded to the DPP to deal with issues that have been raised by it. Those issues continue to be very much to the fore of my mind, and I reiterate that I believe that the Secretary of State needs to look at this very carefully. She has made some noises recently, which I take as being positive, on allowing some of that money to be released. I encourage her to do that so that we can deal with those elements because, despite the fact that we have no agreement on the past, those issues remain and still have to be dealt with, and I call upon her to release that money.

## T:BUC Summer Camps

2. **Mr Maskey** asked the First Minister and deputy First Minister for an update on the Together: Building a United Community summer camps for young people. (AQO 9781/11-16)

**Mrs Foster:** Mr Speaker, with your permission, I will ask junior Minister Pengelly to answer the question.

**Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister):** One of the headline actions of the Together: Building a United Community strategy was to pilot 100 summer camps in 2015. I am pleased to say that that target was achieved, with 101 camps operating on a local and regional level.

Summer camps are about building positive relations between young people aged 11 to 19 on a cross-community basis. They represent an investment of in and around £1.2 million by the Northern Ireland Executive, and approximately 4,200 young people participated in 2015. A reunion event was held on Saturday 13 February in W5 in the SSE Arena. Junior Minister McCann and I attended and were pleased to announce the launch of the substantive summer camps programme in 2016-17.

**Mr Maskey:** I thank the First Minister and the junior Minister for that response. At this stage, does the junior Minister have any further information on the follow-on community relations activities in the likes of West Belfast, which is my constituency? It might be a bit early to have drilled down and got information on that.

**Mrs Pengelly:** Yes, we have been carrying out a very detailed evaluation of the pilot, and that included several officials visiting a number of the summer camps to see what was happening on the ground and to get some feedback. We have held a number of stakeholder events among those who participated, and that involved not just the organisers but very much the young people themselves. We will roll this out with some small amendment to the programme criteria for 2016-17. We are confident at this stage that the co-design we have for the project is the correct one, but we remain flexible on that and will continue to listen to feedback and make whatever changes are necessary.

**Mr Lyttle:** In a written statement on 3 March, the First Minister said that "continued progress" is being made on the projects funded by the UK Government/Northern Ireland Executive Building a Prosperous and United Community economic pact, including integrated primary schools. Which integrated primary school projects have been supported by the economic pact and by how much?

**Mrs Pengelly:** I am happy to write to the Member about the specifics of his question, but I assure him that, in our shared education agenda, integrated education is very much at the centre. Not only that but there is the shared education project initiative that we are funding in OFMDFM along with Atlantic Philanthropies, and all schools, including many integrated primary and post-primary schools, are involved in that. I am happy to write to him about the specific detail of his very specific question, but I assure him that, absolutely, they are included, money is being rolled out and we are getting very positive feedback on our Together: Building a United Community agenda.

**Mr Frew:** What progress has been made on the evaluation of the 2015-16 summer camp pilot programme? Are we confident that the money is being spent in the right and best way?

**Mrs Pengelly:** Yes. As outlined, the 101 camps cost around £1.2 million, but that provided many activities for almost 5,000 young people. I believe that that demonstrates value for money at this stage. Early indications are that the evaluation very much confirms that. We understand that the evaluation report was to have been finalised at the end of last week. I understand that Ministers are looking forward to receiving it, probably this week. Certainly, from speaking to officials and those involved, it looks like the evaluation will be very positive.

## Child Poverty: Rural Areas

3. **Mr McCrossan** asked the First Minister and deputy First Minister to outline their plans to address child poverty in rural areas such as West Tyrone. (AQO 9782/11-16)

**Mrs Foster:** Following Executive agreement, we will publish a new Executive child poverty strategy, which will set out our plans to address child poverty. The strategy will focus on actions to achieve four outcomes: families experience economic well-being; children in poverty learn and achieve; children in poverty are healthy; and children in poverty live in safe, secure and stable environments. The strategy will include actions to support young people in rural areas in education, employment, childcare, fuel poverty, financial matters and community development. The Department of Agriculture and Rural Development's tackling rural poverty and social isolation framework also sets out plans specifically to address rural poverty.

**Mr McCrossan:** Thank you, First Minister, for your answer. What is your assessment of the need to include child poverty in the new Programme for Government to ensure that no child in West Tyrone — in any constituency, for that matter — is disadvantaged by poverty and deprivation?

**Mrs Foster:** I thank the Member for his supplementary question. I am sure that dealing with child poverty will be one of the outcomes that we will very much want to have in our new Programme for Government. As he and, I am sure, everyone else is by now aware, because we have been talking about it for a number of months, we intend to change the focus of the Programme for Government from measuring how much we put in and how much money is spent to looking at the outcomes that we can achieve. That is absolutely the right way to go around that.

Child poverty does not sit with just OFMDFM. It sits right across government, whether you are talking about DARD and its programmes to deal with it in a rural fashion, DSD or the Department of Education. Many Departments are involved in dealing with the issue. Therefore, when we move to the new Programme for Government, we will look at the outcomes that we can achieve right across government.

**Ms Boyle:** Go raibh maith agat. I thank the Minister for her answers thus far. Minister, you mentioned the tackling rural poverty and social isolation programme. Will you elaborate on how the child poverty strategy will complement and support actions taken under the tackling rural poverty and social isolation programme?

**Mrs Foster:** Thank you. The tackling rural poverty and isolation programme, which sits within the Department of Agriculture, has had a positive impact on the lives of rural dwellers across a wide range of areas, including rural transport; augmenting DETI's work on broadband services by giving more funding to deal with that at a rural level; promoting good health and positive mental health; fuel poverty; and rural childcare. All the actions that have been happening under DARD's tackling rural poverty and social isolation programme will, we hope, set the base for moving forward to deal with child poverty. We need to adopt an integrated approach for child poverty. It certainly should not be seen as the responsibility of the central government Department but should be spread right across government.

**Mrs Hale:** I thank the First Minister for her detailed answers so far. Will she inform the House of the impact of the social investment fund (SIF) on rural areas?

**Mrs Foster:** That is another good example of how policies that are rolled out from across Departments should complement each other. The social investment fund is certainly helping with child poverty and poverty generally across Northern Ireland. Some 800 people are participating in SIF's employment and early intervention projects. By the end of February, £61 million had been attributed to SIF projects. That is a very good piece of work, given where we were a couple of months ago, and we hope that that figure will rise to around £70 million by the end of the mandate.

## 2.15 pm

In the west of the Province, Work Ready West, which is an employment programme, has put 120 people in the western zone into paid employment. That is having a real impact on those people and, indeed, their families. Also, SATCHEL, which is a project run by Derg Valley Care services and Barnardo's, is providing early intervention activities for children up to the age of seven right across the western zone. There have been real and targeted interventions as a result of the work of SIF, and I very much welcome that.

**Mr Patterson:** Does the Minister agree with Save the Children's Read On. Get On policy assertion that the ability to read well is one of the best routes out of poverty for children? If so, what actions are being planned to support that policy?

**Mrs Foster:** I personally indicated to Save the Children that I supported that project, and it responded to say that it was very pleased that OFMDFM was expressing its support. That, too, is about early intervention, and, whether through the nurture units set up under Delivering Social Change or under a project such as SATCHEL, which is there to provide early intervention, we are trying to raise the standard at a very early stage so that, when young people come into the school environment, they are ready to learn. Getting children used to reading and used to books is a very important piece of that, and I very much support the programme set out by Save the Children.

## Victims and Survivors: Funding

4. **Mr Weir** asked the First Minister and deputy First Minister to outline the level of funding that has been provided to victims since May 2011. (AQO 9783/11-16)

**Mrs Foster:** Funding has always been an area of considerable challenge, especially in the current economic climate. However, I assure the Member that we remain committed to ensuring that funding goes to deliver the most appropriate level of services to those who need it most. Victims and survivors remain one of our key priority groups, as borne out by the budget allocated to the sector from the Northern Ireland Executive since 2011. Since then, the budget has totalled almost £67.5 million, excluding funding from other sources such as European funding. Over £14 million has been provided to support the victims sector in the current financial year alone, and this includes its highest ever opening budget.

**Mr Weir:** I thank the First Minister for her answer. Will the First Minister update us on the commitments for victims and survivors in the Stormont House Agreement and the Fresh Start Agreement?

**Mrs Foster:** The Stormont House Agreement included a number of commitments that relate to victims and survivors. There is, of course, the comprehensive mental trauma service, the victims' pension for severely physically disabled people, the provision of advocate counsellor assistance and high-quality services, including funding outside of the jurisdiction. We have made significant progress across those commitments and are considering how we can further develop those services in the context of A Fresh Start. I understand that the money for dealing with the past in particular has not yet come to the Northern Ireland Executive, but I believe, as I said in a previous answer, that the time is right for the Secretary of State to look at that again and devolve that money.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. On a similar theme, can the Minister provide an update on the ongoing collaborative design programme concerning services for victims and survivors?

**Mrs Foster:** I can indeed. The collaborative design programme has been progressing. It is also about trying to develop an improved model for service delivery that better meets the needs of all victims and survivors. I go back to the question that Mrs Overend asked, and it is not just about the victims and survivors who find themselves in victims' groups. We have made significant progress, including improved monitoring and evaluation processes, and are running a number of short pilots on the individual needs programme so that individuals are satisfied and that it is not done only through a group.

I am not saying that we do not intend to work with groups in the future; of course we do. They provide crucial services to very many victims and survivors across Northern Ireland, but that is not the only way. We have to understand that, in a collaborative design programme, we have to look further not only at what has happened in the past but at how we can do it better for the future.

**Mr McCarthy:** I thank the First Minister for her responses so far. Does she believe that it is acceptable to essentially park dealing with the past and victims until after the Assembly elections on 5 May? Can she tell us how long victims will have to wait?

**Mrs Foster:** I noted the comments of the Member's party leader at the weekend, which, of course, were ill informed as to what I had actually said about dealing with the past. What I said about dealing with the past was that we as politicians — this might come as a surprise to some in the House — should be honest with victims and survivors. Do I foresee people coming to an agreement before the Assembly election? No, I do not. Therefore, I think that it is incumbent on me to say that I believe that the matter will not be dealt with before the Assembly election. Does that mean that I would not like to see it dealt with before the Assembly election? Of course not. I would like to have seen it dealt with last November. I know that it was all very exciting at the party conference in La Mon at the weekend, but people should get their facts right before they start making allegations.

**Mr Allister:** This Friday is European Day of Remembrance of Victims of Terrorism, an event that will be marked next Monday in the Senate Chamber. Does the First Minister accept that it is a badge of dishonour and shame on her Administration and these institutions that the definition of "victim" that shapes who can get funding continues to

include victim-makers? Can she tell us, in consequence of that definition, how many victim-makers —

**Mr Speaker:** The Member will resume his seat. He knows —

**Mr Allister:** How many victim-makers have received —

**Mr Speaker:** Please do not speak while I am —

**Mr Allister:** — funding, including prisoners' groups?

**Mr Speaker:** Resume your seat. One question at a time. I have made it clear that I expect Ministers to remember that as well.

**Mrs Foster:** First of all, no prisoners' groups have had victims' funding. That is the first thing to say. The second thing to say in relation to the question that was asked is that it was my party, of course, that tried to change the definition of "victim". It is this party that wants to do that. Unfortunately, there are others in the House who do not want to see that happening. We will continue to try to legislate in the next mandate to deal with that matter, but we need others to join us to do that. That is the reality. The "victim" definition was set before devolution, but, of course, that is something that Mr Allister conveniently does not tell people. We have to deal with that reality. I am dealing with realities, not fantasy politics.

I want to take the opportunity, given that the Member referred to European victims' day, to say how much I utterly condemn the attack on the prison officer last weekend.

**Some Members:** Hear, hear.

**Mrs Foster:** It was a despicable murder attempt that, thankfully, did not succeed. As the Secretary of State said, we have to be lucky all of the time; the bad guys only have to be lucky once. I call on the public to be vigilant, particularly given the activities in Carnfunnock in Larne at the weekend as well. I praise the member of the public who brought the arms cache to the attention of the Police Service of Northern Ireland. We must make sure that the entire public give their support to the Police Service of Northern Ireland so that we can bring these people to justice and make sure that Northern Ireland continues on a positive and productive journey to the future.

## T:BUC: Key Priorities

5. **Mr McQuillan** asked the First Minister and deputy First Minister to outline the key priorities of Together: Building a United Community. (AQO 9784/11-16)

**Mrs Foster:** Mr Speaker, with your permission, I will ask junior Minister Pengelly to answer this question.

**Mrs Pengelly:** Together: Building a United Community reflects the Executive's commitment to improving community relations and continuing the journey towards a more united and shared society. The strategy outlines how government, community and individuals will work together to build a united community and achieve change against the following key priorities: our children and young people, our shared community, our safe community and our cultural expression. The good relations indicators will monitor the Executive's progress on delivery against each of the four key priorities.

I am particularly pleased that we have produced an ambitious and robust good relations strategy — something that previous Administrations and other parties failed to achieve. It is an

excellent example of the strong leadership that is being shown to build a better future for Northern Ireland.

**Mr McQuillan:** I thank the junior Minister for her answer. What are the funding arrangements for T:BUC for 2016-17?

**Mrs Pengelly:** At this stage we have been working closely with a range of Departments to assess the funding requirements. Like some of the other OFMDFM projects, such as Delivering Social Change, Together: Building a United Community has particular challenges, in that delivery partners are senior responsible owners (SROs) appointed in each of the Departments. The agenda requires us to go out and talk to a range of Departments and assess their spending plans and where they are with the design and roll-out of their projects.

We have been undertaking that process for some time. We have secured funds to roll Together: Building a United Community forward into next year, but we will want to place the strategy on a robust footing. Therefore, we will continue that work. We anticipate that there will be changes and increased demand as those final projects are rolled out.

## Fair Employment and Treatment (Northern Ireland) Order 1998

6. **Mr Beggs** asked the First Minister and deputy First Minister to outline any correspondence they have had with the Minister of Education on the issue of article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998. (AQO 9785/11-16)

**Mrs Foster:** We have not yet received correspondence from the Minister of Education on the exception of teachers from the fair employment provisions contained in article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998. I understand that the Minister of Education wrote to the Speaker's Office on the matter in February 2015 and stated that he did not believe that there was a need to continue with the exception and that it was a matter for OFMDFM to take forward. Our Department's position is that, although we are responsible for the Fair Employment and Treatment (Northern Ireland) Order 1998, the issue clearly impacts on the Department of Education. Therefore, we are working with that Department to consider the matter further.

**Mr Beggs:** The parties that the First Minister and deputy First Minister represent have individually said that they are in favour of the removal of the exception, which permits unfair treatment. Will the First Minister commit and advise what proactive action the First Minister and deputy First Minister, acting together, have taken to remove the exception?

**Mrs Foster:** For me, it is an equality issue, and I was somewhat surprised that a petition of concern was used by Sinn Féin and the SDLP to block an amendment just last week. It is a 35-year-old exemption, and the Equality Commission last reviewed it in 2004. I was somewhat surprised when I checked that that was the case, because, of course, the Equality Commission for Northern Ireland has a duty to review the exemption and has not done so for coming on for 12 years. It is long past the time for the Equality Commission for Northern Ireland to review the matter again and bring forward proposals to the Office of the First Minister and deputy First Minister.

## Delivering Social Change

7. **Ms McCorley** asked the First Minister and deputy First Minister for an update on the Delivering Social Change framework with the Atlantic Philanthropies and Departments. (AQO 9786/11-16)

**Mrs Foster:** The delivery of the three Delivering Social Change signature programmes announced in September 2014 and being jointly funded with Atlantic Philanthropies is progressing well. These three cross-cutting programmes have placed an increased focus on the areas of early intervention transformation, dementia services and shared education. The total estimated costs associated with the programmes is £56.3 million. Atlantic Philanthropies has committed itself to funding 40% of the total estimated cost, which is £22.5 million. The remaining 60% will be funded through central funds and lead Departments, which is £22.5 million and £11.23 million respectively.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. Will the Minister give me some more information on the 14 individual projects under the early intervention transformation programme (EITP)?

2.30 pm

**Mrs Foster:** The focus of the early-intervention programme will be on delivering a systematic change in how mainstream services to children and families are delivered, with the anticipation that different approaches at an earlier stage will measurably improve long-term outcomes for children, many of whom are most vulnerable. Recently, when I was in Harpurs Hill family and children's centre in Coleraine, they told me that when interventions take place at a very early stage, it means that children do not come to their attention later. Yes, it was a long time to wait for an outcome, but it was an outcome worth waiting for. Sometimes in government we like to see targets met year on year, but it can take 10, 15 or 20 years to see the outcome of early intervention. However, it is a key part, and I hope that it will be a key part of our Programme for Government for the next mandate.

**Mr Speaker:** I am sorry, but that brings us to the end of the period for listed questions. We now move on to topical questions.

## Terrorism: Security Force Action

T1. **Mr McNarry** asked the First Minister and deputy First Minister what assurances the First Minister can give that action by the security forces will be swiftly implemented to thwart life-threatening terrorist activity, given that we all support the PSNI and others in their efforts against terrorists. (AQT 3601/11-16)

**Mrs Foster:** I think that we were all very concerned to hear the assessment from the Assistant Chief Constable on Friday as regards dissident republicans and the fact that they were going to use Easter 1916 as an excuse, if you like, to perpetrate their violence, mayhem, and their agents of death. I absolutely believe that we, as politicians, need to give very strong leadership on this. We need to say that it is entirely unacceptable and reject it, but, more than that, we have to support the Police Service of Northern Ireland to bring these people to justice. It is for that reason that,

whilst the find at Larne was very disturbing, the fact that we were able to find it makes for a good news message.

**Mr McNarry:** I thank the First Minister for her answer and ask her whether she considers it premature to upgrade border patrols and the rounding up of terrorist suspects.

**Mrs Foster:** I hope that the Police Service of Northern Ireland, if it is aware of anyone who has a case to answer, should deal with that issue. I was asked that question on Friday, and my answer then and now is that, with respect to you, this is a matter for the Chief Constable and the Police Service of Northern Ireland. The Police Service is in operational control, and it would be wrong for a politician to direct it as to how to do its job. All we can do is give leadership and support him in whatever resources he decides he needs. He will not find me wanting in that respect.

## Brexit: Yes Vote

T2. **Mr McGimpsey** asked the First Minister and deputy First Minister what steps the First Minister reasonably believes the Northern Ireland Executive can take in the event of a yes vote in the European referendum, resulting in the United Kingdom leaving Europe. (AQT 3602/11-16)

**Mrs Foster:** Of course, whether there is a yes vote on the 24 June is a matter for the people of Northern Ireland. It is not a matter for political parties; it is a referendum and not an election. Therefore, each individual will make their assessment as to whether they believe that we are right to remain in the European Union or whether we should leave. For my part, I believe that the United Kingdom should establish its sovereignty again, particularly our economic sovereignty, although I understand that the Member's party has taken a different view. However, it is a matter for the people of Northern Ireland and the whole of the United Kingdom, and we look forward to that referendum.

Let me say this: we should not take our eye off the ball, as a very important election will be held before then and there are matters to be dealt with on a Northern Ireland basis before that referendum comes.

**Mr McGimpsey:** Bearing in mind that the election will be fought on issues around health, spiralling waiting lists, employment, and investment in education, does the First Minister believe that, in the event of a Brexit, 25% of our exports will continue to go to the Irish Republic, or does she believe there is a threat there? If so, what steps does she believe we can reasonably take to protect that export trade?

**Mrs Foster:** Of course, we trade with many nations across the globe: it is not just our trade with the Republic of Ireland that we need to concentrate on. I know, perhaps more than most in the House, that our new and emerging markets are hugely important as well, particularly in the Far East and Middle East, never mind the Americas. It is difficult to assess just what difference it would make whether we are in the European Union or not; but people will make their own assessment and judgement.

In relation to the Member's comments on health and education, I am delighted that my colleague, the Minister of Health, has made £30,000 more available to deal with health service waiting lists, adding to the £40,000 that was allocated in the monitoring round — *[Interruption.]* — I am sorry; £30 million, added to the £40 million that was allocated to him in the last monitoring round to deal with health service waiting lists. That is a total of £70 million to

deal with waiting lists, and rightly so, because we have all noticed that there have been difficulties in relation to this issue. I am glad that he is listening to that and has been able to allocate that money.

## Equal Pay: OFMDFM Action

T3. **Ms McGahan** asked the First Minister and deputy First Minister, given that OFMDFM takes the lead on equality matters, what plans it has to bring forward an action plan to address the pay differences between male and female employees. (AQT 3603/11-16)

**Mrs Foster:** OFMDFM has many strategies, such as the gender equality strategy, which is in development and is in early draft stage. We hope that that new strategy will be published in late 2016. It is very important that the Member should raise that issue this week, Mr Speaker, because we recognise that you have designated this as a week in which we should be aware of all the aspects surrounding women's issues and we thank you for doing that. Tomorrow is International Women's Day, and we look forward to all our male colleagues celebrating that with us.

**Some Members:** Hear, hear.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for her response. Has her Department, in planning for this very important matter, given consideration to the Employment Bill that is currently making its way through the House and which was amended in relation to the gender pay gap and disclosure of information?

**Mrs Foster:** This is a very complex issue, and I know that our Executive colleague, the Minister for Employment and Learning, is taking the matter forward. There are issues around part-time working and caring duties to take into account, and those are all part of the gender equality strategy that we hope to bring out towards the end of this year. Just to make sure that my male colleagues do not feel left out, International Men's Day is on 19 November. *[Laughter.]*

**Some Members:** Hear, hear.

**Mr Speaker:** I did not know that.

## Numeracy and Literacy Scheme

**Ms P Bradley:** Before I ask my question, I want to thank the First Minister for that information and for her support for International Women's Day.

T4. **Ms P Bradley** asked the First Minister and deputy First Minister whether the First Minister supports the mainstreaming of the numeracy and literacy scheme, which is supporting over 18,000 children. (AQT 3604/11-16)

**Mrs Foster:** When I came into OFMDFM, I had a look at all the different strategies and interventions that we were involved with. I have had the opportunity to visit a number of schools and hear their feedback, on a one-to-one basis, around some of the interventions we have made. This has been one of those interventions that has been hugely appreciated, not just by teachers but by families. It is a matter for the Minister of Education, but I hope that it can continue because it is making a real difference to families across Northern Ireland.

**Ms P Bradley:** I thank the First Minister for her answer. As a representative for North Belfast, I know only too well the

issues around numeracy and literacy. Is she optimistic that this will be funded through the Department of Education?

**Mrs Foster:** I thought that I had answered that question, but I will try again. It is a matter for the Minister of Education, and I hope that he will find the resources to do so, because it is making a real difference. The ability to help young people is the most satisfying thing that any of us as politicians can hope to do to inspire them, motivate them, and encourage them. That is certainly something that we should look to do.

### County Armagh Development Association: Funding

T5. **Mr Kennedy** asked the First Minister and deputy First Minister whether the First Minister will undertake to consult with her Executive colleagues in DSD and DARD to ensure that the County Armagh Development Association is properly and fully funded in the new financial year, given that she will be aware of the excellent work undertaken by that organisation, which is based in the Newry and Armagh constituency and works throughout County Armagh. (AQT 3605/11-16)

**Mrs Foster:** Yes, I am aware of that and similar organisations across Northern Ireland. I hope, again, that funding is found so that those people who provide a really good service, particularly in rural areas of Northern Ireland, will be able to continue. It has been raised with me directly by my colleague Mr William Irwin, who is the Chairman of the Agriculture Committee, and I intend to take it forward.

**Mr Kennedy:** I thank the First Minister for her response thus far. Will she use her considerable influence to ensure that County Armagh Development Association is informed at the earliest opportunity about its funding allocation to create maximum certainty for their employees and user groups?

**Mrs Foster:** I understand that there are two issues here. There is the PUL issue on funding for the work that has been going on for that programme, and there is a cut, I think, for wider facilities and services that have been given. I support the Member in saying that we need to give clarity as quickly as possible. I think that is absolutely right. As I understand it, this is to come to a head at the end of this month; therefore, we need to deal with the matter quickly, and he has my assurance that I will deal with it swiftly.

**Mr Speaker:** I inform the House that Question 6 has been withdrawn within the appropriate time frame.

### Corporation Tax: US Message

T7. **Mr I McCrea** asked the First Minister and deputy First Minister to outline the message that the First Minister intends to take to the United States next week on the reduced level of corporation tax in Northern Ireland. (AQT 3607/11-16)

**Mrs Foster:** I thank the Member for his question. We have a very good story to tell about our work with the United States and companies. Just last week, the deputy First Minister and I met separately with Drew O'Brien, who was sent here by Minister Kerry as an economic envoy. He brought some people with him from universities and businesses, and we were very pleased to meet with him because we want to have more people like that come to visit us in Northern Ireland.

I have not had an opportunity to speak with the deputy First Minister about this yet, but I found that they were enthused by what they found in Londonderry and Belfast, and hopefully, they can now act as agents for us in the United States. It is one thing for us to go out and talk about all that is good about Northern Ireland, including the lowering of corporation tax, but it also very good to have advocates for Northern Ireland in the United States.

**Mr I McCrea:** I commend the First Minister for all the work she has done on corporation tax. When she goes to the United States, will she take the opportunity to invite businesses and people there to come to Northern Ireland so that they can see exactly the product we have here and, indeed, our people?

**Mrs Foster:** There are a couple of messages there. I will certainly invite people to come to Northern Ireland because, once they do, it overcomes some of the perceptions that have grown up over many years about this place as somewhere to do business. As well as that, we want to invite them here from a tourism perspective. We will certainly be doing that. I have found that, once people come to Northern Ireland, they are enthusiastic about the place.

Certainly, my key message will be to try to invite as many people as possible to visit us here and to tell them why. That is, of course, about our proposition, which is our good young people, who are very willing to work and have a very high skill base and good education. The cost of accommodation here is considerably lower than that elsewhere in the United Kingdom, and, indeed, on this island. We have a very good proposition, as well as the new tool of a lower rate of corporation tax, so I am very confident about the visit when it happens next week.

### Air Passenger Duty: Abolition

**Mr Speaker:** I call Mr Adrian Cochrane-Watson, and I warn that there may not be time for a supplementary question.

T8. **Mr Cochrane-Watson** asked the First Minister and deputy First Minister whether any progress has been made on the abolition of air passenger duty, given that it is hampering growth at both Belfast airports, and to join him in congratulating Ryanair in the new routes from Belfast that were announced last week. (AQT 3608/11-16)

**Mrs Foster:** As the Member is aware, air passenger duty is an issue for Westminster. At a United Kingdom level, we have long called for the air passenger duty rate to be abolished for domestic flights. As he is aware, air passenger duty for international flights, such as the Newark flight, has been abolished, and it cost the Executive a considerable amount of money to be able to do that. If we were to do the same and not have air passenger duty on a UK-wide basis, it would again cost the block grant a considerable amount of money. However, I believe that airports can do much more to help themselves. We can do much more to help them through air route development, and I am sure that, if the Member puts a question to the Minister of Enterprise, Trade and Investment, he will be able to update him on that matter.

**Mr Speaker:** That brings us to the end of topical questions.

2.45 pm

## Environment

### Road Traffic (Amendment) Bill: Implementation

1. **Mr Easton** asked the Minister of the Environment for an update on the implementation of the Road Traffic (Amendment) Bill [NIA 35/11-15]. (AQO 9795/11-16)

**Mr Durkan (The Minister of the Environment):** The provisions in this important Bill were prompted by public concern about the continuing harm caused by drink-driving; the high number of young and other new drivers involved in fatal or serious crashes; and the risks to users of quads involved in collisions on public roads. I welcomed the Assembly's backing of the Road Traffic (Amendment) Bill as it completed its passage on 12 January. I expect it to gain Royal Assent later this month.

The Bill makes provision for two new lower drink-drive limits and also increases the likelihood of being stopped and tested by the police. A consultation paper is due to issue later this month, which will contain proposals to introduce a set of five statutory rules that are needed to bring the new drink-drive measures into operation. I am confident that, with the continued support of my road safety partners, the new drink-drive regime will be implemented before the end of 2016.

The objective with graduated driver licensing (GDL) is to ensure that drivers acquire experience and skills over time in lower-risk environments. The Bill provides for a mandatory six-month minimum learning period and the introduction of a programme of training that will be evidenced by a logbook. It removes the current 45 mph restriction for learner and restricted drivers. It also introduces a time-bound passenger restriction for new young drivers for the first six months after they pass their test.

The Department is developing a draft programme of training and aims to begin informal consultation with key stakeholders over the coming months. Full public consultation will follow. Subject to relevant subordinate legislation being in place, it is planned that GDL will be operational in 2018.

It is proposed that the necessary legislation to make it mandatory to wear a helmet when riding a quad on a public road will be progressed as soon as possible in the next Assembly mandate.

**Mr Easton:** How will the new driver restrictions be communicated to the public?

**Mr Durkan:** I thank Mr Easton for this question on a very important topic. Communication is key to the success of anything that we do in here or that any legislation does anywhere. That is particularly so when something could be perceived as complex, and this legislation, as evidenced during the debates as it passed through the Assembly, is quite complex and not as straightforward as I would have originally liked it to be. However, it was amended, which made it acceptable to the House.

A communication strategy is essential. The Department has been working on that and commenced the groundwork. Obviously, the main target audience here is

those on whom it immediately impacts: new young drivers. Right away, we were in contact with approved driving instructors. They will talk to learner drivers about this from their very first driving lesson. There will also be public information because it is important that parents know about this before they let their children out driving. They should know the responsibilities that their children have for the passengers whom they can carry and when. A lot of time and as much money as we can afford will be spent on devising the strategy to ensure that it is successful and has the impact that the Bill is all about — that is, reducing the number of fatal and serious collisions brought about and involving young drivers carrying young passengers.

**Mrs Overend:** I thank the Minister for that detail. I was interested to hear about the communication. That is vital because it is all right for us to change legislation here, but we need to get that message to the young people. There is a lead-in time for the change in legislation for young drivers, but the Minister said that the legislative change to it being mandatory to wear a helmet when riding a quad will come in "as soon as possible". How will that be communicated to those riding quads right across Northern Ireland?

**Mr Durkan:** I thank Mrs Overend for that question. In her former capacity as environment spokesperson for her party, she was very involved as the Bill went through the Assembly. Communication is important when making it mandatory to wear a helmet when riding a quad bike on the public road. It is safe to say that this will not impact directly on as many people as the GDL, but that is not to understate the importance of effectively communicating people's responsibility to wear a helmet from when the subordinate legislation is passed. It is important, therefore, that we look at how we do that. Is it through a TV campaign? I am not sure that it warrants that. However, it is important that we work with the groups that we have worked with closely throughout the process, as the Member will be aware, such as the Young Farmers' Clubs etc, to see how they can help to get the message out to members who are possibly quad users.

### Flooding

2. **Mr Anderson** asked the Minister of the Environment for an update on the action his Department is taking to help people impacted by flooding. (AQO 9796/11-16)

**Mr Durkan:** You will be aware that article 26 of the Local Government (Miscellaneous Provisions) Order 1992 makes provision for a scheme of emergency financial assistance to district councils. Financial assistance under that article takes the form of grants paid by my Department with the consent of the Department of Finance and Personnel.

During the most recent flooding, I made emergency funds available to cover council costs incurred when responding to the needs of householders across Northern Ireland from 7 November 2015 until 31 January 2016. The scheme of emergency financial assistance to district councils also includes an immediate payment of £1,000 to householders as practical assistance to those who suffered severe inconvenience to help to make homes habitable as quickly as possible. It is not a compensation payment.

Circular LG 03/16, which provides advice on the scheme of emergency financial assistance to district councils, was issued to all councils on 29 January this year and includes the standard application and survey forms for

use by householders and councils respectively. Claims for reimbursement must be submitted to the Department using the templates provided. Application forms seeking reimbursement of expenditure relating to recent incidents must be submitted to the Department within three months of the flooding incident occurring. Claims made outside that period will not be eligible for reimbursement unless in exceptional circumstances where prior agreement has been reached with the Department. As a result of the most recent flooding, I will reimburse councils to cover the immediate payment of £1,000 to 175 households.

On 11 February this year, I circulated the seventh version of an Executive paper on flooding to my Executive colleagues, seeking agreement to extend the current scheme of emergency financial assistance to include recreational and community buildings, places of worship and businesses. I will continue to press my Executive colleagues to endorse that proposal.

**Mr Anderson:** I thank the Minister for that response. During the flooding crisis, a listed thatched cottage in my constituency was greatly damaged and is still badly affected. I believe that you, Minister, may have visited the cottage. What further help and assistance can be given to protect and preserve buildings of that type from the effects of flooding?

**Mr Durkan:** I thank the Member for that question. I did indeed visit the cottage in the Member's constituency. You could say that it literally was in the Upper Bann on the day that I visited it, such was the extent of the flooding that it and those dwelling in it had suffered. It is vital that Departments work collectively to mitigate the damage caused by flooding to households and, as I have said, community facilities, businesses and churches. We know that it causes not only damage but distress. It has been evident to me over the past couple of months, as I have visited victims of flooding right across the North, that it does not just have an impact on their property but takes a toll personally.

My colleague the ARD Minister launched a new scheme for individual property protection. That is very important. Grants will be available to people living in areas prone to flooding to put in physical measures to protect their property. I believe that grants of up to £10,000 are available.

The property to which the Member refers is a thatched cottage. It is over 300 years old, as I recall. Not that I recall it being 300 years old; I recall being told that. My Department has a responsibility to protect our built heritage. Therefore, I have spoken to my officials about that, and I know that they have engaged with the occupants of the property. Departmental architects and NIEA architects have spoken to them to see what practical measures can be taken to preserve that important piece of built heritage.

**Ms Lo:** Given that flooding is very much a fact of climate change, will the Minister update us on his stakeholder consultation on bringing forward a climate change Bill? What does he hope to achieve in this mandate?

**Mr Durkan:** I thank Ms Lo, the Chairperson of the Environment Committee, for her question. I know that the whole subject of climate change, as well as the need for legislation, is something that Ms Lo has been very vociferous about over the few years during which I have been Minister.

We have received responses to the discussion document. The overwhelming majority of responses agree that we, as an Assembly in the devolved state of Northern Ireland, need our own specific climate change legislation. They are not unanimous by any means; there are some who question the need for such legislation. However, that does not surprise me at all. It underlines the importance of working with those groups and, indeed, parties in this Chamber that might not be or are not supportive of the need for climate change legislation.

One thing that has been achieved in this mandate — not necessarily by me, per se — is a growing realisation in this Chamber and across the North that climate change is happening. We are contributing to it and, therefore, we have to contribute to slowing it down. The COP21 conference in Paris, which I had the privilege to attend, showed what can be achieved. The role of business in the conference showed that what can be achieved need not necessarily be detrimental to our economy. As we move forward into the next mandate — hopefully to bring in climate change legislation here — it is vital that we involve business, particularly the agrifood sector.

**Mr Patterson:** I thank the Minister for his responses so far. Many people affected by flooding have been left seriously disappointed by the Executive's response to flooding in general. Does the Minister agree that more could have been done, particularly to support businesses, community facilities, churches etc?

**Mr Durkan:** I thank the Member for his question. I wholeheartedly agree with him. I said in my answer to the original question that I had recently tabled the seventh version of an Executive paper seeking to extend the scheme of emergency financial assistance for householders to businesses, community facilities and churches. I tabled version 1 of that paper in November 2014, not November 2015.

I would like to think that, had that received Executive approval, those small businesses — many of which, as I said, I have visited — that were so negatively impacted on by the flooding this winter would have received some sort of assistance from the Government. I am not sure that £1,000 would have gone very far towards helping very many of them; however, it would have been some practical assistance from us as a Government.

### 3.00 pm

I have visited many of those businesses, and I have heard them say very loud and clear that they feel let down by the Executive. All I can do is point to the efforts that I have made in that regard. Having sat on the paper for 13 months, the Executive then voted for the Agriculture and Rural Development Minister and the Finance and Personnel Minister to take forward the extension of the scheme. That was on 20 January, and, despite having written to request an update, I still await a response on how they will proceed to extend it to help those who have suffered or will suffer in the future. One thing that is clear now is that, because it has taken so long, those who suffered this winter — there were an awful lot of them — will not get anything.

## Road Safety

3. **Mr Ó hOisín** asked the Minister of the Environment, following recent multiple fatality road traffic collisions on the A26 and the Ballyquin Road between Dungiven and Limavady, to outline the measures he is taking to further promote road safety in these areas. (AQO 9797/11-16)

**Mr Durkan:** My Department continues to take a range of actions to reduce deaths and serious injuries on our roads. We focus on the key causes of road casualties and on groups that are over-represented in the casualty figures here in the North. These figures do not target specific geographies; rather, they are designed to target the most at-risk cohorts of the entire population and the biggest killer behaviours on our roads. The Road Traffic (Amendment) Bill completed its passage on 12 January and currently awaits Royal Assent. The Bill makes provision for a new drink-driving regime and a new graduated driver licensing scheme. We will now develop and consult on a significant package of subordinate legislation to implement the new arrangements.

Through its awareness campaigns, my Department focuses on problem areas such as drink-driving, speeding and carelessness and inattention and on groups that are over-represented in the casualty figures across the North. I will also launch two new campaigns later this month. The first will address mobile phone use while driving, and the second young driver distraction, particularly when carrying passengers.

My Department also continues to provide a range of resources and schemes to be used by teachers in schools to allow them to improve road safety behaviours in children and young people. Since April 2010, my Department has awarded grant funding of over £700,000 to 90 projects through the DOE road safety grant scheme. This year, three of the projects are from organisations that span the North, namely Ulster GAA, the Road Safety Council for Northern Ireland and Parents' Education as Autism Therapists, and thus benefit audiences across the North.

In view of the fact that the A26 runs between Ballymena and Coleraine, I can advise that two of the projects — the Big Telly Theatre Company and Causeway Rural and Urban Network, based in Coleraine — received funding for road safety events.

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. The Minister may be aware of a single corner on the Ballyquin Road in particular that has been the scene of five fatalities of young men in recent years. That corner was inexplicably removed from a realignment scheme some years ago. Will the Minister now work with the Minister for Regional Development to see that scheme expedited?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for that question. That truly is a frightening and shocking statistic. Certainly, as an elected representative, never mind as Minister with responsibility for road safety policy, I will work with you and with everyone to address what is clearly an issue at that location.

I have gone on the record before in the Chamber about concerns that I had about, I suppose, the restructuring of Departments and where I foresaw potential problems. However, there are also opportunities, and I see one in the establishment of a new Department for Infrastructure

that will subsume the road safety element of DOE. Then you will have in the same Department the people who are responsible for road safety and those who are responsible for the road network. This is very much the sort of thing that they have to look at. I am sure that the Member will return in the next mandate and will raise this issue with the Minister-to-be. As I said, hopefully, I will also return and will certainly lend my support to him in that.

**Mr G Robinson:** Will the Minister outline what actions his Department is taking to address vehicles with defective headlights that may lead to increased accident levels on rural roads like the Ballyquin Road from Dungiven to Limavady?

**Mr Durkan:** I thank the Member for that question. The Department has responsibility for road safety and therefore for ensuring the roadworthiness of vehicles, which is a causation factor in many collisions on our roads. Through the MOT, we check the headlights on vehicles — that is one of the most important aspects of the test — and any found to be faulty will be automatically failed. With public service vehicles, such as taxis or buses, and, indeed, haulage vehicles, the Department is even more stringent in testing, and those vehicles are also subject to roadside checks. The police are a very important road safety partner of the Department, and they also monitor our roads and look out for vehicles with defective headlights such as those described by the Member.

**Mr Swann:** The Minister referred to the A26 running from Ballymena to Coleraine. Minister, the A26 also runs from Ballymena to Antrim, and that section of the road has seen two fatalities this year to date. What input is the Minister having to the Regional Development Minister's review of that section of road? What programmes is his Department running to educate drivers about the dangerous section of that road?

**Mr Durkan:** I thank the Member for that question. As I outlined in my initial answer to Mr Ó hOisín, the Department focuses its programmes of education primarily on causation factors and at groups perceived to be most at risk of causing and being victims of collisions on our roads rather than focusing on specific geographical areas. I also outlined the opportunities that will exist in the new Department for Infrastructure to align road safety with the responsibility for changing and improving our road network. I am sorry to hear, again, of more fatalities on our roads. Sadly, any one of us could stand up and speak of stretches of road in our constituency where there have been fatalities on more than one occasion. That underlines the importance of road safety in general. It underlines the importance of getting out the message to all road users of their responsibility as road users to take more care on the road, to respect everyone's journey and to subscribe to getting to where we would all like to be, which is the point at which there are zero deaths on our roads.

## George Best Belfast City Airport

4. **Mr Allen** asked the Minister of the Environment for an update on his Department's consideration of the Planning Appeals report in relation to the public inquiry into the proposed modification of the planning agreement with George Best Belfast City Airport. (AQO 9798/11-16)

**Mr Durkan:** The process to modify the planning agreement was initiated by my predecessor in 2011. A public inquiry was held in May last year, and my Department received

the report from the Planning Appeals Commission (PAC) in October. It has taken some time to fully consider the report, as it contained a significant amount of commentary and a number of detailed recommendations. However, I consider that it was important to be thorough with this review.

Having reviewed the report, I decided to invite comments or observations from interested parties on the noise control contour recommended by the PAC. My Department wrote to all key stakeholders on 2 February this year, enclosing a copy of the PAC report. The report was also published on the Department's website. I must emphasise that I am not reopening the inquiry or asking for the submission of new evidence, and any comments or observations have to be submitted by the end of today. I am therefore limited in what I can say at this stage, and I am not in a position to comment on the merits of the PAC recommendations. I assure the Member that my officials will fully consider any further comments received and make a recommendation on the way forward.

My objective for the process remains the establishment of an effective noise management system at the airport that achieves the right balance between the socio-economic benefits of airport expansion and the need to protect the environment and quality of life for the surrounding community.

It is for my Department and the airport to reach agreement on any modifications, taking the independent recommendations of the public inquiry into account.

**Mr Allen:** I thank the Minister for his answers. Will he give us an idea of the time frame within which he will make a final decision? I know I am pushing it by asking two questions, but has he ever given any consideration to having an independent airport regulator?

**Mr Durkan:** I thank Mr Allen for those questions. In terms of a time frame, a modified agreement is a legal document that would have to be drafted extremely carefully, with significant input from legal advisers, as I am sure the Member appreciates. It is difficult, therefore, to determine how long it will take to get one. However, it is worth pointing out that the last modified agreement was signed over two years after the report of the independent examination in 2008. I am hopeful — in fact, I am confident — that the process can, should and would be concluded much faster than that. Famous last words.

On the need for, or benefits of, an independent airport regulator, I can certainly see the merits in such a proposal. We discussed it previously at Question Time, and it will be for a future Minister to deal with. It would not even be the sole responsibility of the Minister of the Environment; it would be more of a DRD matter.

**Mr Lyttle:** I thank the Minister for his update. I seek his reassurance that the legitimate concerns of residents are being given due consideration in the devising of a coherent, transparent and enforceable noise-control mechanism for Belfast City Airport.

**Mr Durkan:** I thank Mr Lyttle for that question. I outlined in my initial answer the importance of striking a balance. I have met residents on more than one occasion and I am fully aware of their justifiable and justified concerns. They have suffered from what they have perceived to be breaches of the existing agreement, and obviously they have concerns that any new agreement might be subject to similar breaches. Therefore, their concerns will be taken on

board, and hopefully a balance that suits and satisfies them will be struck, along with, as I said, the undoubted socio-economic benefits of airport expansion and what those offer, not just to Belfast but to the whole of Northern Ireland.

**Mr Ó Muilleoir:** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas fosta leis an Aire. Guím gach rath ort, a Aire, is tú ag éirí as do phost. I wish the Minister well as he finishes his last Question Time as Minister of the Environment.

Minister, you and I have discussed Belfast City Airport and the inquiry. Are you disappointed that we did not get a resolution in this mandate? Will you lend your support in the new mandate, whatever your position is — hopefully you will be back — into getting a resolution to this thorny issue?

**Mr Durkan:** Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Chomhalta as an cheist. This is something that Mr Ó Muilleoir has previously raised with me. I am naturally disappointed that the issue has not come to a conclusion during my time as Minister. I have a couple of weeks left, but it might be a wee bit hopeful or optimistic to think that we will get it sorted by then. However, it is something that will come to a conclusion. As I said, I am confident that it will not take as long as the last one, which took over two years, and I am supportive of a solution that ensures protections for the residents but does not overly inhibit the ability of the airport to expand and develop.

**Mr Speaker:** I call Mr Gerry Kelly, and I advise the Member that there may not be time for a supplementary question.

## Woodburn Forest

5. **Mr G Kelly** asked the Minister of the Environment, in light of recent concerns about the oil exploration at Woodburn forest, whether he will reconsider his decision to waive the need for an environmental impact assessment to be completed. (AQO 9799/11-16)

**Mr Durkan:** My Department received a permitted development notification from InfraStrata plc on 28 August 2013 detailing their intentions to carry out an exploratory borehole at Woodburn forest, Carrickfergus, to understand the subsurface geology and identify areas for potential oil and gas deposits.

### 3.15 pm

My officials carried out an environmental impact assessment (EIA) determination under the Planning (Environmental Impact Assessment) Regulations 2012 based on the information provided at that time. It concluded that the proposed development did not need to be accompanied by an environmental statement. My Department wrote to InfraStrata on 19 December 2013 confirming that, based on the information submitted, the proposed borehole was permitted development and that, therefore, planning permission would not be required. If the company finds oil or gas and wants to extract it, it will need to apply for full planning permission from the council.

The legal position is that my Department has no jurisdiction over the permitted development notification as that is a matter for the relevant council, which, in this case, is Mid and East Antrim Borough Council. Therefore, in September 2015 I wrote to Mid and East Antrim Borough Council advising it that, following the transfer of planning functions to local government, the subject permitted development

notification was now a matter for the council. I advised that the only means of potentially removing permitted development rights at that stage was for the council to carry out a further EIA screening exercise on the notification, taking into account whatever further information it considered appropriate. That course of action would likely require consultation with other bodies. I encouraged the council to give careful consideration to the matter.

**Mr Speaker:** That ends the period for listed questions. We now move on to 15 minutes of topical questions. The Member listed for topical question 1 has withdrawn their name within the appropriate time frame.

## Built Heritage: DOE Spend

T2. **Mr G Robinson** asked the Minister of the Environment to outline his Department's expenditure on protecting built heritage during his time as Minister. (AQT 3612/11-16)

**Mr Durkan:** I thank the Member for that question. While I do not have that exact detail to hand this afternoon, I can say that, over the past few years, be it under Alex Attwood, my immediate predecessor and party colleague, or me, there has been record expenditure by the Department on the protection and promotion of our built heritage.

The SDLP, as a party — I know it is not us exclusively — recognises the value of our built heritage not just for its intrinsic heritage value but for its value to our economy. For every £1 invested in our built heritage, a further £7 spend can be generated. A fine example of that exists in my constituency, where on Friday, I, along with the deputy First Minister — sadly, the Member's party colleague the Minister for Social Development could not attend — visited a new hotel. The hotel's official opening was on Friday in a historic building within the city. The Speaker will be well aware of it. By revitalising what was a derelict but listed building, we have drawn in spend and investment from a charitable trust and, as a result, opened a new hotel, brought new life into the city centre and created 60-something jobs.

The Member will be aware of the tough budget cuts that my Department faced this year. All Departments faced cuts, but none faced any as great as mine. I was very restricted in what I could spend in built heritage. However, through the carrier bag levy money, I was able to ring-fence half a million pounds to spend on built heritage projects, which I have done. I have ring-fenced a similar amount of money to go over to the new Department for Communities for built heritage projects.

**Mr G Robinson:** I thank the Minister for his reply. Will the Minister give a reason why he and NIE have refused to help two pensioners with critical repairs to their thatched cottage home, which is a vital part of our built heritage in the Magilligan area, after he visited them and promised to do everything he could for them? For some reason, he refused to meet my colleagues and me about the dire situation these pensioners are living in.

**Mr Durkan:** I thank Mr Robinson for that question. I did indeed visit the constituents of the Member at Seacoast Road, Magilligan. I saw at first hand the conditions in which they live. The Member states that the Department "refused" to help those constituents of his. However, our records will show that, as far back as 2008, those pensioners — I am not sure whether they were pensioners then — were encouraged to apply for a listed building grant.

Unfortunately, they did not do so at that time. They did not do so at any time between 2008 and 2015, when they finally made an application.

As I said, Members will be aware of the tough budgetary situation that my Department faces and the lack of money for such projects. I said that I had ring-fenced £500,000, which I managed to get out of the carrier bag levy. Regrettably, while this was able to benefit some projects, legislation dictates that any money that is generated through the carrier bag levy can be spent only on projects that have community benefit. Unfortunately, that house does not match those criteria. However, what we have done — my officials have been very proactive — is to work with the residents of the thatched cottage and bring in other Departments, including DSD — the Minister of which is the Member's party colleague — to get the Housing Executive on board to ensure that something can be done to help those people.

**Mr Speaker:** I will have to remind the Minister about the two-minute rule.

**Mr Durkan:** The clock was —

**Mr Speaker:** You usually take one minute and 59 seconds.

## Illegal Landfill Sites

T3. **Mr Girvan** asked the Minister of the Environment to outline the work being undertaken by his Department to deal with illegal landfill sites and to state whether any other sites that are being used for the dumping of cross-border municipal waste have been identified. (AQT 3613/11-16)

**Mr Durkan:** I thank the Member for his question. I am somewhat taken aback that he had an opportunity to ask me a question about fish kills in the Glenavy river and has not done so.

I take it that the Member is referring to the repatriation of waste from the 19 sites that have been identified across the North where waste from the South had been discovered to have been dumped illegally. It is my understanding that some 11 of those sites have now been cleared. A further three sites have been identified for clearance next year, and work is ongoing between my Department and its counterpart in the South not only to identify the sites that should be cleared but to identify where the waste should go from the cleared sites.

As far as I am aware, no new sites have been identified. I hope that there are no new sites. The scourge of illegal landfill has blighted the North — not just the North — for quite some time. I would like to think that the steps that have been taken during my time as Minister have reduced the likelihood of such incidents occurring again or certainly not occurring on the same scale.

**Mr Girvan:** I thank the Minister for his answer thus far. I am very keen to go into the issue of fish kills, but I will steer away from it at the moment.

I thank the Minister for his assurance that no further sites have been identified and take some comfort from that. I appreciate that extensive costs are associated with clearing sites and disposing waste. Is there a mechanism to recover those costs, from either where it has been dumped or where it has come from?

**Mr Durkan:** I thank the Member for that question. Work is ongoing. As I said, negotiations are ongoing between officials on both sides of the border. He might recall a statement or press release last year from my counterpart, the Republic's Environment Minister, on the fact that the waste, particularly fuel-laundered waste, that was polluting watercourses in the South and having to be cleared from the side of the roads was emanating from the North, and the Assembly should have to foot the bill for clearing it. I resisted that quite strongly. However, I think that there has to be increased and enhanced collaboration on both sides of the border, not just on who picks up the bill for what but on eradicating waste crime altogether.

### Colin Glen Forest Park: Project Funding

**T4. Mr Sheehan** asked the Minister of the Environment, who will know that Sinn Féin has had a number of meetings with the NIEA and his Department to discuss funding for the Colin Glen Trust in west Belfast, whether, in light of the plans to develop Colin Glen forest park, his Department will support the trust in its efforts to secure project funding. (AQT 3614/11-16)

**Mr Durkan:** I thank the Member for that question. The transfer of ownership to which the Member refers has been taken forward through community asset transfer. I am sure that all of us will have heard of that, but very few of us have experience of it because this is the first such transfer under the process. We are breaking exciting new ground, but it requires an economic appraisal to be approved by DFP. The economic appraisal considering options for the ongoing tenure and management of the two parks has been finalised, so it can be forwarded to DFP, whose approval is required for the disposal of the land at nil cost to Colin Glen Trust. My Department is also in the process of drawing up the legal contract for the transfer, and that will be issued once DFP approval has been received. I am very hopeful that that will be by the end of this month.

A delay in finalising the economic appraisal, however, means that it has been difficult to ensure completion to date, but, as I said, I am confident that we can do so before the end of the financial year. I have been supportive of Colin Glen forest park and the trust, as was my predecessor, Alex Attwood, and I assure the Member that I will be as supportive as I can.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. Does he agree that the project has the potential to enhance tourism, create jobs for local people and help to underpin the local economy?

**Mr Durkan:** Ná habair é. I thank the Member for that question. I agree entirely with his assessment of the virtues and value of the project. Had the trust not been able to convince me of same, we would not have got to this stage. The product there has to be seen to be believed. What it has done there is truly amazing, and I wish it every success when it takes ownership of that land. It is vital, though, that we do not just give it the asset and cut it loose, if I may put it like that. It has submitted an application for our new natural environment fund. It is important that we look at ways that we can support the trust to maintain the property in the way that it has to date.

### Planning Fees: Charitable Organisations

**T5. Mr Irwin** asked the Minister of the Environment whether he has considered the possibility of all charitable organisations, including the Churches, being included in the list of organisations that are exempt from planning fees, given that he will be aware that a number of charitable organisations are already exempt from those fees. (AQT 3615/11-16)

**Mr Durkan:** I thank Mr Irwin for that question. Quite rightly, he identifies that, under current planning fees regulation, a fee is not payable for a number of types of application for planning permission. The exemptions that he referred to are available for clubs, societies and other organisations where the club, society or organisation is not established or conducted for profit; where the application relates to the provision of community facilities, including sports grounds and playing fields; and where the planning authority is satisfied that the development is to be carried out on land that is, or is intended to be, occupied by the club, society or other organisation and to be used wholly for the carrying out of its objectives. I think that my waiving planning fees for those types of organisations and that type of activity was a good move. It can only benefit the community as a whole and has proved successful to date. However, there is an anomaly, in that the Churches have not been included to date, and I will strive to correct that between now and the end of my tenure.

**Mr Irwin:** I thank the Minister for his answer. We are almost at the end of the Assembly term, but will he assure me that he will look at that as soon as possible?

### 3.30 pm

**Mr Durkan:** Thank you, Mr Irwin. I can assure the Member that I am not just fobbing him off. I can announce today that I am tasking officials in my Department with taking forward a formal review to consider options for extending the existing fee exemption to churches and to look more closely at the issues involved. That follows a number of representations, a number of which were from the Member, on the current fee exemption for applications for planning permission for not-for-profit clubs etc.

I have sought legal advice on the matter previously, and the advice of the Departmental Solicitor's Office has been that, as it is, churches are not included. That is not my reading of it. I had a recent meeting with the chief executives of all the councils, who, as the Member will be aware, now have responsibility for the vast majority of planning applications, and I have asked them to seek their own legal advice on the issue. I believe that it is an anomaly and that we can iron it out.

**Mr Speaker:** That brings us to the end of topical questions and Question Time. Thank you, Minister. The House should take its ease while we change the top Table.

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

## Executive Committee Business

### Addressing Bullying in Schools Bill: Further Consideration Stage

#### **Clause 3 (Duty to keep a record of incidents of bullying)**

*Debate resumed on amendment No 1, which amendment was:*

In page 3, line 4, leave out paragraph (b) and insert“(b) include a brief description of the nature of the incident; and”.— *[Mr O'Dowd (The Minister of Education).]*

*The following amendment stood on the Marshalled List:*

No 2: In page 3, line 20, leave out subsection (6).— *[Mr O'Dowd (The Minister of Education).]*

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le gach duine a chuir le díospóireacht an lae inniu. I thank all those who have contributed to today's debate and Members whose positive engagement has allowed us to progress the Bill in such a timely manner. The Bill is a positive step forward that will improve schools' ability to tackle the problem as rigorously and effectively as they can. Ultimately, it will help to ensure that more children are protected and that they avoid the damage that bullying can cause.

I have reflected on today's debate, particularly Members' comments on amendment No 1. I want to continue to engage in the positivity that has surrounded the debate and the Committee process on the Bill, and I certainly do not want to divide the House on an amendment. Therefore, I will not move amendment No 1 today. I believe that there is benefit to schools in moving amendment No 2, and I hope that Members can support it. I believe that it will assist schools to ensure that we do not have very technical legislation attached to the Bill in relation to the comments that I have referred to.

My closing remarks are very brief. Again, I thank Members for the progress that has been made on this matter. Hopefully, the Bill will pass today and move on to Final Stage.

**Mr Deputy Speaker (Mr Beggs):** Given that the Minister has already moved amendment No 1, could he clarify that he seeking leave of the House to have it withdrawn?

**Mr O'Dowd:** Yes, Deputy Speaker, I am seeking to have it withdrawn.

*Amendment No 1, by leave, withdrawn.*

*Amendment No 2 made:*

In page 3, line 20, leave out subsection (6).— *[Mr O'Dowd (The Minister of Education).]*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Further Consideration Stage of the Addressing Bullying in Schools Bill. The Bill stands referred to the Speaker. Members should take their ease for a moment before the next item of business.

### Mental Capacity Bill: Further Consideration Stage

**Mr Deputy Speaker (Mr Beggs):** Business has moved rapidly. We now move on to the Further Consideration Stage of the Health (Miscellaneous Provisions) Bill.

Sorry, apologies. I opened my brief at the wrong location. Can I just retract that? We are at the Further Consideration Stage of the Mental Capacity Bill and I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move that 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 is a single group of amendments, amendment Nos 1 to 23, dealing with powers of attorney, family relationships and technical issues. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill. The Question on each will be put without further debate. If that is clear, we will proceed.

#### **Clause 21 (Sections 19 and 21: the prevention of serious harm condition)**

**Mr Deputy Speaker (Mr Beggs):** We now come to the debate on the amendments. With amendment No 1, it will be convenient to debate amendment Nos 2 to 23. Members should note that amendment No 5 is consequential to amendment No 4; amendment Nos 7 and 8 are consequential to amendment No 6; and amendment No 22 is consequential to amendment No 18.

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** I beg to move amendment No 1: In page 13, line 33, leave out from “in” to end of line 37 and insert

*“where there are one or more treatments (other than the treatment mentioned in subsection (1))—*

*(a) that are available and would be appropriate in P's case; and*

*(b) the provision of which would not involve the doing of acts to which section 19 or 22 applies.”.*

*The following amendments stood on the Marshalled List:*

Amendment Nos 2 to 23.

**Mr Hamilton:** Mr Deputy Speaker, as you highlighted, most of the amendments in this group are consequential to the amendments made at Consideration Stage. Amendment No 1 is the first of three amendments required on foot of the Committee amendments to clauses 21 and 22. Members will recall that the effect of the Committee's amendments was to extend the application of the prevention of serious harm condition so that it will now also apply in prescribed cases where the person concerned resists treatment with serious consequences or is subject to an additional measure as defined in clause 23. It already applied where the nominated person objects to treatment with serious consequences and, for completeness, in all deprivation of liberty cases.

Amendment No 1 simply tidies up clause 21 to ensure that the condition applies in the same way to these new cases as it does when the nominated person objects where there are one or more treatments other than the treatment in question. Amendment Nos 2 and 3 are consequential to amendment No 1.

I now turn to amendment Nos 9, 12, 13, 14, 18, 22 and 23, all of which follow on from the retention of the enduring power of attorney system. That system had been earmarked for abolition to be replaced by the new lasting power of attorney system provided for in Part 5 of the Bill. The Committee raised concerns about this plan based on experiences in England and Wales with the early operation of the lasting power of attorney system there and, despite reassurances by Minister Ford on forms and costs, tabled amendments at Consideration Stage to retain the enduring power of attorney system alongside the new lasting power of attorney system. I do not plan to rehearse, or re-rehearse, the arguments on the issue today; they were all well aired previously in this Chamber and indeed in correspondence between my Department and the Committee.

The amendments made, however, have left some tidying up to be done to the rest of the Bill, and I will briefly run Members through them now. Amendment No 18 amends the definition of enduring power of attorney in clause 306, now that clause 110 and schedule 5 have been removed. It will now have the meaning given to it in the Enduring Powers of Attorney (Northern Ireland) Order 1987. Amendment Nos 9 and 22, as well as amendment Nos 13 and 14, also now reflect the removal of clause 110 and schedule 5 in clauses 117 and 276 and schedule 9. Amendment No 12 to clause 268 ensures that the offence of forgery, false statement etc no longer makes reference to an enduring power of attorney. As such, attorneys will continue to operate under the Enduring Powers of Attorney Order now that it is being retained. Finally, amendment No 23 to schedule 11 simply reverses the proposed repeal of that order.

I now turn to the final amendment required as a consequence of the Committee's amendments at Consideration Stage. Amendment No 10 relates to clause 156, which provides that annual records must be kept by the police of the number of persons detained in hospital and the number of persons detained in police stations under Part 9 of the Bill. It also provides that this information must be included in the annual reports published by the police under section 58(1) of the Police (Northern Ireland) Act 2000. The amendments made to the clause at Consideration Stage created further duties for the Police Service of Northern Ireland to specifically publish statistics relating to children who are detained under Part 9 as well as a duty to publish information relating to the final disposals in respect of those children. However, the term "final disposals" is not defined in clause 156, nor is it defined in the Bill. Amendment No 10 therefore further amends clause 156 to introduce a power to define the term "final disposals" through secondary legislation. As a consequence, the Department of Justice will be able to work with the Police Service of Northern Ireland and with stakeholders to create a definition of "final disposals" that will adequately capture the necessary information and be operationally viable.

That brings me to amendment Nos 19 and 20, which give my Department the power to make further provision in regulations relating to the meaning of the "managing

authority" of an independent hospital or a care home. This term, which appears frequently in the Bill, is currently defined in clause 306 as a person registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. However, two persons are required to register under that part of the order: the person carrying on the establishment — that is, the business owner — or the person managing the establishment, who is usually an employee with responsibility for the day-to-day running of the establishment. The new power allows my Department to specify, where necessary, one, or both, of these persons for the purposes of a particular function or duty conferred on the managing authority by the Bill, depending on the nature of that function or duty. The default position is that the term means any registered person; therefore this is in essence a technical amendment intended to assist the smooth operation of the Bill on the ground.

### 3.45 pm

Other technical amendments include amendment Nos 11, 17 and 21. Amendment No 11 ensures that all persons detained under Part 10 of the Bill can be covered by regulations made by the Department of Justice under clause 263.

Amendment No 17 to clause 303 ensures that the power to make amendments to other statutory provisions, in consequence of the Bill, includes a power to make amendments to Acts passed in the same session but after this Bill. As Members will be aware, there are a number of Bills being debated at Further Consideration Stage today. If they are passed in the same Assembly session as this Bill, amendment No 17 allows my Department to amend them in consequence of the Mental Capacity Bill, if necessary.

Amendment No 21 to clause 307 relates to the proposed renaming of the Northern Ireland Departments under the Departments Act (Northern Ireland) 2016. The amendment accounts for the period of time between the passing of the Mental Capacity Bill and the coming into operation of section 1 of the Departments Act, which achieved Royal Assent on 29 February 2016.

I now propose to cover amendment Nos 4, 5, 6, 7, 8, 15 and 16 together as they relate to matters falling within the remit of the Department of Finance and Personnel. I will deal firstly with the amendments relating to the age threshold for lasting powers of attorney.

As Members are aware, the Bill currently provides that lasting powers of attorney can be made only by those aged 18 and over. That age threshold was selected because it was recognised that there are some things that 16- and 17-year-olds cannot do. For example, they cannot make a will or vote. The law has, however, conferred certain rights and powers on 16- and 17-year-olds. For example, they can enter into certain contracts, receive certain benefits and earn their own wages. As I mentioned during Consideration Stage, colleagues in the Department of Finance and Personnel have been reflecting further on that, in consultation with my Department, and Minister Storey and I have now concluded that 16- and 17-year-olds should be able to make alternative decision-making arrangements for the matters that are currently within their control. Amendment Nos 4 and 5 therefore have the effect of reducing the age threshold for lasting powers of attorney from 18 to 16. However, crucially, they differ from

the amendment tabled at Consideration Stage because they clearly state that, if the lasting power of attorney comes into play before the donor has reached the age of 18, the attorney will have no greater power to make decisions than the donor themselves would have had if they had retained their capacity. To put it another way: the attorney will step into the donor's shoes and will only have the powers that the donor themselves had at that particular point. That qualification is vital because it will help to avoid any confusion about what an attorney can or cannot do on behalf of a donor who is incapacitated between the ages of 16 and 18. It will also offset any suggestion that an incapacitated 16- or 17-year-old has greater decision-making powers — for example, via an attorney — than they would have if they had retained capacity.

Finally, the remaining amendments relate to the issue of judicial separation — a matter falling within the remit of the Department of Finance and Personnel. Their effect is to ensure that, for the purposes of the Bill, judicial separation and separation orders are treated in the same way as a divorce, an annulment or the dissolution of a civil partnership.

Amendment Nos 6, 7 and 8 relate to clause 107.

That clause details the events that can terminate the appointment of an attorney and result in a revocation of the lasting power of attorney instrument or power. These are called “terminating events”. At present, a divorce, an annulment or the dissolution of a civil partnership is included in the list of terminating events. However, some people may object to a divorce or the dissolution of a civil partnership on religious grounds. As an alternative, they can seek a judicial separation, or a separation order, which severs their personal ties with their spouse or partner but does not sever the marriage or partnership. Amendment Nos 6, 7 and 8 therefore provide for judicial separation or separation orders to be included in the list of terminating events in clause 107. Amendment Nos 15 and 16 carry the policy intention through to clause 285, which sets out a number of decisions that can never be made on behalf of someone who lacks capacity. Many of these decisions are of a personal nature; for example, consenting to a divorce or the dissolution of a civil partnership. The amendment ensures that judicial separation and separation orders are also included in the list of excluded decisions.

That concludes my remarks on this group of amendments, which, as I mentioned at the beginning, is largely consequential to and carry forward what was agreed by Members at Consideration Stage.

**Mr Ross (The Chairperson of the Ad Hoc Joint Committee on the Mental Capacity Bill):** I am pleased to speak on behalf of the Ad Hoc Joint Committee, which, of course, completed its scrutiny on 25 January. As the Minister indicated here this afternoon, the amendments are largely technical in nature, with the exception of amendment No 4, which changes the age at which someone can make a lasting power of attorney.

The majority of the amendments are intended to tidy up and improve the drafting of the Committee amendments that were made at Consideration Stage.

The Department wrote to advise the Committee of the amendments it tabled on 1 March. However, we did not receive a similar letter on the amendments that were tabled on 2 March. In either case, given that the joint Ad Hoc Committee is no longer meeting, we have not formally considered the

proposals and the text of the amendments. Therefore, I will simply note the amendments and provide some commentary on how they relate to the Committee's position as set out in our report and during the debate at Consideration Stage.

Amendment Nos 9, 12, 13, 14, 18, 22 and 23 are consequential to the removal of clause 110 from the Bill, as proposed by the Committee at Consideration Stage. That removal means that enduring powers of attorney, or EPAs, as they are known, will continue to be available to people alongside the new lasting powers of attorney (LPA) system that is being created by the Bill. The amendments proposed by the Minister today are consequential to the decision made by the House at Consideration Stage to retain EPAs and are, therefore, in line with the Committee's position.

Amendment Nos 1, 2, and 3 are consequential to the Committee amendments agreed at Consideration Stage on the application of the prevention of serious harm condition to circumstances when the person who is to receive a particular treatment resists it. The amendments provide more clarity and a better structure to that part of the Bill, and again are in line with the Committee's position on that issue.

Amendment No 10 is consequential to the Committee amendments agreed at Consideration Stage that require the PSNI to keep specific statistics on children and young people who have been detained under the police place of safety powers in Part 9 of the Bill. Amendment No 10 allows for the term “final disposals” to be defined in regulations. That, again, seems like a sensible suggestion and builds upon the Committee amendments that were agreed at Consideration Stage.

Amendment No 4 changes the age at which a person can make a lasting power of attorney. The Bill as introduced set the age limit at persons aged 18 or over, and the Minister's amendment changes that to those aged 16 or over. That was an issue that the Committee enquired into during the Committee Stage as we were not sure how restricting LPAs to people aged 18 and over sat with the remainder of the Bill, which, in general, applies to those aged 16 and over. During the Committee Stage, we were told that the issue was being considered by the Department of Finance and Personnel and, indeed, Members opposite brought amendments forward at Consideration Stage, but they did not choose to move them. I am glad that the Minister has now clarified the position in the House.

On the amendments that deal with judicial separation, that issue did not form any part of the Committee's evidence or deliberations on the Bill. Therefore, I have no comments to make on behalf of the Committee in that regard.

On that, I again put on record my thanks to the departmental officials from Health and Justice, who endeavoured to keep us up to date with any changes before the amendments were brought forward. I also thank the Minister for bringing the amendments forward.

**Mrs Dobson:** I support the amendments in the group, although I was surprised to see amendment No 4, which will lower the age of lasting power of attorney to 16, not least because of the previous tabling of a petition of concern and what the Minister said about the equivalent amendment that was tabled at Consideration Stage. I will quote, if I may:

*“I will not leave any room for doubt about my stance on this amendment. I strongly caution the Chamber*

*against supporting it". — [Official Report (Hansard), Bound Volume 112, p440, col 2].*

The Minister referred at the last stage to an investigation by DFP and to how the more prudent course of action would be to let that work conclude before the Chamber took a vote on such a matter of importance. Clearly, the Minister believes that the ensuing two to three weeks has been a sufficient time.

Nevertheless, I am glad that the Assembly was able to handle the Bill in the manner than it did. It has been a long time in the making, and I know from my time on the Ad Hoc Committee that there is no doubt that what we have before us is a hugely complex piece of legislation. It was, therefore, predictable that the Department would table a significant number of amendments to it.

The Assembly should be proud of the Bill and of the new framework it will introduce. It is an international first; therefore, it is essential that we use the amending stages to ensure we get it right.

**Mr McCarthy:** I simply want to thank the Minister for bringing these very important amendments to the Assembly. Like the Chair of the Ad Hoc Committee, I thank and, indeed, congratulate both Departments and their staff for working so diligently and together to get us to the Further Consideration Stage of the very important Mental Capacity Bill. The Alliance Party is content to support all the amendments and looks forward to its completion and the Final Stage next week.

**Mr Hamilton:** I thank all Members who contributed to the debate on the amendments. I will keep my remarks as brief as theirs.

The majority of the amendments are technical and consequential to the Committee amendments that were made at Consideration Stage. They have not, therefore, required a great deal of explanation on my behalf or debate by the House. I am pleased, however, that we were able to address the age threshold issue for lasting powers of attorney and that, between Consideration Stage and Further Consideration Stage, we were able to reflect on the work of the Department of Finance and Personnel and come back with a workable amendment.

I thank the Ad Hoc Committee, in particular, for its role in getting the Bill to this stage. I am acutely aware that we set the Committee and Members of the Chamber a significant challenge and that Consideration Stage is evidence of the enormity of the task. We are almost at the end of a long journey, which will prove to be worthwhile.

Subject to the will of the Assembly today, I look forward to moving the Bill at Final Stage next week. Again, I thank the House for its support for today's amendments.

*Amendment No 1 agreed to.*

*Amendment No 2 made:*

In page 13, line 38, leave out "in question to P" and insert "mentioned in subsection (1)".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 3 made:*

In page 13, line 40, leave out "the treatment in question" and insert "that treatment".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

## **Clause 97 (Lasting powers of attorney)**

*Amendment No 4 made:*

In page 52, line 15, leave out "18" and insert "16".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

## **Clause 98 (Restrictions on scope of lasting power of attorney)**

*Amendment No 5 made:*

In page 53, line 42, at end insert

*"(7A) Where the donor of a lasting power of attorney was under 18 when he or she executed the instrument mentioned in section 97(2)(a)—*

*(a) the lasting power of attorney has the same effect as it would have if the donor had been 18 or over when he or she executed the instrument; except that*

*(b) at any time when the donor is under 18, the authority conferred by the lasting power does not extend to doing anything that the donor could not do at that time (even if the donor had capacity, within the meaning of Part 1, in relation to the matter in question)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

## **Clause 107 (Revocation etc: events relating to the attorney)**

*Amendment No 6 made:*

In page 58, line 25, leave out "or annulment" and insert " , annulment or judicial separation".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 7 made:*

In page 59, line 9, leave out "or annulment" and insert " , annulment or judicial separation".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

*Amendment No 8 made:*

In page 59, line 14, at end insert

*"(11) In this section references to the "judicial separation" of a marriage or civil partnership include—*

*(a) the making of a decree of judicial separation in respect of a marriage, and*

*(b) the making of a separation order in respect of a civil partnership."— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

**4.00 pm**

## **Clause 117 (Restrictions on deputies)**

*Amendment No 9 made:*

In page 65, line 25, leave out from "a" to end of line 28 and insert

*"—*

*(a) a decision that is made in accordance with this Act by an attorney under a lasting power of attorney granted by P, and is within the scope of the attorney's authority; or*

*(b) a decision that is made in accordance with the Enduring Powers of Attorney (Northern Ireland) Order 1987 by an attorney under an enduring power of attorney granted by P, and is within the scope of the attorney's authority.*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 156 (Annual records)**

Amendment No 10 made:

In page 85, line 38, at end insert

*“(2A) Regulations may provide that the records to be kept by virtue of subsection (1)(e) are records of such information, in respect of each child who ceases to be detained under this Part, as may be prescribed; and that subsection (2) is to be read accordingly.”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 263 (Persons removed or transferred to Northern Ireland: power to make further provision)**

Amendment No 11 made:

In page 149, line 12, after “of” insert “this Part or”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 268 (Forgery, false statements etc)**

Amendment No 12 made:

In page 151, line 19, leave out from “or” to “powers” on line 21 and insert

*“(application for registration of lasting power”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 276 (Power to make regulations about dealing with money and valuables)**

Amendment No 13 made:

In page 156, line 36, leave out

*“, or an enduring power of attorney,”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 14 made:

In page 156, line 37, at end insert

*“(ba) is made in accordance with the Enduring Powers of Attorney (Northern Ireland) Order 1987 by an attorney under an enduring power of attorney granted by P, and is within the scope of the attorney's authority; or”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 285 (Family relationships etc)**

Amendment No 15 made:

In page 161, line 37, after “divorce” insert “or judicial separation”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 16 made:

In page 161, line 39, after “order” insert “or separation order”.— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 303 (Consequential amendments and repeals)**

Amendment No 17 made:

In page 169, line 33, after “provisions” insert

*“(passed or made before, or in the same session as, this Act)”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 306 (Definitions for purposes of Act)**

Amendment No 18 made:

In page 171, line 14, leave out “has the meaning given by Schedule” and insert

*“means a power of attorney that is an enduring power within the meaning of the Enduring Powers of Attorney (Northern Ireland) Order 1987”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 19 made:

In page 172, line 17, at end insert

*“but paragraphs (b) and (c) are subject to any regulations made under subsection (5A).”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 20 made:

In page 173, line 30, at end insert

*“(5A) Regulations may provide that for the purposes of any prescribed provision of this Act, “the managing authority”, in relation to an independent hospital or a care home (“the establishment”)—*

*(a) means the person registered as the person who manages the establishment;*

*(b) means the person registered as the person who carries on the establishment; or*

*(c) means both the person mentioned in paragraph (a) and the person mentioned in paragraph (b).*

*“Registered” here means registered under Part 3 of the 2003 Order.”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

#### **Clause 307 (Commencement etc)**

Amendment No 21 made:

In page 174, line 6, at end insert

*“(2A) Until the coming into operation of section 1 of the Departments Act (Northern Ireland) 2016—*

*(a) any reference in this Act to the Department of Health is to be read as a reference to the Department of Health, Social Services and Public Safety;*

*(b) any reference in this Act to the Department of Finance is to be read as a reference to the Department of Finance and Personnel.”*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

**Schedule 9 (International protection of adults)**

**Mr Deputy Speaker (Mr Beggs):** Amendment No 22 is consequential to amendment No 18.

*Amendment No 22 made:*

In page 233, line 5, leave out “within the meaning of Schedule” and insert

“(as defined by section 306(1))”.— [Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

**Schedule 11 (Repeals)**

*Amendment No 23 made:*

In page 244, line 12, leave out lines 12 to 16.—

[Mr Hamilton (*The Minister of Health, Social Services and Public Safety*).]

**Mr Deputy Speaker (Mr Beggs):** That concludes the Further Consideration Stage of the Mental Capacity Bill. The Bill stands referred to the Speaker. Members should take their ease for a few moments.

**Land Acquisition and Compensation (Amendment) Bill: Consideration Stage**

**Mr Deputy Speaker (Mr Beggs):** I call the Minister for Regional Development, Miss Michelle McIlveen, to move the Bill.

*Moved. — [Miss M McIlveen (The Minister for Regional Development).]*

**Mr Deputy Speaker (Mr Beggs):** No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group clauses 1 to 7 for the Question on stand part, followed by the Question on the long title.

*Clauses 1 to 7 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Consideration Stage of the Land Acquisition and Compensation (Amendment) Bill. The Bill stands referred to the Speaker.

*Adjourned at 4.09 pm.*



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# Northern Ireland Assembly

**Tuesday 8 March 2016**

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

*Members observed two minutes' silence.*

## Assembly Business

### Plenary Business: 7 March 2016

**Mr Speaker:** The first item of business is the consideration of business not concluded on Monday 7 March. All business in yesterday's Order Paper was considered, so we will move on.

### Northern Ireland Public Services Ombudsman: Nomination

**Mr Speaker:** The motion is from the Assembly Commission. The Business Committee has agreed to allow up to 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. All other Members who are called to speak will have five minutes.

**Ms P Bradley:** I beg to move

*That this Assembly, in accordance with section 3(1) of the Public Services Ombudsman Act (Northern Ireland) 2016, nominates Marie Anderson for appointment as the Northern Ireland Public Services Ombudsman.*

The Public Services Ombudsman Act 2016 delegates to the Assembly Commission responsibility for determining the criteria for appointment and making arrangements to identify, by fair and open competition, a person to be nominated by the Assembly for the role of ombudsman.

As Members are aware, the Act establishes and makes provision about the office of the Northern Ireland Public Services Ombudsman. It abolishes the offices of the Northern Ireland Commissioner for Complaints and the Assembly Ombudsman for Northern Ireland. The Act provides that the Northern Ireland Public Services Ombudsman is, by virtue of holding that office, the Northern Ireland Judicial Appointments Ombudsman and has a remit broadened to cover the Assembly Commission, colleges and universities, and councillors.

The Assembly Commission believes that the Act has strengthened and enhanced the office and that a suitable candidate has been identified. The Assembly Commission ran an open selection process involving me and Ms Ruane on behalf of the Commission and Jim Martin, the Scottish Public Services Ombudsman. I take this opportunity to thank Mr Martin for his time and expertise.

I should also like to take this opportunity to thank, on behalf of the Assembly, Dr Tom Frawley for his distinguished and widely recognised work as the Assembly Ombudsman and Northern Ireland Commissioner for Complaints since September 2000.

Following the recruitment process, Marie Anderson was the successful candidate. Members may be aware that Ms Anderson has been the deputy ombudsman since May 2009 and has developed a strong reputation in that position. She is a qualified solicitor with previous experience as senior legal assistant at the Northern

Ireland Housing Executive and is the first Assistant Information Commissioner for Northern Ireland. Today, I seek the Assembly's agreement to the nomination of Marie Anderson as the first Public Services Ombudsman. I am confident that Ms Anderson's skills and experience will allow her to be an excellent ombudsman.

**Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** The Committee welcomes the nomination today by the Assembly Commission of Mrs Marie Anderson for appointment to the new office of Northern Ireland Public Services Ombudsman, or NIPSO for short. Mrs Anderson is the first ombudsman to be nominated under the legislation brought through the Assembly by the Committee for OFMDFM, which merges and reforms the existing offices of Assembly Ombudsman and Commissioner for Complaints. The NIPSO will also have new powers over, for example, schools, universities and further education colleges, which are included in the ombudsman's remit.

This will be an exciting challenge for Mrs Anderson. On behalf of the Committee for the Office of the First Minister and deputy First Minister, I wish her well in her new role and look forward to working with her. I echo the sentiments expressed earlier that Mrs Anderson is highly skilled and extremely well suited to carry out this important role.

I would like to take this opportunity to convey the Committee's thanks to the outgoing ombudsman, Dr Tom Frawley, for his work as ombudsman. The Committee is also extremely grateful to Dr Frawley for his significant contribution to the development of the new legislation.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle, gabhaim buíochas le Comhaltaí as a n-óráidí. I thank Members for their contributions. Aithním gurbh é Acht an Ombudsman um Sherbhísí Poiblí an chéad reachtaíocht a thug Coiste Reachtuil de chuid an Tionóil tríd an Teach. I recognise that the Public Services Ombudsman Act was the first legislation taken through the House by a Statutory Committee.

Ba mhaith liom mo bhuíochas a ghabháil arís le Coiste an Chéad Aire agus an LeasChéad Aire agus le gach feidhmneannach de chuid an Tionóil a chuidigh leis an Acht a fhorbairt agus a chur i bhfeidhm. I would like to use this opportunity to thank the Committee for the Office of the First Minister and deputy First Minister and all the Assembly officials who contributed to developing and implementing the Act.

As Ms Paula Bradley stated in her opening remarks, the Assembly Commission was determined to recruit a high-quality candidate in keeping with the demands and profile of the ombudsman's office. Táimid cinnte go bhfuil an t-iarrthóir sin againn in Ms Anderson. In nominating Ms Anderson, we are confident that we have succeeded. She has an impressive legal and public service background and a wealth of experience in the ombudsman's sphere.

Personally, it is an even greater pleasure to be winding this motion to appoint Ms Anderson on International Women's Day. Is forbairt an-dearfach é a hainmniúchán inniu, agus, faoi réir cheadú an Tionóil, guím gach rath uirthi ina post. Her nomination today is an extremely positive development and, subject to the Assembly's approval, I wish her well in the post.

Tá súil agam go dtacóidh Comhaltaí ar fud an Tí leis an rún. Molaim an rún don Teach. I hope that Members from across the House will support the motion, and I commend it to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly, in accordance with section 3(1) of the Public Services Ombudsman Act (Northern Ireland) 2016, nominates Marie Anderson for appointment as the Northern Ireland Public Services Ombudsman.*

## Private Members' Business

### International Women's Day 2016

**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 wind. All other Members who are called to speak will have five minutes. I call Karen McKeivitt, the chairperson of the Speaker's reference group on a gender-sensitive Assembly.

**Mrs McKeivitt:** I beg to move

*That this Assembly supports the celebration of International Women's Day 2016 and Assembly Women's Week 2016; affirms its commitment to encouraging more women into politics and public life; acknowledges the importance of the work of the Speaker's reference group on a gender-sensitive Assembly; and advocates the establishment of a women's parliamentary caucus.*

It is my privilege to propose the all-party motion before us today — a day known globally as International Women's Day. I take this opportunity to thank the Business Committee for giving time to list the motion and for it to be scheduled earlier than usual.

On 9 March 2015, the Assembly approved the Assembly and Executive Review Committee's report on women in politics and the Northern Ireland Assembly. The Committee concluded that the under-representation of women in politics in Northern Ireland is a serious issue that must be addressed as a matter of urgency. The Committee made recommendations to the Assembly, the Executive and political parties with the aim of addressing that under-representation of women in politics in Northern Ireland as a matter of urgency.

Numerous submissions to the Committee called for the establishment of a women's parliamentary caucus as an example of good practice in supporting existing female politicians and encouraging aspiring female politicians to enter politics. The Committee brought that recommendation forward, and I am pleased to inform you that the Assembly women's caucus will be officially launched today, 8 March 2016 — International Women's Day. The caucus held its first meeting yesterday, 7 March.

The key objectives of the women's caucus include reviewing and influencing policy and legislation from a gender perspective; increasing the representation of women in the leadership of parliamentary Committees; building capacity and empowering women through training women Members on Assembly rules and procedures; training women Members on the procedures for and drafting of private Member's Bills; improving the leadership and parliamentary skills of its members by offering conflict resolution workshops and leadership training programmes to empower women; and building confidence and encouraging them to be heard. The women's caucus will also work towards raising awareness of gender equality issues and gender sensitivity through the media; creating a social space for women and fostering a sense of solidarity; and developing and maintaining strong relationships among women MLAs and relevant bodies and organisations. The caucus will undoubtedly lobby decision makers, internal and external, on gender-related

issues, advocate gender equality on a local, national and international level and network with relevant stakeholders and organisations to promote gender sensitivity.

A political career path is deemed as being not family-friendly due to long plenary sittings and the varying demands placed on Members' time. It remains true that women are the main carers in our society, and, as such, we need to explore strategies to improve the work-life balance and consider childcare issues and other caring responsibilities. That will be another key priority for the women's caucus.

One final objective for the caucus will be the development of a strategic plan for dealing with gender-sensitive issues and the promotion of gender mainstreaming within the Northern Ireland Assembly. AERC recommended the establishment of a working group on a gender-sensitive Parliament and that that working group should have equal membership of male and female MLAs. If progress towards a gender-sensitive Assembly is to be achieved, it will continue to be important for the Speaker's reference group to comprise male and female Members, who can act as champions in the short and long-term — that is, the next mandate — and bring a strategic perspective to the work of the group. The women's caucus, however, will be an all-female caucus.

I acknowledge the Assembly Commission's contribution to raising the profile of gender-sensitive issues. I also commend the AERC and the secretariat staff involved in the report on women in politics and the researchers in Research and Information Service (RaISe), who deepened the understanding of the barriers to the representation of women and of gender equality issues.

#### 10.45 am

The Speaker's reference group on a gender-sensitive Assembly was established on 10 February 2016. I would like to thank the Speaker for taking such a proactive role and for establishing the reference group on a gender-sensitive Assembly. I would also like to thank my colleagues Sandra Overend, Paula Bradley, Caitríona Ruane, Trevor Lunn and Steven Agnew, who sit on the group with me. All signed today's motion and are dedicated to increasing the number of females across political and public life.

The purpose of the Speaker's reference group is to support and advise on Assembly initiatives; to enhance and support the engagement of women in politics, including the women in politics leadership programme developed by Politics Plus; to provide the Speaker with advice on progress towards a gender-sensitive Parliament; to prepare a three-year gender-sensitive Assembly action plan based on the recommendations from the AERC inquiry and Inter-Parliamentary Union best practice; and to support the establishment of the women's parliamentary caucus, which it has now done.

A lot of work has been undertaken by Politics Plus to address the under-representation of women in political and public life. It has been working to develop strong, sustainable international links; foster relationships between communities and across generations; and enhance the role of women in peace-building and civic society through the successful delivery of the women in politics leadership programme, which includes the women in public life

programme, the young female leaders academy, and expert one-on-one training.

While the women's caucus, with the support of Politics Plus and the Speaker's reference group, has much work to do, I should mention some positive equality changes that have occurred in political life: the position of the First Minister for Northern Ireland is now held by Arlene Foster; we have seen the work of Nicola Sturgeon, leader of the SNP and First Minister, in Scotland; and, of course, Hillary Clinton is fighting in the USA to be the Democrat candidate in the presidential race. Now that the decision has been made to appoint Marie Anderson as Public Services Ombudsman, I can add her to that list. We are absolutely delighted that she will take up that post, particularly on an important day like today.

With more women taking up high-profile positions, it is hoped that positive media coverage will help to inspire more women to see politics as a suitable career path, and I highly recommend it to anybody. However, we cannot sit back and wait for societal changes; we must change our society. It is my hope that the women's caucus will drive change so that the male: female ratio in the Assembly will be much closer to 50:50 by 2020.

**Ms P Bradley:** I am delighted to stand in the Chamber in support of the motion on International Women's Day 2016. First, I would like to say a few words of thanks, and the first person whom I want to thank is you, Mr Speaker. I thank you for your commitment to women in politics and women in public life. A few months ago, Caitríona Ruane and I, having come up with one or two ideas that we thought might be good to look at for International Women's Day, ambushed you in your office. You took those ideas, and not only did you make the Assembly celebrate International Women's Day, you made it into International Women's Week. For that, on behalf, I am sure, of everyone, especially all the women, I say that we are extremely grateful. You and, of course, your staff, have put together a fantastic programme. Thank you for your commitment to bringing about a very special week and a very good week for women in the Northern Ireland Assembly.

I would also like to thank the women's lobby; without it and its support, we would not be in this position today. I do not think that we would have advanced this far — and we have advanced. We need not kick ourselves too much, because we have come a long way since I was first elected in 2011. I thank the women's lobby for its perseverance, for hammering on, for banging that drum, and saying that women deserve more equality.

I also want to thank the AER Committee. Many of you will be aware that Caitríona Ruane and I are the only two females on the Committee. When we brought up the issue of women in the Northern Ireland Assembly, there was no gnashing of teeth, although, at times along the road, some of the men wanted to throw their papers in the air. However, none did, and they supported us 100% in what we wanted to achieve. We may not have achieved all that we wanted, but we came some way.

It is due to the AERC that we are where we are. It is through its recommendations that we have the Speaker's reference group and our caucus. There are exciting times ahead for us all.

I thank Karen McKeivitt and Sandra Overend for taking on the roles of chair and vice-chair of the Speaker's reference

group and looking at issues around a more gender-sensitive parliament, which is an issue that arose in our AERC report. When we look at creating a gender-sensitive Parliament, we look at many issues, but many of the issues that affect our gender also affect the male gender as well, such as the timings of our sittings, childcare and various other issues. So we are not just here to bang the drum for the wives, mothers and daughters in the Chamber; we are also here to assist in getting equality for fathers, sons and husbands. I thank them for taking on those roles.

I was pleased yesterday, when we had the inaugural meeting of the women's caucus, to put forward the name of Caitríona Ruane for chair. I will be supporting her. We have a very good working relationship. We are a bit of an unlikely pairing at times, and we disagree on lots and lots of things, but there is one thing we do agree on, and that is equality for women and a higher representation of women in the Chamber.

When I came here in 2011, I had already been a councillor and mayor of a borough. I remember delivering my first speech in the Chamber, and it was on domestic violence and violence against women. I was like a rabbit in the headlights. My knees were quaking; I was so nervous and intimidated by the Chamber. It is due to the support that I have had from my party colleagues and other people in the Chamber that I can stand here today and not feel like that rabbit in the headlights.

**Ms Ruane:** Will the Member give way?

**Ms P Bradley:** Yes, I will indeed.

**Ms Ruane:** I thank the Member for her comments and for the tremendous work that she and her team have done in relation to gender equality. Does she agree with me about the importance of having women at every level on all different Committees? That makes a significant difference for women.

**Mr Speaker:** The Member has an extra minute.

**Ms P Bradley:** I thank the Member for her intervention. I could not agree more: we play a very significant role as legislators, making laws within this Assembly. That cannot be underestimated.

Being a Member of this Assembly has helped me to achieve my goals: it has empowered me and helped me to unlock the potential that I have, and I know there is much more potential ahead. If you had asked me whether that would happen four years ago, I might have given you a very different answer. I am glad to say that I am a Member of this Assembly, and I hope that by being one I have unlocked potential amongst women, whether they are young or old, to empower them to achieve what they want to achieve.

I wish everyone a very happy International Women's Day 2016.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Lá Idirnáisiúnta na mBan sona daoibh uilig. Happy International Women's Day to you all. I join Paula Bradley and Karen McKeivitt in congratulating the Speaker on the tremendous International Women's Week programme.

You will be relieved to hear that today, rather than focussing on gender inequality in our society, I am going to celebrate the achievements of women in this Chamber and the major steps that we have taken in a very short period of time.

This is the exact date on which we debated the AERC report last year. I pay tribute to every member of that

Committee, and I see that most of them are in the Chamber. That was the starting point of this journey, and it was a very important starting point. We lit the building up in purple for the first time. That was Judith Cochrane's proposal, and we all supported it. The AERC also went to Iceland, where we saw some very tangible things that could be done to bring about real changes. That is something which, I know, the women's caucus and, I am sure, the gender-sensitive Parliament working group will continue to look at.

The highlight of my time here was probably the trip to Sweden, where, for the first time, I got to know a lot of the women from various parties on a personal basis. I learnt a lot there, and I hope that we built real friendships. At least, I feel that I built real friendships, while respecting all our differences.

Since this time last year, we have had the first meeting of the women's caucus — the women's caucus is being launched tonight by Martin McGuinness and junior Minister Pengelly — and we have had about four meetings of the gender-sensitive Parliament. There is a range of events, including a visit from the granddaughter of one of the suffragettes, on Friday, which, I think, Paula is officiating at. That is a fantastic way to end Assembly women's week.

We also have a First Minister who is a woman; we have two junior Ministers; we have a Minister for Agriculture and a Minister for Culture, Arts and Leisure; we have an Assembly Commission in which, for the first time, it is three all, which makes it a much nicer place to be; and we have two women Whips. I used to be in the lonely place of being the only woman Whip, but we now have two women Whips. That did not happen by accident. That happened because women were taking power and being supported by men in parties who understood the importance of true equality within each of our parties.

As Paula Bradley said, it does not mean that we all agree with each other. We do not. We disagree on lots of occasions. Yesterday, Paula Bradley and I were on different sides of voting on an amendment, and, straight after that, we supported each other in the women's caucus. The trick is how we manage our differences.

I enjoyed very much working with you all. The fact that there were more women in Committees made them much nicer places to be. I also personally thank my colleague Raymond McCartney. The Whip and group leader in our party do a lot of work together, and I have to say that he has been a joy to work with over the last number of years and a really good group leader.

As we have this debate, I am conscious that we are losing some very good women who are not standing for election. We are losing Judith Cochrane; we are losing Bronwyn McGahan; we have lost Sue Ramsey; we have lost Michelle Gildernew; we are losing Anna Lo. I think that the Chamber and Assembly are going to miss those women. I pay tribute to them and wish them all the best. I have no doubt that we will be seeing you up here again in whatever guise —

**Ms P Bradley:** Will the Member give way?

**Ms Ruane:** I will.

**Ms P Bradley:** The Member has mentioned some of our high-profile women. Does she agree that having women here creates great role models for our next generation of female politicians?

**Mr Speaker:** The Member has an extra minute.

**Ms Ruane:** Thank you for your intervention. I absolutely agree with you. That struck me, last night, as we had an amazing event in the Long Gallery with some powerful women participants. There were over 90 women and men there last night. It was a powerful event, and I am looking forward to the events that are coming up.

I end by saying that I lost my mother in December. She was a good, strong woman, who had a great life. She reared seven children; she reared them in different times. Women like my mother, and all our mothers, fought the good fight in their way, in their time. As a mother and mamó — a grandmother — I put on record my thanks to her.

**Mr Lunn:** You caught me on the hop, Mr Speaker. On International Women's Day, I am very pleased to be the first man — perhaps, the only man — to speak in the debate. As a member of your reference group, I am very pleased to do so, and to speak in favour of the motion, of increased female participation in public life, and of the Assembly recognising that we have a problem of unequal representation and that we have an obligation to do something about it.

I commend your initiative, Mr Speaker, in setting up the reference group. I will contribute in any way that I can to the work of that group, as I am sure that Steven Agnew will, although he is not here today.

**11.00 am**

**Mrs Cochrane:** I thank the Member for giving way. Can I just put on record my thanks to my colleague Trevor Lunn for all the work he has done in his role on the AERC? Does he agree that men have as important a role as women in continuing to drive the changes through so that we see really able women here and playing a really important role in public life?

**Mr Speaker:** The Member has an extra minute.

**Mr Lunn:** I thank my party colleague for that. I will put it bluntly: you will not make the progress that you would like to make in this place without the support of men. That is a given. I hope that a lot of other men who maybe do not need much persuasion will come on board with the initiative as time goes on.

The women's caucus will be established today. Both groups can then drive forward an agenda that, I hope, will place women on a more equal footing in this place. If we set the example, others will follow and the boards of public companies and those receiving support from public funds can be encouraged, persuaded or cajoled to do likewise. The public appointments process should also be made to adopt a more equitable approach to its operation, not just to women, frankly, but to minorities of all kinds, because it is something that is very lacking in its performance to date.

Mr Speaker, your initiative, of course, has its roots in the AERC report on women in politics a year ago, one of the more significant reports that that Committee has brought out. We have produced almost 30 recommendations, two of which you have now acted on. If they were all adopted, they would certainly go a long way towards achieving the results we would all like to see. I will just refer briefly to some of the recommendations. Recommendation 1 states:

*"political parties should consider developing targeted membership strategies to encourage more women".*

Note the words "should consider". Recommendation 2 states:

*"The Committee recognised that high profile female MLAs can act as positive role models and...that political parties should take this into account when making political appointments".*

Well, the point has been made: we now have six female Ministers in this place, which is an excellent tribute to the fact that the Assembly is trying to do something. In particular, we have a female First Minister. I welcomed that appointment. It is a major step forward.

Recommendation 7 states:

*"political parties may wish to consider the introduction of measures to increase the number of female candidates being put forward for election."*

Of course, that is really at the heart of it. Whatever we do or can put in place by consensus across the Chamber, it is still up to political parties to put people forward and to put women forward not just in a tokenistic way but to put them up for winnable seats. That is the difference.

**Mr Lyons:** I thank the Member for giving way. Like many others in the Chamber, I came through local government first. Does the Member agree that that is where emphasis should also be placed? Getting more female candidates into local government will eventually lead to, hopefully, more candidates here as well.

**Mr Lunn:** Yes, that goes without saying. I am talking about local government as well as the Assembly. That is certainly the breeding ground for Assembly candidates of either gender, so I appreciate the point that Mr Lyons makes.

Recommendation 12 states that we:

*"should consider adopting measures from... international best practice to create a gender sensitive Northern Ireland".*

There is certainly a lot to learn from international best practice in that respect. Ms Ruane mentioned the Icelandic experience, which was memorable — short but very informative. I would say that.

Recommendation 22 is the last that I will refer to:

*"the Assembly should ensure, where possible, gender representation be considered when agreeing official delegations from the Assembly."*

That would send a good message to whomever we are dealing with that this is an Assembly that values equal representation as far as possible. I am absolutely in favour of that as well.

Of course, with regard to Stormont and local councils, it is absolutely up to parties to put a fair proportion of women up for winnable seats. That is the key to this. Frankly, it is also for women to assert themselves within parties. They appear to me to be perfectly capable of doing that. It goes against the natural way of things in Northern Ireland, but it is changing, and it is time that it changed. The old notion that behind every great man is a woman is so out of date that I should not even be saying it.

I see that my time is up, Mr Speaker. I also celebrate International Women's Day. I wish all our women well and a good day, and I wish the women's caucus and your group every success into the new mandate.

**Mrs Pengelly:** I rise to support the motion and to celebrate women, their lives, hopes, ambitions and achievements on this International Women's Day. I welcome the opportunity to shine a light and celebrate the freedoms, rights and liberties that we enjoy in the Assembly, in Northern Ireland and across the world, while noting that more can be done here and much more must be done internationally.

When I grew up in Northern Ireland in the 1980s and into my teens in the 1990s, I knew that there had been some challenges for women. However, like so many of my generation, I believed that the world was hurtling towards a point of gender equality and protection — I assumed that that would happen — at which we all had the space, regardless of gender, to choose the opportunities and pathways that we wanted.

I remember hearing about the suffragettes, about how women used to have to leave the workplace when they got married, about archaic family law systems where the mother had no rights and about how even a glimpse of an ankle was considered shocking. As a child, those customs, laws and challenges seemed almost unimaginable. We had come so far. Yet, as a woman in my thirties, I look across the world and see what seems to be, at times, a regression in those rights and liberties and in the value of girls and women across the world.

The statistics are stark. Some 27 countries still practise female genital mutilation, impacting on 200 million young girls and women. Globally, one in three women will experience violence at the hands of a male partner. Globally, 30% of violence against women starts during pregnancy. The majority of women killed across the world are murdered by a partner or close family member. Closer to home, the England and Wales crime statistics show that one woman is killed every three days by a partner or former partner. I was shocked when I read that statistic. It is not something that we see on the news every night or every week. Even as a child and as a teenager, I laughed at the idea of how shocking it would be to show an ankle as in the customs of 100 years ago, and I had no idea that, in 2016, women around the world would be publicly flogged and even killed for doing just that.

The global developments have not just threatened peace and world stability but posed a huge threat to the liberties and rights of women. It really struck me from speaking to some of the young women involved in some of the projects around female empowerment that they do not share the expectation that I had in my teenage years in the 1990s and that they see the global threat to female liberty much more starkly now. We must stand united and fight against the rising tide of hate and misogyny internationally and prevent the further crushing of whole generations of women who have so much to give to medicine, art and literature and to the ideas and policies that will shape our world in governments, in offices, in the Civil Service, in businesses and in politics.

Maya Angelou, one of the strongest women of recent times and somebody whom I consider to be a role model, said about strong women:

*"You may encounter many defeats, but you must not be defeated. In fact, it may be necessary to encounter the defeats, so you can know who you are, what you can rise from, how you can still come out of it."*

There is indeed much to grieve when we look internationally, but I welcome the steps that the Assembly has taken on female participation and support.

I want us to take from today a revived sense of purpose in securing and enhancing our liberties, participation and roles in life in Northern Ireland, while doing what we can to help and support women here and across the world.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Tá áthas orm deis a bheith agam páirt a ghlacadh sa díospóireacht tábhachtach seo ar maidin agus beidh mé ag tacú leis an rún. I am absolutely delighted that I and the Assembly have the opportunity this morning to mark International Women's Day. A number of events have unfolded this week, particularly here in the Assembly. It is notable that, although there has been a very tight legislative schedule this week, space has been made this morning to ensure that we highlight, acknowledge and validate the significant role that women have played in the promotion of rights and social justice across continents and down through the decades.

This week, there will be a focus on the role of women, particularly in the Assembly. I want to acknowledge, Mr Speaker, the series of events that your office has organised this week in close cooperation with a number of women, and particularly the new focus groups that are being set up. It is important that we continue that work. There will be particular focus on the women MLAs who have been elected since 1998, and, tomorrow, you are hosting a lunch for them, particularly former Members. I want to acknowledge the role of Mary Nelis, who you will know well from the Foyle constituency and with whom Maeve McLaughlin and I have worked closely over many years. Mary Nelis is an excellent example of a strong woman, with a strong personality, and a good public representative. We have seen that on a range of issues before. When the political mainstream made it difficult for people to raise their voice, Mary Nelis certainly raised her voice on the rights of women, vulnerable people, tenants, people in poverty, prisoners and, indeed, anybody else who was struggling to assert his or her rights. Mary Nelis was always there. She is an excellent role model for many people and an excellent representative for women MLAs.

**Ms Boyle:** Will the Member give way?

**Mr McCartney:** I will, surely.

**Ms Boyle:** Given that it is International Women's Day, and given that it was recently Mother's Day, will the Member agree with me that we should also remember those women from local government and the Assembly who are now deceased and remember the contribution that they made to local government, the Assembly and other walks of life through democracy? We should also acknowledge and remember them today. Go raibh maith agat.

**Mr McCartney:** Absolutely.

**Mr Speaker:** The Member has an extra minute.

**Mr McCartney:** Thank you very much, a Cheann Comhairle. I have absolutely no doubt that this week and, I am sure, at the gathering tomorrow in particular, people

will remember those who have unfortunately passed away, be they public representatives from the Assembly, local government or, indeed, each of our political parties. Those women were very strong and very forceful in ensuring that women's rights were always asserted, be it in a party or right across society.

I want to welcome the initiative of the women's caucus. I am particularly pleased that it was one of the recommendations from the Assembly and Executive Review Committee, of which I am a member. That in itself was an excellent piece of work. It showed good foresight, because, when that Committee was set up, that was not perhaps seen as being one of its tasks. In particular, I thank Paula Bradley and Caitríona Ruane for proposing the initiative. When we examined it, we started to see many of the issues that needed to be addressed, and those continue to be addressed. The people in the caucus are formidable representatives in their own right and when it comes to asserting the rights of women in the Assembly to make this place better on gender issues. I have absolutely no doubt about that.

I will move on to the subject of under-representation of women in sport, which is right across the board. Billie Jean King, who was a formidable tennis player, last night made the point that her generation was the generation that broke through and brought women to the table. She said that the challenge for the next generation of women was to ensure that their voice becomes stronger, their responsibility becomes greater and that delivery becomes something that women can be proud of, so that the next generation of women, when they go forward, will be going into a better space.

#### 11.15 am

The task for not just the caucus but us all is that this caucus will open up and create the responsibility and a better place so that, in five or 10 years, if there is another inquiry by the Assembly and Executive Review Committee, they can look back and say that the origin of that piece of work was good, necessary and required, and, more importantly, that it was delivered.

**Mr Rogers:** I am delighted to acknowledge International Women's Day and speak on the motion. When we look over history — the Member opposite talked about the suffragettes — if it were not for people like Emmeline Pankhurst and the movement to give women the vote, how many of us would be here today?

We think of women like Florence Nightingale, the lady with the lamp, the soldiers' friend and so on, and the work that she did. Another nurse was Calamity Jane, who was famous for some of her more adventurous exploits but spent her life attending to smallpox victims in the dark hills of Dakota.

We then think of somebody like Mother Teresa, who was among the poor all the life. She said:

*"Not all of us can do great things but we can do small things with great love."*

Maybe that is a model for us today.

Reference has been made to the work of the AERC, its various visits and work on women in politics. The key message for me, whether it is the Assembly or local government, is that we need to be a lot more family friendly, not just for the women but for the men as well. Speaking

particularly with a rural cap on, and thinking of people like Karen here or our First Minister, Arlene Foster, from County Fermanagh, that issue needs to be taken into consideration.

In this year of commemorations, we have to acknowledge the role that women played. In Ireland, we think of the great work of Mary Robinson and, in particular, of Mary McAleese. Could anyone other than Mary McAleese have done it when Queen Elizabeth came to Ireland? I do not think so. They have made a major contribution to building bridges in this land.

On a day like this — the Member opposite spoke about this as well — we have to think of women who are suffering today. We think of the women in Nigeria who were kidnapped by Boko Haram, or in refugee camps in Syria, Calais or wherever. We think also of the women suffering here, who lost a partner or children in the conflict or other horrific events. I think particularly of a young wife, a constituent of mine, who buried her husband last week as the result of a road traffic accident and who is trying to pick up the pieces of her life with four young children.

Caitríona spoke about her mother. Where would any of us be without our mothers? My mother is long deceased, but she was a great countrywoman. On a lighter note, I have a wife and four daughters, so International Women's Day is nearly every day in our house for my son and me.

I want to acknowledge the great work of women, whether mothers or people who have dedicated themselves to the single life, whether in politics or just across the world. I wish the women's caucus every success because most of these women will come back to this Assembly in the next mandate, and I look forward to helping where I can, as a man, in taking their case further.

**Mr Speaker:** Does that mean that you are going to do what you are told? *[Laughter.]*

**Ms Sugden:** Happy International Women's Day to everyone, the women and the men, because I do not think anyone would be in the Chamber without a woman, and that is their mother.

**Mr Speaker,** I join others in thanking you for your commitment in progressing gender equality in the Assembly. I feel that that will be your legacy.

As a Member who will have been here for coming up to two years on the day of the election, I know that your support of me, particularly as an independent female in the Assembly, has been really greatly received. You stood up last year and declared yourself a feminist, and, **Mr Speaker,** I think you have earned that. I hope that your successor, who maybe will be a female, will continue to build on that wall so that we can keep reaching that glass ceiling that we need to keep breaking time and time again.

I pay tribute to all female MLAs. It was a really wonderful man who got me here, but I think my learning experience in these past two years really was guided by the women in the Chamber. Being an independent in this corner, and a female independent at that, can be quite difficult. However, I have looked to the strength of other women and have seen how they have conducted themselves in the Chamber, from all sides of the House, and I appreciate their guidance. So, I thank you all for being there.

As I said, I will have been an MLA for two years on the day of the election. This year, 2016, has been a great year. I

hope it will be a better one, but we will see in May. It saw the first female First Minister in Northern Ireland, and I am kind of glad she is not here because I must admit that Arlene Foster is someone who I have always admired. I would be quite embarrassed saying this if she were in the Chamber. I admire her because she is a really good politician. She is not just a good female politician; genuinely, she is a good politician. I think that is how women need to progress; we should not be set aside and considered to be not good at things because we are women. We are good at things generally. I have never seen myself as any less capable simply for being female. If others do, quite frankly, that is their problem, not mine. I hope that is how other younger women will see the Assembly today and see me. If I can leave the Chamber today and the only message I have given out is that we as women will be good role models for other women coming forward —

**Ms Ruane:** Will the Member take an intervention?

**Ms Sugden:** Yes. Please; go ahead.

**Ms Ruane:** I understand the Member has been nominated as woman of the year in her constituency, so I congratulate her. I know you will not be with us tonight for the launch of the women's caucus, so I am taking this opportunity to congratulate you.

**Mr Speaker:** The Member will have an extra minute.

**Ms Sugden:** Thank you very much. I appreciate that. I also pay tribute to Caitríona Ruane. We had our first meeting of the women's caucus yesterday. I should not really be on it, if I am quite honest, because I am an independent Member. It was designated by d'Hondt, but Caitríona Ruane went out of her way to ensure that I am on it. We had a discussion about what the politics of that was, and I am quite ashamed to say that I put the politics ahead of the generosity she offered me as a woman. I am quite happy now to put on record that Sinn Féin gave up a seat so that I could be on the group because it saw the value of me being on it for my constituency and for other women. I think that is important, and I think that is why women generally have such a good input to politics here. We can set aside our differences and can work together and simply get things done.

Today is International Women's Day. **Mr Speaker,** you have made a week of events, and I think it is really a fantastic week of opportunities. I am going to declare 2016 as the year for women, particularly in Northern Ireland, because I think we deserve it and it is a good message that we need to send out to women and men.

**Mrs Overend:** As vice chairperson of the Speaker's reference group on a gender-sensitive Assembly and as an Ulster Unionist MLA, I very much welcome the opportunity to conclude on this debate, pertinent as it is on International Women's Day. I will add my voice to all the others wishing everyone in the Chamber and further afield a happy International Women's Day.

It is clear that women have pushed through the sticky door or the glass ceiling or whatever metaphor you wish to use. They will continue to do so, but, all too often, not enough manage to follow the pioneers through. I have said in previous discussions like this that conditions need to be set up so that women are given the same chance in politics as men, as in the STEM sector, in business, on boards and so on. That assistance is gained through ensuring that women are given the right support to allow them to succeed.

I want to go through some of the issues that all the contributors mentioned this morning. Everyone raised really good points. I congratulate Paula, who said that the Assembly has empowered her. Many of us have done things that we never thought we could do in our term as Assembly Members. I am glad that the Assembly has empowered her and so many women around here. Of course, it has empowered men and women, but we really want to unlock the potential of women. There is a lot to be said about finding the right balance of men and women in the Assembly and in so many places in society.

Caitríona Ruane mentioned that the highlight of her work in this area was the trip to Sweden. It was like going back to university for a lot of us. Boy, times have changed when can use your camera phone to take photographs of the notes in front of you rather than having to scribble everything down. It was a great opportunity, and I agree with her sentiments about it.

Ms Ruane also mentioned that we are supported by men in our parties, and I agree that that is important, too. Indeed, I would not be standing here without the support of all the men in the Ulster Unionist Party who encouraged me to stand in Mid Ulster, and I thank them for that continual encouragement.

**Some Members:** Hear, hear.

**Mr Speaker:** Your Back-Benchers.

**Mrs Overend:** Mr Trevor Lunn said that if we set an example others will follow, and I think that that is a very good point. He also said that we should not use the old saying anymore that behind every man is a good woman, and that is very much the case. At this stage, behind every woman in the Assembly, there is a great team of support, whether it is a husband, a mother or a grandmother. We need that support behind us so that we can spend long hours in this place and dedicate much of our time to this job. I would like to place on record my thanks to my support mechanism at home in Mid Ulster.

Emma Pengelly talked about the global threat to female liberty. Women may be more inclined to think about issues of compassion, but we all — men and women — should consider that. I thank Mrs Pengelly for highlighting the issue and join her in supporting that.

Raymond McCartney focused on the events this week. Again, I add my thanks and recognition to women who have served in previous Assembly mandates in this place. I think of our Ulster Unionist Members — I am not sure whether they are attending the get-together tomorrow — Joan Carson and Pauline Armitage. So, I add my thanks to previous female MLAs.

Seán Rogers referred to many female role models from Florence Nightingale to the amazing Calamity Jane. I would also like to recognise — I am sure that many will agree with me — another role model for many of us in Northern Ireland, and that is Her Royal Highness Queen Elizabeth, who has reigned over the United Kingdom for over 60 years. That is an amazing accomplishment, and I am sure that others will agree with that.

I thank Claire Sugden for her contribution to the debate. She reminded us that, whether we are a man or a woman, we would not be here without a woman, and that is our mother. I congratulate her on her two years as a Member;

I certainly feel that she has made a difference in the many things that she has done.

I echo the comments of all other Members who spoke and congratulate the Speaker on taking the initiative in proceeding with all his work in this area.

I acknowledge the work of the Assembly Executive and Review Committee and the secretariat staff who supported the Committee in its inquiry into women in politics and the Northern Ireland Assembly. Many Members this afternoon — Paula Bradley, Caitríona Ruane and Trevor Lunn — highlighted the work of AERC, which has been crucial in examining this issue. Trevor endorsed the recommendations in the report, and I am sure that that can be continued and pursued.

### 11.30 am

The work of Politics Plus has been excellent and has sought to strengthen the role of women in political and public life through various programmes such as the women in politics programme, the women in public life programme, the experts in residence programme and the young female leaders academy. Politics Plus has also had a crucial role to play in supporting the establishment of the Speaker's reference group on a gender-sensitive Assembly and the Northern Ireland Assembly women's caucus. As vice-chairperson of the Speaker's reference group on a gender-sensitive Assembly, I want to acknowledge and thank the chairperson, Karen McKeivitt, for all her work as chairperson of that group and for proposing the motion. I also want to thank all the members of the group — men and women, importantly — for developing a draft gender-sensitive action plan and for their support for the establishment of the Northern Ireland Assembly women's caucus.

AERC concluded that the under-representation of women in politics in Northern Ireland is a serious issue that must be addressed as a matter of urgency. It recommended that the Assembly should establish a working group on a gender-sensitive Assembly, which should be made up of an equal number of male and female members. That group was established on 10 February, and its membership comprises male and female MLAs.

Numerous submissions to AERC called for the establishment of a women's parliamentary caucus as an example of good practice that would support existing female politicians and encourage aspiring female politicians to enter politics. As a result, the Committee recommended that the Assembly should facilitate the creation of a women's caucus. With the support of Politics Plus, the Speaker's reference group worked to establish the Northern Ireland Assembly women's caucus, which will be officially launched this evening. It had its first meeting yesterday and, as the proposer of the motion said, its vision is to have a united women's Assembly caucus that works together, irrespective of political party affiliation, to ensure equality for all, to provide an opportunity for women to exchange and ensure that there is cross-party collaboration on ideas, to form collective platforms on particular policies and actions, and to support one another on issues and areas of common concern. The chairperson of the group, Mrs McKeivitt, in proposing the motion earlier, spoke about the proposed objectives of the caucus.

In her paper entitled 'Women Legislators in Northern Ireland: Gender and Politics in the New Legislative Assembly', Kimberley Cowell-Meyers stated:

*"Women legislators may not be able to influence institutional norms, policy priorities or policy outputs in the absence of a critical mass of women (over 30 per cent) ... Yet, even in the absence of a critical mass of women, the efforts of women legislators to have effect as women may be advanced by establishing a women's legislative caucus".*

According to the Inter-Parliamentary Union's 2013 'Guidelines for Women's Caucuses':

*"Women's caucuses ... are mechanisms that have been created within the parliaments of many countries to strengthen cooperation among women engaged in political life. Such caucuses can bring women parliamentarians together across party lines in effective alliances around a common goal ... Women's caucuses help to build the capacity of women parliamentarians, organizing and providing support and training to make them better members. According to research conducted by the Inter-Parliamentary Union, the main challenge facing newly-elected women find is coming to grips with how male-dominated the system is and figuring out the parliament's written and unwritten rules and procedures."*

Therefore, while the Northern Ireland Assembly has 23 female Members, which equates to 20% of Members overall, I am particularly pleased that we have created a women's caucus. Our numbers in the Assembly may be small, but we are no less a force to be reckoned with. We have achieved much with our numbers and have much to be proud of. It is up to women to put their shoulders to the door and give it a hard shove, but it is up to Assembly Members to hold that door open and encourage many others to come through.

*Question put and agreed to.*

*Resolved:*

*That this Assembly supports the celebration of International Women's Day 2016 and Assembly Women's Week 2016; affirms its commitment to encouraging more women into politics and public life; acknowledges the importance of the work of the Speaker's reference group on a gender-sensitive Assembly; and advocates the establishment of a women's parliamentary caucus.*

**Mr Speaker:** It gives me the greatest possible pleasure to say that the Ayes have it. I do not know whether anybody flunked the challenge.

## Executive Committee Business

### Rural Needs Bill: Final Stage

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I beg to move

*That the Rural Needs Bill [NIA 67/11-16] do now pass.*

I am absolutely delighted that the Bill has reached its Final Stage and am grateful for the support it has received during its Assembly stages. I do not intend to revisit the provisions of this important Bill in any great detail today. The Assembly has already taken considerable care in scrutinising them.

The Bill has benefited from the close examination that it has received. I take this opportunity to thank the Chairperson and members of the Committee for Agriculture and Rural Development for their detailed scrutiny and for the recommendations in the Committee's report, which resulted in a number of amendments being tabled at Consideration Stage. I am pleased that I was able to support those amendments, and I believe that the Bill that we have before us today is stronger as a result. I also want to pay particular thanks to the many stakeholders who have contributed to the development of this Bill. Their advice and contributions have been invaluable. Indeed, many of the amendments made to the Bill throughout its passage came from rural stakeholder groups. I also want to thank OFMDFM, the Office of the Attorney General, the Office of the Legislative Counsel, the Departmental Solicitor's Office, and the Bill Office, which have given us all so much support and advice along the way. I also want to thank the Committee for Agriculture and Rural Development Clerk and her staff for their diligence and determination to ensure that the Committee Stage was completed by January. Last but not least, I want to thank my departmental officials who have worked very hard on this Bill, particularly given the time constraints involved.

I also thank Members for their amendments and helpful contributions to the debates on the Bill in its passage through the Assembly. The resulting Bill is legislation that can make a real difference to the lives of rural dwellers. However, the process does not stop here: we need to continue to work hard to make sure that the Bill is effective in ensuring the robust application of rural proofing across all sectors of government.

I think that this is an appropriate moment for me to remind the House of the key principles of the Rural Needs Bill. This Bill is the first of its kind in these islands, and I am pleased to say that the North is leading the way. There has been widespread support from stakeholders for this new Bill. This Bill will require that rural needs are appropriately taken into account by public authorities in policymaking and service delivery. The key principles of the Bill mean that rural issues will be embedded, as a matter of course, in the development and delivery of all government strategies and policies; information on rural proofing will be made available in a transparent way; and government will take a joined-up and collaborative approach in taking account of rural needs when designing public services.

I am conscious that our rural communities are facing even greater challenges due to the impact of reduced budgets on the delivery of public services. It is crucial therefore that government continues to focus on the needs of rural dwellers to ensure that they are not unfairly disadvantaged.

I believe that this Bill will promote a fair and inclusive rural society, where rural dwellers enjoy the same quality of life as others in the North. It not only places a statutory duty on public authorities to have due regard to rural needs in policymaking and service delivery but requires them to compile, and make available in an open and transparent manner, information on how they have met that duty.

The Bill provides a statutory basis for DARD to support rural proofing through the provision of information and guidance, and for arrangements to be put in place to enable public authorities to cooperate and share information, which will help to ensure a more consistent and cohesive approach to addressing rural needs.

Once again, I thank Members for the keen interest that they have shown throughout the Bill's passage through the Assembly. I commend the Bill to the House and am delighted that we have got to this stage.

**Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development):** Thank you, Mr Speaker. It is my pleasure to speak today as Chairperson of the Committee for Agriculture and Rural Development. This is an important Bill. It will impose a duty on certain public authorities to have due regard to rural needs, thereby ensuring the more effective implementation of rural proofing across central and local government. Indeed, the Bill, as amended at Consideration Stage, will impose that duty of due regard on a range of other public bodies as listed in schedule 1.

I begin by taking the opportunity to thank the Committee members, Committee Clerk and staff for their hard work on the Bill. I would also like to record the Committee's thanks to the stakeholders who took the time to make written submissions or provide oral evidence. Their contributions and suggestions have undoubtedly resulted in a stronger and more robust Bill.

The Committee and Department worked well together on improving this Bill. I am pleased that many of the amendments requested by the Committee have been incorporated in the Bill that we have in front of us at Final Stage. However, this process was not without its challenges. The Minister certainly took into account the views of the Committee and was willing to bring several amendments at our request. However, the Minister was unable to table certain amendments at Consideration Stage. Instead, after some discussion, the Committee took the decision to table those amendments in its name. I am pleased that they were agreed by the Assembly at Consideration Stage and are now part of the Bill.

I believe that the Bill is all the better for the amendments, as they address a fundamental concern raised by almost all the stakeholders we heard from. As we move forward, it will be important to ensure that the public authorities named in the Bill comply with this duty in a consistent and meaningful way.

If the Bill is to have a real impact on the lives of rural dwellers, it cannot be allowed to become a box-ticking exercise. The Committee requested a number of amendments to the reporting and monitoring arrangements that will help to ensure that this will not happen. As a result of those amendments, the Department is required to publish an annual monitoring report and the Minister must also make a statement to the Assembly. The Bill also includes an amendment put forward by Mr

Swann and Mrs Dobson and which was accepted by the Assembly. It concerns the information that should be included in the annual report that will be compiled by the Department. The Committee is satisfied that, as a result of these amendments, the monitoring process will now be much more transparent. This will allow the Assembly and Statutory Committees to hold the Minister and Departments to account in how well they have considered and paid heed to the needs of rural populations. On behalf of the Committee, I commend the Bill to the House.

**Mr McAleer:** Go raibh maith agat, a Cheann Comhairle. I commend the fact that the Bill has reached Final Stage today. I am one of the 37% of people — the 670,000 people — in the North of Ireland who live in a rural area. Whilst I love living in a rural area, like many in the House, I know that there are many advantages and disadvantages in doing so. For example, a lot of people in rural areas experience isolation, and infrastructure can be poor. There is lack of communication and access to services. Areas such as mine in the Sperrins, or in Owenkillew, the super output area, have the worst access to services in the whole of the North.

Many of these issues are compounded by the way in which deprivation is measured. I welcome the fact that there is an ongoing review of the deprivation measures, because there is a strong body of thought and evidence gathering that rural areas are not properly reflected by those measures.

Looking back, the Executive gave a commitment in 2002, and again in 2009, to rural proofing to realise their vision of a fair and inclusive society where all services are equally accessible to people who live in rural areas. However, that vision is not a reality for many rural dwellers. In the Committee's evidence gathering and through our engagement with stakeholders, we found that rural proofing was not properly embedded. We heard many times that it was a bolt-on or an add-on, or that it was patchy, but certainly that it was not effective. I welcome the fact that the Minister and the Department have taken the initiative to create statutory protections and embed rural proofing in legislation.

My party does not see this as the end. As the Minister quite rightly said a moment ago, this is not the end. The legislation has to be robustly implemented to ensure that we arrive at a fair and equitable rural society. We are looking at the broader picture. Our colleague Martin Ferris introduced a similar piece of legislation, through a private Member's Bill, in Leinster House, which we have been working on jointly across the island. That Bill has been introduced and he plans to move ahead with it in the new mandate following the election. We are looking at this not just in the context of across the island but in the context of CAP reform. We have seen a lot of changes in the way in which CAP is going to be implemented, with the North being treated as a single region, progressing towards an equal single farm payment rate and a well-funded rural development programme of £623 million, which is to be rolled out over the coming years. Tackling rural poverty and social isolation (TRPSI) and LEADER funding are also very important, and the NISRA review of the deprivation measures, which I referred to earlier, will be very important in achieving fairness and equity in rural areas.

We spent hundreds of hours debating and thrashing out these issues in the Committee. Stella is in the Public Gallery and I want to commend her and her Committee

team for their very hard work in moving this on. Astrid, Louise and others made themselves available to the Committee at every opportunity. They fielded questions and provided answers as and when requested.

**11.45 am**

I made the point at the Bill's previous stage that this is very much a grass-roots Bill. None of the amendments to the Bill came from a political party or from MLAs; they came from the grass-roots stakeholder organisations. We thrashed it through the Committee and the House, and we feel that we have come up with a very good Bill. This part of Ireland is leading the way in Europe as the first region to legally protect rural needs in legislation, and that is something that we are very proud of.

At risk of missing some out, I will mention some of the organisations that came before the Committee: the Rural Support Networks; RCN; RDC; NILGA; SOLACE; UFU; NIAPA; and, indeed, the DARD officials, who are always on hand to provide answers and information as and when required. So this is very much the people's legislation. It came from the grass roots, and that is something that we are very proud of. We see it as a huge step forward in helping to create a fair and equitable rural society. On behalf of my party, I commend the Bill. Like many others who live in rural areas, we eagerly await its implementation.

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

**Mr McAleer:** Yes.

**Mr Swann:** I have heard the Member refer a number of times to this Bill as 'the people's Bill', not party political and all the rest, and I fully agree with him. Is he surprised when he recalls the petition of concern that was tabled by the DUP as regards this Bill?

**Mr McAleer:** It was the DUP's decision to implement that, but I reiterate to the Member that is a Bill that came from the grass roots, and we feel that we have delivered the best possible Bill at this stage. As the legislation progresses and the other organisations come under its clauses, we feel that it will go deeper and stronger towards creating more fair and equitable rural areas.

I commend the Bill. We see it as a good step forward, and I commend the Minister and her Department for bringing it forward. This is a great day.

**Mrs Dobson:** I am pleased to speak on the Final Stage of this Bill. As I have repeatedly said throughout its passage, the rural White Paper action plan that preceded it left much to be desired. Whilst I am glad that there will be a statutory duty on public authorities to take rural needs into account when developing and implementing government policies and delivering public services, I am still somewhat disappointed with the limited scope of the Bill. In a way, this Bill represents yet another missed opportunity. We only have to look at other parts of the United Kingdom, where there are significantly more protections in place for rural communities. For instance, I tried to place in the Bill a presumption against rural school closures, as exists in Scotland and England, but, given the limited scope of the Bill, it was not possible. Despite the fact that, bizarrely, the DUP and Sinn Féin worked together to block many of our practical amendments, it is better to have a weak Bill than no Bill at all. I hope that the next Minister will revisit that issue.

**Mr McCarthy:** I welcome the opportunity to speak on the Final Stage of the Rural Needs Bill. It came about as a result of the rural White Paper and action plan, with a commitment to strive for a fair and inclusive rural society where all rural dwellers enjoy the same quality of life as people residing in urban settings. The objectives of the Rural Needs Bill are to require the effective implementation of rural proofing across central and local government, and other public authorities as may be specified; to establish the role of the Department in providing guidance and advice on rural proofing; and to require cooperation and sharing of best practice between all public authorities covered by the Rural Needs Bill.

**Mr Rogers:** I thank the Member for giving way. Does he agree that the success of this Bill is dependent not only on local government but on all Departments robustly applying rural proofing to all aspects of their work?

**Mr McCarthy:** Thanks for the intervention. I absolutely agree, it is imperative that, if the Rural Needs Bill is to mean anything, it has to be seen to be working to the advantage of people in rural areas.

Although rural dwellers, while protecting and enhancing the rural environment, enjoy a good quality of life, with that comes many disadvantages, not least the need for a car or reasonable public transport, which brings with it extra costs and a drain on the family budget, and greater distance from the hub of a village or town.

However, it is my experience that people living in the countryside usually contribute to a local church, parish, club and so on and make their own social activities. In some cases, social isolation can affect people and have many negative effects. It is hoped that the Rural Needs Bill will help and encourage rural dwellers to get involved in all local activities, thereby preventing isolation.

I thank the Committee Chair and all members of the Agriculture Committee and, indeed, the staff who supported us. I pay tribute to all the organisations that do sterling work. I will not mention them by name, as Declan mentioned most of them. I am always afraid to name them in case I leave out some important organisation, but they all do sterling work in visiting isolated rural families and homes and giving them much-needed support. I encourage them to continue their work.

In conclusion, I congratulate the Minister for having brought the Bill to the Assembly. I wish it every success. I hope that all those privileged to live, work and play in the countryside will see the benefits and enjoy a better quality of life as a result of the Bill and, indeed, the work of the Assembly.

**Mr McMullan:** I do not intend to speak for long, because most of what I would say has been said already. This is a historic day for the Assembly. We have been looking for the Final Stage of the Rural Needs Bill for quite a number of years. I congratulate and commend the Minister, Michelle O'Neill, for bringing the Bill forward.

Rural dwellers — I am one of them — have for a long time been underestimated in their own communities. I served for nearly 20 years as a councillor for a rural area. Year in, year out, it was a fighting match year at rates meetings to get the right money set aside for facilities in rural areas. Hopefully, the Bill will do away with that, because the onus is now on local authorities to have due regard to the rural dweller when developing their policies, looking at rates and

setting money aside to develop sports facilities etc. In that respect, this is a historic day.

It costs more money to live in a rural area than it does to live in an urban one. In some cases, it costs nearly £60 a week more to be a rural dweller. The Bill before us puts us all on an equal footing. This is more about equality than anything else, because now we are on an equal footing with urban dwellers. I want to let everybody know the enormity of what has happened today. We are the first region in Europe to introduce this. Another way of looking at it is that nearly an all-Ireland approach has been taken, because, as well as this Bill, there is a similar Bill in Leinster House. All round, it is a historic day.

I finish by thanking Stella and all her staff — they have been really good — and the Chair of the Committee for the way in which he conducted business. I end by once again commending the Minister for putting the measure through. She said from day one that the rural dweller would be listened to and adhered to. She has done that today with the Rural Needs Bill. Go raibh maith agat.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank all the Members who chose to make positive contributions as we get to the Bill's Final Stage. As Members said, this is a great news story for rural communities. That we have reached this stage is something that I am extremely proud of. As an Assembly, we can be proud that we have left a fantastic legacy from this mandate for rural communities by putting it on a statutory footing that the needs of rural communities will be recognised.

Given the day that is in it — International Women's Day — as a Minister I am proud to say that I have led the way in delivering for rural communities and in making sure that we look to a future in which they do not feel disadvantaged and it is on a statutory footing that their needs will be taken into account. This is a great news day for rural communities, and I am so delighted that we have been able to get the Bill to this stage today, alongside all the other positive work that we have done for rural communities. One thing that stands out — I think that Declan McAleer referred to it — is the fact that we have been able to secure the largest ever rural development programme. That will be the largest ever investment in rural communities. Along with this work and the work that we do to tackle poverty and social isolation, that is really good news for rural communities.

I thank everybody once again for their contributions to the debate. I also thank the officials who have worked really hard. We brought this forward in a tight timescale along with other legislation. Thanks to everybody for getting us to this stage. This can only be a strong legacy from this mandate for rural communities.

*Question put and agreed to.*

*Resolved:*

*That the Rural Needs Bill [NIA 67/11-16] do now pass.*

## Shared Education Bill: Final Stage

**Mr Speaker:** I call the Minister of Education to move the Final Stage of the Shared Education Bill and open the debate on the Bill.

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a Cheann Comhairle. Iarraim cead an Bille seo a mholadh anois. I beg to move

*That the Shared Education Bill [NIA 66/11-16] do now pass.*

The Bill, as it stands, represents the culmination of the Education Committee's scrutiny and Members' contributions. The genesis of the Bill was the work of the ministerial advisory group on shared education and, critically, the innovative work that teachers, youth and early years practitioners pioneered — work that informed the development of the shared education policy and of the Bill itself. The Education Committee's inquiry into shared and integrated education and all those who contributed were invaluable in getting to this stage. I thank Committee members, other MLAs and those who took time to make their views known for their important contribution to the Shared Education Bill and debate.

Shared education provides the opportunity to raise educational standards, for young people to learn about each other from each other and for teachers, youth workers and early years practitioners to learn from each other's practice and to share good practice. We have seen that, when we give teachers and other practitioners the necessary space and resources, they are ready to embrace the opportunities that working collaboratively offers. Shared education facilitates a culture of mutual understanding through ongoing and purposeful engagement in learning between children and young people from different community backgrounds. The statutory curriculum provides a core enabling framework to facilitate and promote shared education.

Our curriculum seeks to develop pupils as individuals, as contributors to society and as contributors to the economy and environment. Those who have pioneered shared education have seen evidence of increased self-confidence, self-awareness and self-reflection amongst participants. High-quality shared education opportunities have resulted in improving skills in problem-solving, decision-making and critical and creative thinking. Equally, the opportunity afforded by shared education to make more effective and efficient use of facilities and resources provides a strong economic argument.

The Bill before us today seeks to further realise those benefits by providing a legislative framework to advance shared education. Importantly, the Bill sends a strong signal to the education sector and the wider community that shared education is an integral feature of our education system going forward. The Bill is underpinned by Sharing Works, my policy for advancing shared education. Sharing Works expands on the legislative definition by providing a practical description of how shared education will work in practice. The policy encourages practitioners to go beyond the core components of religious belief and socio-economic background, as set out in the Bill, to encompass all section 75 groups. The policy commits my Department to a series of actions to encourage, facilitate and promote shared education.

Shared education poses no threat to any school, sector, youth work, early years setting or, indeed, community. It provides an opportunity to contribute positively to raising standards, closing the performance gap, increasing access and equality and developing the education workforce. In conclusion, I thank the Education Committee for its scrutiny and the contribution of Members as my Bill passed through the Assembly. Your contribution, as I have said in progressing through the various stages, has ensured that the Bill was strengthened on each occasion.

**12.00 noon**

**Mr McCarthy:** Will the Minister give way?

**Mr O'Dowd:** If it is normal procedure to do so, yes.

**Mr McCarthy:** I very much welcome the statement the Minister made this morning. However, does he agree with me that the news coming over the media this morning does not concur with what he just said? It was about a reduction by two hours in school for the special education people. To me, that seems to contradict what you have been saying about shared education.

**Mr Speaker:** I will point out that that is not what we are discussing today. You should concentrate on the business before us, please.

**Mr O'Dowd:** The Member may be aware that the Speaker is considering a question for urgent oral answer. If it is accepted by the Speaker, I am more than happy to respond to it and to set out my position clearly on the announcement that was made this morning, but I take on board the Speaker's ruling.

Molaim an Bille seo don Tionól. I commend this Bill to the Assembly.

**Mr Weir (The Chairperson of the Committee for Education):** As indicated, there will be an opportunity, potentially today, to discuss that issue, and I certainly know that the Minister is appearing before the Committee to deal with other education issues. Unsurprisingly, I will concentrate on the Final Stage of the Shared Education Bill. I will speak initially as the Chair, and then I will make some remarks in a party capacity.

We are here again at the conclusion of yet another education Bill. As the House is aware, this is the second time an education Bill has successfully gone through Committee Stage and reached Final Stage, and we may reach a third education Bill next week. On behalf of the Committee, I congratulate the Minister, his officials and, indeed, Committee members and Members of the House for achieving this milestone.

This Bill is an important piece of legislation. Primarily, it provides a statutory definition of shared education. During our recent inquiry into shared and integrated education and on a number of occasions during this mandate, stakeholders called for formal legislative duties to be placed on the Department for shared education. The Committee very much supports the principle of greater sharing between schools. However, members did not want to see the application of legislative duties until the Department provided clarity on the meaning of shared education. I am pleased to say that the Bill clearly does that.

I think Members wanted to include in the Bill the definition of shared education that we had determined during

our inquiry. The Assembly did not quite do that, and the House did something a little bit more radical, which the Committee had been persuaded to reject. The Bill, consequently, now includes a so-called purposes clause, which neatly summarises all the things that we expect shared education to deliver: educational benefit; respect for identity and diversity; good relations; equality of opportunity; and efficient use of resources. I, therefore, commend the House on its sagacity and ingenuity.

I indicated at earlier stages of the Bill that the Committee's exchanges with the Department and the Minister could be characterised as professional and cooperative, and I am happy to reiterate that today. If it is not too early to talk about the next mandate, I trust that whoever is on the Education Committee and in the Minister's place will continue to make use of the productive relationship that has been established between the Department and the current Education Committee.

On behalf of the Committee, I commend the amended Shared Education Bill to the House and indicate, I think, the assent of the majority of Committee members that the Final Stage do now pass.

I will turn now to speaking as a DUP Member. Again, I welcome the passage of the Bill. In many ways, it provides a statutory definition and clarity. In part, things are already happening, and we are looking to build on those. At times, we are very keen to criticise the system and to see where things are going wrong, but let us acknowledge that, on the ground, within and between a lot of schools, there is a lot of good practice and a considerable amount of sharing. I, as Chair of the Education Committee, and, indeed, others see good practice happening daily. I believe it is important that we have this step change in shared education to give us a definition and to put the duty very much on a statutory footing.

It is, perhaps, unsurprising, that, during the passage of the Bill, some concerns were raised, probably coming from two sources. As the Minister reiterated, when you are dealing with a concept, rather than a new sector, that is then being put into legislation, there is, naturally, going to be a certain level of nervousness. Critics of the Minister, with some level of paranoia, will see anything he does as having some sort of sinister or Machiavellian undertone. Perhaps they are right nine times out of 10, but, on this occasion, that paranoia is ill-founded.

The concern has come from two fronts. First, at Second Stage, concerns were raised by Members who, like me, support grammar schools and academic selection, that this was a Trojan Horse meant to wreck the current system. I am sure that if the Minister could build a Trojan Horse he would be happy to do so, but he would acknowledge that the accusation is completely false in that regard. That is not what the Bill is about.

Similarly and, I think, understandably, particularly as we moved to Consideration Stage and Further Consideration Stage, some had a genuine concern that the Bill might be an attempt to replace integrated education by providing a new sector to undermine it. That is not the concept of the Bill, which is about providing shared education within the broader framework of education. It is not about creating a new sector or further fracturing the education system; it is about trying to build it together.

I believe strongly that the progress that we are making in shared education is good. Quite often, the focus has been

on the benefit to society as a whole and to community relations, and rightly so. Creating much more sharing between schools and individual pupils can only be good. We have to recognise, given where Northern Ireland has come from and the layout of schools at present, that we are not starting from a blank page. Consequently, where progress can be made, and it may be in different areas and in different locations, it should be able to happen at different speeds. That is to be embraced.

The focus in shared education is not always on the benefit of providing greater resource efficiency, although the Committee had a strong focus on that. We all know that the cuts from Westminster put pressure on the broader budgets when trying to deliver the best possible education. If shared education is a road to using resources in the most efficient way, it should be welcomed.

Finally on objectives, which are in the clause on purposes, another key driver in shared education will be that improvement in educational attainment is at the heart of it. Part of the definition in the Bill is that sharing should be not only on a societal but on a socio-economic basis. The hope is that cooperation between schools will help to lift standards, which we should aspire to for all children, whatever their background. If that is a positive outcome of shared education, we can also greatly welcome it.

The Bill is a positive step forward. As with all legislation, the key test will come in the next mandate as we move to implementation and how it works on the ground. It is important that the same effort and attention given to the Bill be applied to the delivery of its objectives by the education system. I suspect that the House can unite on that.

I think that we have a good Bill. I welcome the work of the Committee in seeking to strengthen it where possible, and I think that it is a good example of cooperation between the Committee and departmental officials in trying to reach this virtuous outcome. It was a good Bill to start with, but it improved during the process. On behalf of the Committee, and as a DUP MLA, I commend the Bill to the House.

**Mrs Overend:** I am pleased to speak for the Ulster Unionist Party at Final Stage. The party has always been positive about shared education since it first became part of educational parlance in the wake of the Bain report, nearly 10 years ago. That does not mean, however, that we are not critical of how the Bill has been presented or how some have interpreted shared education.

Shared education has advanced over recent years without specific legislation: for example, many schools from all sectors have participated in the shared education programme. I recall going on cross-community hikes when I was at high school, in conjunction with the RUC, as it was then.

We had students from the neighbouring Catholic maintained school attending our school to participate in economics A-level classes. That was the extent of sharing way back when I was at school, from my memory at least, but nowadays shared learning partnerships are working very successfully in many areas, including my local area of Magherafelt. We have schools sharing teachers and resources, and now schools are sharing buildings too, so there is great variety in the types of sharing that goes on. That has demonstrated the ability and willingness of our schools, pupils and parents to move to a greater degree of sharing across the traditional religious divide.

Shared education could, and should, be a supportive mechanism for developing other models of long-term sharing, such as jointly managed schools, integrated schools and federations. The Ulster Unionist Party is supportive of innovative solutions for local situations developed by communities for their children. There has been very good research carried out over the years by the Queen's University school of education on shared education, which was built on by the ministerial advisory group report of 2013. Then the Committee conducted an inquiry into shared and integrated education, which provoked some quite heated debate between certain education sectors. In turn, the proposed policy, Sharing Works, built upon the recommendations of the ministerial advisory group. One of the recommendations of that group was for a legislative definition of shared education, which led us to where we are today, namely the Bill's Final Stage. The Shared Education Bill supports the policy with a statutory definition of shared education and provides powers to encourage and facilitate the development of shared education.

At the Bill's Second Stage, we on these Benches made the point that recent debates in the Assembly suggested that there was no consensus on the meaning of shared education or on what the end goal was, if indeed there was one. After the Bill's legislative passage, the question is whether we have made any progress. The answer can probably be found in the debate on amendment Nos 26 and 27 that were tabled to the Employment Bill two weeks ago, rather than the amendments that were made to what was originally a one-page Bill with four clauses. By that I mean, when looking at the future of Northern Ireland, a truly shared education system should mean sharing teaching staff as well as the students attending the schools.

I look at schools across Northern Ireland and see many examples of shared education, with varying degrees of sharing. Some schools are only dipping their toes into the concept of sharing, while others have been successfully sharing resources and ideas and moving between schools for projects for many years. The Bill allows for varied types of sharing to continue, and I trust that the reviewing process will allow for proper analysis of how that sharing increases. The duty upon the Department to encourage, facilitate and promote shared education is crucial to ensuring that sharing increases, not only for improvements in educational achievement but for societal benefits.

As Ulster Unionist education spokesperson, I support the Final Stage of the Shared Education Bill and trust that it will greatly increase the time in which our young people are educated together. I hope that the Education Minister and the Office of the First Minister and deputy First Minister will consider other ways and means of ensuring that, as well as our young people, our teachers come together to work and to learn.

**Mr Lunn:** I also welcome the passage of the Bill. It is a guarded welcome: my level of enthusiasm for it is slightly below what it is when I normally welcome a Bill's passage. We have been through all that as the Bill has gone through.

Clearly, I am one of the sources that Mr Weir referred to as having some reservations about all of what is going on here. At the end of the day, it is very difficult, and I would not try, to oppose the principle of sharing in education, because it is something that has been going on for years in

a less regulated way. Only yesterday, like other members of the Committee, I spent some time with a joint group from the Boys' Model, the Girls' Model and the Mercy College up in north Belfast, who were running a joint politics class, which was excellent. That is actually what my concept of shared education was all along — the delivery of the curriculum and the ability to deliver the full curriculum to all schools, which, individually, might not be able to do so in an efficient way.

### 12.15 pm

As I said, I welcome it. I think Mr Weir mentioned this Trojan Horse nonsense. I do not see any hidden agenda in the Bill. It is a straightforward attempt to bring forward a shared education system. That is to be welcomed, but, as everybody knows by now, I worry about the long-term effect of the extent to which this may deflect the system away from the integrated model and the attempt to bring our schools together in a more formal way than through just a few periods per week, but we will see about that.

I welcome the Minister's strategic review, which has been established. I also put on record, because I did not put it the way I would have liked to the last time we debated this, that the Minister has made considerable efforts to be fair and to promote — although we cannot use the word "promote" in terms of integrated education, only shared. In the last few years, particularly the last couple, he has played his part in giving the integrated sector its place and its fair share of what is to be given out. I am happy to acknowledge that.

We have an ongoing difficulty with the fact that the Shared Education Bill requires the Minister and the Department to facilitate, encourage and promote shared education, whereas the responsibility on the Minister in terms of integrated and, in fact, Irish-medium education, which is obviously close to the Minister's heart, does not include the word "promote". We could argue at length about the strength of the various words, but, if I were to compare "facilitate", "encourage" and "promote", I would be in no doubt as to which had the strongest meaning. It is like "may", "must" and "shall". To me, "promote" means active promotion. I hope that the Minister, whoever it is, because now that he has announced his intention to give up the job, we know that it will not be this Minister — and I wish him well in whatever path he takes — will ensure that there is a level of equality across the sectors.

Another thing, which others have referred to and, I think, on which we are more or less agreed, is that, in a few years' time, it will be possible to assess the success of this project by way of academic achievement, results and outcomes. The other outcome that has been heavily promoted — again, that word — by the authorities is the societal benefits. That is where, perhaps, the jury is out. Frankly, I hope to be proved wrong in this. I hope that, in a few years' time, whoever is here will be able to look at the situation and say, "The shared education agenda was a major step forward in bringing our children together", which is what we are all about; a shared future in a small way.

I also hope that the experience of sharing across sectors and between schools will lead schools, parents and governors to realise that there is no bogeyman here and that their children can be educated together under one roof without having to worry about which sector they come from, where they live or what the type or ethos of the

school is, and that they will be able to go to the best school and the nearest school of their choice. That is what I would like to see for all our parents. I will give a guarded welcome to the passage of the Bill.

**Mr McCallister:** I am pleased to be asked to contribute at the Final Stage. This is important legislation. The Minister's policy objectives have been important. I think that there has been broad support round the House for that direction of travel, and sharing and building that into our education system is a good thing. It will also help to drive the efficient and effective use of resources. I am pleased that the purpose was put in the Bill at the amending stages.

That is important to recognise.

It has always been important to recognise that the legislation has to be about educational outcomes as much as anything else. It has to be for the long term and be in the DNA of our education system. Shared education cannot be just project-based or for while funding is available. There has to be change across the various sectors in the education system, with the new Education Authority and the Department of Education ensuring that the Bill becomes a meaningful piece of legislation. It must become a vehicle by which to deliver shared education and improved educational outcomes, in conjunction with area-based planning. All those policy initiatives have to come together to ensure that this policy and legislation can be effective, be delivered on — that is important — and add to the societal benefits that we see when we start to share our education system and improve it. Those are key aspects.

I am pleased that a provision was included in the Education Authority legislation and changes included in this Bill. I also commend the Minister for introducing the legislation and for seeking, given that it was late in the mandate, not to use the accelerated passage mechanism but to give the Bill the chance. The work that the Committee carried out for its report was also important in establishing what the legislation would look like. As a result, the Minister has a much-improved Bill. That has been a testament to the work done by the Committee and other Members in debating it.

This is a good day. I know that it is not the largest piece of legislation that has ever passed through the House, but the Bill can and, I hope, will have a significant long-term effect on the way in which our children are educated and the form that that takes, on sharing and on the societal benefits that flow from that. I support the Shared Education Bill passing Final Stage.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis na Comhaltáí a chuir le díospóireacht an lae inniu agus leo siúd a chuir spéis sa reachtaíocht seo agus í ar a bealach tríd an Tionól.

I thank the Members who contributed to the debate and those who have taken an interest in the legislation as it passed through the Assembly. I put on record my appreciation to my own departmental officials, who have also been commended by the Chair of the Committee for Education, for their work and commitment that ensured that the Committee was kept fully informed and briefed regarding any concerns that were raised. I also thank them for ensuring that I as Minister was kept fully briefed and up to date with all the progress that was being made throughout.

I am pleased that Members have worked constructively and positively during the Bill's passage. It was a demonstration of how the House can take a shared approach to the benefit of our society. I also concur with the remarks of the Chair that those who are in education positions in the future continue to work in a constructive manner to improve the educational outcomes of all our young people.

The current Programme for Government commits to providing every young person with the opportunity to participate in shared education. Os ár gcomhair inniu tá Bille ar féidir leis sin a fhíorú agus a bhfuil an cumas ann athrú céime a dhéanamh don dóigh ina soláithrítear oideachas anseo. We have before us today a Bill that can make that a reality and that has the potential to bring about a step change in the way in which we deliver education here. It is a Bill that has broad support across the Chamber and in the wider community. It complements other initiatives designed to meet the Executive's commitment to build a strong and shared community.

The opportunity that shared education has afforded us to attract significant European and American philanthropic money shows the international goodwill that there is to support our commitment to build a better and peaceful society. The Bill will provide a lasting legacy of the current Assembly mandate and a firm base from which to advance shared education in the next mandate.

The Bill, underpinned by my Sharing Works policy, is designed to ensure that our young people can learn about each other from each other. It builds on our curriculum and the suite of educational policies that provide a legislative framework for delivery of shared education services. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Shared Education Bill [NIA 66/11-16] do now pass.*

## Standing Order 42A(8): Suspension

**Dr Farry (The Minister for Employment and Learning):**  
I beg to move

*That Standing Order 42A(8) be suspended in respect of the Apprenticeships: Information Sharing provisions of the Enterprise Bill.*

At the outset, let me say that I very much appreciate the prompt consideration by the Committee for Employment and Learning of my proposal for a legislative consent motion (LCM) in relation to the apprenticeships: information sharing provisions of the Enterprise Bill. I also welcome the Committee's support for the motion, as recorded in its report published last Thursday, 3 March.

Standing Order 42A(8) states that, normally, a legislative consent motion should not be moved until at least five working days after the publication of the relevant Committee report. In normal circumstances, therefore, the debate on the LCM in this case should be held, at the earliest, at one of Assembly plenaries next week.

The reason for moving this today is that the final amending stage for the Bill in the House of Commons is this week and, with it, the risk that the UK Government would feel obliged to remove the extension of the relevant provisions to Northern Ireland in the absence of full Assembly endorsement.

I do not wish to prejudice the outcome of the Assembly's decision on the legislative consent motion. Nevertheless, I feel that it is essential that the Assembly is given the opportunity to make such a decision this week and for that decision to actually mean something as far as the extension of the provisions to Northern Ireland is concerned. Therefore, I would be grateful for the Assembly's agreement to suspend Standing Order 42A(8) to enable me to move the legislative consent motion on apprenticeships: information sharing today. I commend the motion to the House.

**Mr Speaker:** I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Order 42A(8) be suspended in respect of the Apprenticeships: Information Sharing provisions of the Enterprise Bill.*

## Enterprise Bill: Legislative Consent Motion

**Dr Farry (The Minister for Employment and Learning):**  
I beg to move

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Enterprise Bill dealing with Apprenticeships: Information Sharing as contained in clause 26 of the Bill as amended in Committee Stage in the House of Commons.*

I thank the House for its agreement to suspend the Standing Order to allow the debate to proceed on the LCM on apprenticeships: information sharing. I am pleased that I am able to move the legislative consent motion today, given that the need for it was identified only in late January.

The swift progress has been in no small part due to the work of the Employment and Learning Committee in facilitating the briefing by my officials, and reporting on a very demanding schedule. I would also like to express my gratitude to the Committee Chair, as well as the members and staff, for the detailed scrutiny that has been so properly provided in spite of the short time available to them.

The legislative consent motion is required to allow the Department for Business, Innovation and Skills to extend provisions in the Enterprise Bill to allow the relevant Northern Ireland authority, namely the new Department for the Economy, to access an information sharing gateway with Her Majesty's Revenue and Customs to retrieve information relating to the revenue streams relevant to Northern Ireland with respect to the apprenticeship levy.

By way of background, the Westminster Enterprise Bill, sponsored by the Department for Business, Innovation and Skills, makes provision relating to the promotion of enterprise and economic growth, not all of which will apply to Northern Ireland. However, it is worth noting that a number of provisions in the Enterprise Bill have been the subject of recent debate in this House, specifically in considering provisions in the Bill relating to the extension of powers on the capping of public-sector exit payments and the Small Business Commissioner.

I should say up front that the LCM deals solely with the provision of extending powers for apprenticeships: information sharing and not the apprenticeship levy itself. I would like to stress that the apprenticeship levy is a fiscal measure and is, therefore, a reserved matter, which will be legislated for by the UK Government and will apply across the UK as a whole from April 2017 to the private and public sectors.

**12.30 pm**

The Westminster Bill will put in place a UK-wide information gateway relating to apprenticeships, and, for policy reasons, it is helpful that those provisions extend to Northern Ireland. The information-sharing gateway with Her Majesty's Revenue and Customs is a technical issue; nevertheless, it is a practical and important matter in the provision of information that is key to Northern Ireland apprenticeships. It will be essential to avoid an information deficit specific to revenues to and from the apprenticeship levy in Northern Ireland, which would result in a distinct disadvantage for us compared with the rest of the UK. Therefore, it is important to ensure that Northern Ireland can obtain and share information with HMRC.

This function will be vital for transparency on how much Northern Ireland employers are paying into the levy and, importantly, for openness, fairness and equity on exactly how much of the levy is coming back into Northern Ireland. The provisions stipulate that Her Majesty's Revenue and Customs may disclose information held by it on apprenticeships in Northern Ireland and that the relevant Northern Ireland authority, namely the new Department for the Economy, can request HMRC to disclose information held by it.

In summary, extending the provisions in the Enterprise Bill to Northern Ireland will allow us to access information about levy payments made by employers. That is tax information held by Her Majesty's Revenue and Customs, and any release of information is permissive. The legislation will enable the Department or other relevant authorities in Northern Ireland to access data on levy payments due from employers in Northern Ireland. It will assist the management of apprenticeship funding in an effective and transparent way. For example, it can help to plan and target funding and to align policies to levy payments made by employers. It can then be used to inform employers of their entitlement to funding. Access to information on levy payments will be simple and efficient and will minimise the administrative burden on businesses, as data will be shared between HMRC and the new Department for the Economy.

Wales and Scotland are bringing forward relevant legislative consent motions within the current mandate to extend powers to enable apprenticeships information sharing with Her Majesty's Revenue and Customs. Therefore, I reiterate that it is important that Northern Ireland is not disadvantaged by a lack of access to information relating to the apprenticeship levy. The ability for Northern Ireland to access and share data with HMRC will ensure greater transparency on the levy revenue streams at a local level. I commend the motion to the House

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** On behalf of the Committee for Employment and Learning, I will speak to the legislative consent motion concerning the Enterprise Bill, specifically the apprenticeships data-sharing provision. I extend my thanks to the Committee and the staff for facilitating a very tight timeline.

The Enterprise Bill covers a range of business-related policies and was introduced by the UK Government with the aim of supporting the growth of enterprise in the UK. The Bill is going through the House of Commons, and it is anticipated that Royal Assent will be granted at the end of April this year while this place is in purdah. One of the policies that the Enterprise Bill introduces is the apprenticeship levy, which will introduce a tax on all public and private sector businesses in the UK from April 2017 to fund apprenticeships. The levy rate will be 0.5% on all UK employers with a salary bill above £3 million. As taxation is a reserved matter, the Northern Ireland Assembly does not have competence to vote on the issue. The legislative consent motion is required to obtain the Assembly's agreement on the extension of powers to Northern Ireland to open a data-sharing gateway with Her Majesty's Revenue and Customs so that relevant data relating to the apprenticeship levy can be obtained and shared between HMRC and the relevant authority in Northern Ireland as provided for in the Westminster Bill.

The Committee was briefed by Department officials on the legislative consent motion on 2 March. The officials explained why the LCM was needed, what it would involve for Northern Ireland and the time pressures involved for the Department. The Committee noted that it is important to avoid an information deficit specific to revenues to and from the apprenticeship levy in Northern Ireland, which would result in a distinct disadvantage for Northern Ireland compared with the rest of the UK. The Department officials confirmed that Scotland and Wales were in a similar position and were moving LCMs through the Welsh Assembly and the Scottish Parliament. Therefore, the Committee highlighted that Northern Ireland employers needed to be able to obtain and share information with HMRC to ensure that there can be a fair and equitable redistribution of the levies. The data-sharing function provided for by the LCM will be vital for transparency on how much Northern Ireland employers are paying into the levy and how much of the levy is returned to the Northern Ireland Executive.

The Committee raised concerns about the ambiguity regarding how the money would be returned. The Committee was concerned that it had not yet been decided whether that would be done via a Barnett consequential or another method. It was also highlighted that, when the money was returned to the Executive, it would be unhypothecated and so would not be designated to support the DEL apprenticeship strategy nor Generating our Success — the Northern Ireland strategy for youth training. The Committee was of the opinion that any money returned to the Executive should be earmarked to ensure that it is used for training and apprenticeships.

During the briefing, the Committee asked departmental officials to provide an estimate of how much Northern Ireland employers could pay to support the UK Government's commitment to deliver three million apprenticeship starts in England. The officials advised that initial estimates suggested that it could be in the region of £42 million per year.

The Committee raised concerns about the number of Northern Ireland employers liable to pay the apprenticeship levy. The officials advised that current calculations suggested that, if a company paid the median wage, any company with about 125 employees or more would be eligible; if it paid only the minimum wage, any company with roughly 225 employees or more would be eligible. The Committee noted that the levy would be applied on the basis of an employer's annual pay bill, not the number of employees.

The Committee published its report on its consideration of the legislative consent motion concerning the Enterprise Bill's apprenticeships data-sharing provisions on 2 March. On behalf of the Committee, I support the legislative consent motion, which will ensure that DEL has clear information about the amount of money being paid into the apprenticeship levy by Northern Ireland companies. However, the Committee wishes to highlight the fact that the Executive should seek to redirect any returned money to training and apprenticeships.

**Mr Buchanan:** I support the legislative consent motion. The background to the Bill was clearly set out by the Minister and the Chair of the Committee. Not being a devolved matter, it is something that we have little control over. However the importance of the legislative consent

motion for data sharing, predominantly from HMRC, should not be underestimated, as it allows us to gain data and transparency on what Northern Ireland employers in the public and private sectors have contributed to the levy pot as a whole.

While we examine the rationale behind the 0.5% levy on those with an annual pay bill of over £3 million solely for the purpose of the training of apprentices, the main concern is that the money returned to the Northern Ireland Executive is not ring-fenced for that specific purpose. Therefore, there is concern that it may not be used in its entirety for apprentice training. When we look at the challenges in our constituencies in getting young people in disadvantaged areas or who are economically inactive into apprenticeships and on into employment, it is important — even imperative — that we do all that we can to ensure that the money returned is earmarked solely for apprentice training. That is the only way that we will reap the full benefit and value of the levy that is being taken from our large employers in Northern Ireland.

An estimated return in the region of £42 million, if directed and targeted at the areas where it should go for apprentice training, should make an immense difference in the workplace and to unemployment levels. It is imperative that each of us does what we can to ensure that the money returned is directed at the purposes for which it is intended. If it is directed in that way, we will reap the benefits.

**Dr Farry:** I thank the Chair and the Deputy Chair for their contributions. I anticipate the support of the House for the LCM.

I will respond to the comments collectively. The Chair and the Deputy Chair reflected on the necessity that we have a clear line of sight of the revenue that is generated in Northern Ireland by local companies, how it will feed into our approach of ensuring that we receive the full return of that money so that it can be reinvested in Northern Ireland and associated issues in relation to the flow of resources. Without that, we will be operating potentially blind, and our ability to hold the Westminster Government to account on what is our due will be severely curtailed. I welcome the appreciation of the necessity to have this in place as a lever to ensure that we have transparency in this matter.

The Chair and the Deputy Chair have alluded to the wider policy and financial implications that flow from this, and I think that we are very much at one in this regard. While, today, we have the opportunity to pass what is in essence a technical matter regarding information transparency and information flow, there are some very important issues that we will have to address as an Executive and, indeed, as an Assembly over the coming 12 months until the point when the levy goes live in April 2017. I do have deep concerns about the levy and its implications for Northern Ireland. These concerns are shared by my counterparts in Scotland and Wales. Indeed, we have met and discussed this on a number of occasions and also have met collectively with the Department for Business, Innovation and Skills, as have my officials and those Departments' respective officials, to express our concerns.

This is essentially a tax on employment, and, on the one hand, at a time when we are on the brink of having a greater degree of incentive through a lower rate of corporation tax, at the same time, that incentive is being blunted by this levy. It also will work as a bit of a blunt

instrument for different companies that may be in different places with training. For example, we have had the recent news that Bombardier is not well placed to engage in training, given what is obviously happening with its current situation globally. Elsewhere in the UK there may well be other businesses that are in difficult economic times — for example, the oil and gas sector — and which may not be interested in training at this time and which pay this levy nonetheless. There are major issues at a UK level about the wisdom of this policy, but there is also the potential for this to walk across the devolution settlement with our own discretion on how we set our own skills and training policies locally and the distortion that will flow in that regard.

**Mr Flanagan:** I thank the Minister for giving way, and I have no difficulty in supporting this request for information sharing, but I have two short questions. First, he said that this is a tax on employment. Does he have any sort of a headline figure as to what the scale of the financial implications of this will be for local employers? Secondly, can he give some information on how this information will be used? For example, if this information shows that there is less money coming back here through this levy than is being paid out by employers, what scope will there be for the Department for the Economy or any other statutory authority to challenge that or to seek additional investment?

**Dr Farry:** I welcome the Member's intervention. To answer the second point, there are procedures in place between the UK Government and the three devolved Administrations around addressing issues where there is, shall we say, default on either policy issues or, indeed, financial issues. It is in that respect that it is so important that we have this clear line of sight on the revenue that is being raised in Northern Ireland, to make sure that we can properly police it. It is our hope that the transfer back to Northern Ireland will be through the Barnett formula, and the figures that Members are talking about may well be the ultimate figure. It could potentially be slightly higher. That will come back into the central pot, and, quite rightly, the Chair and Deputy Chair have commented on the importance of this money being redirected back into supporting skills and, specifically, apprenticeships and other forms of training. At the very least, given that local companies will be paying this, I think that there will be an expectation from the business community that it will see that money recycled by the Executive into those types of provisions. Those are all issues that still need to be addressed, of course, by the incoming Executive after the election, but, if there is a strong consensus across the political parties that that is the way to go, I am sure that that will be the course of action that the Executive will take in due course.

In response to the Chair and Deputy Chair, work is ongoing in relation to ensuring that Northern Ireland's interests are taken into account in decisions in this regard. Beyond my own and my officials' engagement with our counterparts in Scotland and Wales and also with BIS, the First Minister and deputy First Minister have written on behalf of the Executive to the Secretary of State for Northern Ireland to ensure that, in wider discussions at Cabinet level, our particular interests are taken into account and, in particular, that concern and consideration is given to ensuring that the proper resourcing returns to Northern Ireland.

## 12.45 pm

In a similar light, when I speak to the Secretary of State later this afternoon about the matter, I will reinforce the points that have been made and reflect to her the comments made by Members during this debate today. The Department of Finance and Personnel is also making representations to Her Majesty's Treasury — in particular, the Chief Secretary to the Treasury, Greg Hands — about the issue of transparency and the need to ensure that we get what is due to us through Barnett as part of the apprenticeship levy. Those efforts and discussions are continuing, and we will continue with that right through to the election and beyond.

I reiterate that this is a much wider policy debate today. There is an emerging consensual view in the House about the risks of this approach and the need for mitigating measures. Today, however, we are focusing purely on having a solid foundation for clear transparency around information sharing on what is being generated in relation to the apprenticeship levy. It is very much in our interests as an Administration to ensure that, whatever the future holds, we have a solid foundation based upon the evidence regarding financial matters.

*Question put and agreed to.*

**Resolved:**

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Enterprise Bill dealing with Apprenticeships: Information Sharing as contained in clause 26 of the Bill as amended in Committee Stage in the House of Commons.*

## Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016

**Mr Speaker:** The next item of business is a motion to approve a statutory rule.

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

*That the draft Judicial Pensions (Amendment)  
Regulations (Northern Ireland) 2016 be approved.*

Schedule 13 to the Pensions Act (Northern Ireland) 2015 provides for the abolition of contracting out of public service pension schemes by way of an amendment to the Pension Schemes (Northern Ireland) Act 1993. The 2015 Act introduces the date of 6 April 2016 for the abolition of contracting out of salary-related schemes. These amendments to primary legislation require a technical change to the Judicial Pensions Regulations (Northern Ireland) 2015 to ensure the continued protection of guaranteed minimum pension benefits for scheme members who were contracted out of the second state earnings related pension scheme between 6 April 1978 and 5 April 1997. The same technical changes are required in respect of all Northern Ireland public service pension schemes.

The draft regulations before the House have been the subject of a targeted consultation. All members of the Northern Ireland judicial pension scheme, as well as representative judicial bodies and associations, were pre-notified of the consultation, which ran from 6 November to 20 November last year. No specific comments were received. The draft regulations have also been subject to an equality screening exercise, and no equality issues were identified.

On 18 February this year, the Justice Committee agreed that it was content with the draft regulations, and it is with its support that I bring forward and commend these regulations to the House.

**Mr Ross (The Chairperson of the Committee for Justice):** I am pleased to speak very briefly on this motion today on behalf of the Committee for Justice. I see from the number of MLAs in the Chamber that this motion has generated quite a bit of excitement amongst our colleagues.

As the Minister outlined, the statutory rule before us today makes a technical amendment to existing rules for judicial pensions contained in the Judicial Pensions Regulations 2015. It will ensure the protection of increases to guaranteed minimum pension after the abolition of contracting out, following the introduction of the Pensions Act (Northern Ireland) 2015.

In December 2015, the Committee noted the detail of the proposed changes, and, more recently at the meeting on 18 February 2016, it considered the statutory rule itself. At that meeting, the Department advised members that two aspects initially proposed in December — the extension of transitional protection portability to eligible fee-paid judicial office holders and the removal of negligence as a basis for forfeiture and set-off of pension — were not being taken forward due to slippage in the Ministry of Justice's timetable in introducing similar legislation. The Committee also noted that the Examiner of Statutory Rules confirmed in his report, issued on 1 February 2016, that he had no issues to raise with regard to the technical aspects of the rule.

At our meeting on 18 February 2016, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion today.

**Mr Dickson:** I am supportive of the Minister's motion today in respect of judicial pensions. Mr Speaker, for ease of reference, there are two further motions on the agenda that also affect the Department of Justice, and although they are not connected to this one, I will save time by saying now that I will be supporting each of them.

**Mr Speaker:** Thank you very much.

**Mr Ford:** As usual, I welcome the support from the vast number of Members who spoke and, indeed, from the huge crowds who are here. I suspect that Mark Carruthers and the entire BBC 'Stormont Today' team are hunched over their laptops watching their screens in the basement, desperate to know which of the three issues they will particularly highlight.

Actually, this is a serious issue, and I genuinely thank the Committee again for the work that it puts into scrutinising such legislation. I commend the motion to the House.

**Mr Speaker:** I cannot put the Question, as we are not quorate. I ask the Clerk to ring the Division Bells. That will spoil lunch.

*Notice taken that 10 Members were not present.*

*House counted, and, there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Question put and agreed to.*

*Resolved:*

*That the draft Judicial Pensions (Amendment)  
Regulations (Northern Ireland) 2016 be approved.*

## Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016

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

*That the draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 be approved.*

I will try to keep going for as long as the quorum is here.

The aim of the draft regulations is to increase public protection against the risk of violent reoffending. The Justice Act 2015 contains the primary legislation for the introduction of violent offences prevention orders (VOPOs) and includes a power to make regulations prescribing the information to be notified to the police by an offender made subject to an order. The draft regulations that I propose are being made under that statutory power.

As part of the new provisions, a violent offender made subject to a court order will be required to notify certain personal details to the police in the same manner as is already required for sex offenders. The draft regulations set out in detail the information that will be required in addition to the standard material required by provisions of the Act.

Those made subject to one of the new orders will be required to provide certain basic personal information to police, such as their name, date of birth, National Insurance number and home address. Such information assists in the prevention and investigation of crime and in protecting the public from the risk of further offending. The primary provisions in the Justice Act require that the information provided at initial notification must be updated by the offender periodically — normally annually — or when any changes occur. Failure to comply with the requirements is a criminal offence punishable by a maximum penalty of five years' imprisonment.

The draft regulations will require an offender who has no fixed abode or regular address to notify the police every week so that they can confirm a place where they can be found. That will help the police to monitor individuals better in those circumstances. The regulations will require an offender to notify the police if they have resided or stayed for 12 hours or more at an address where there is a child under the age of 18. That will help ensure that there is a focus on child protection. Offenders will also have to give information to the police about any bank accounts or credit and debit cards held by them alone or with another person for private and business purposes. Passport details and other forms of ID will also be required. Finally, the regulations set out the information to be provided on travel outside the United Kingdom. Offenders must notify all travel outside the United Kingdom, except when they travel to the Republic of Ireland, where they must notify when they intend to travel for a period of three or more days. That less onerous requirement on cross-border travel is a practical necessity for those who routinely cross the border.

The concept of notification is, of course, familiar to many. It has long been the case that sex offenders have had to notify, and the arrangements mirror that regime with one difference. Sex offenders are required to notify as a result of a conviction for a sexual offence, and the length of their notification period is tied to the severity of the sentence. In the case of violent offenders, the notification requirements

are attached only to offenders who have been made subject to a violent offences prevention order, and the requirements will last only as long as the order is in place.

That difference illustrates the much wider spectrum of violent offending and the need to concentrate risk management efforts where they are most needed.

The draft regulations are a further step towards the Department's continuing commitment to increase public protection and enhance confidence in the justice system's ability to deliver on that aim. The police and probation service support these notification measures, which they believe will assist them in managing the risk of violent reoffending. I am confident that the regulations that we are debating today will help them in those efforts.

I again thank the members of the Justice Committee for their work in scrutinising the regulations. It is with their support that I bring the regulations before the House and commend them to Members.

**Mr Ross (The Chairperson of the Committee for Justice):**

I will endeavour to be brief and will not rehearse the detail of the proposed statutory rule. However, I wish to remind Members of the Committee's consideration of the violent offences prevention orders during the deliberations on the Justice Bill during the last Assembly session. At that point, the Committee agreed that it was content with the policy intent in the Justice Bill to introduce VOPOs as an important tool to assist the criminal justice agencies in the management of risk from violent offending. The Committee acknowledged the benefit of the use of VOPOs as a preventative measure that would benefit both the offender, by helping to prevent the committal of further offences, and those affected by crime, by reducing the risk and the fear of crime.

As part of its consideration of the VOPO provisions, the Committee considered and was content with the information that an offender must provide to police when they first make a notification and the timescale within which they were required to provide that information. The Committee was also content with the delegated powers to allow the Department the flexibility to impose further notification requirements by order on the offender as might be considered appropriate at a future stage. It is those further notification requirements that are being considered by the Assembly today. The Department advised the Committee of its intention to bring forward further notification requirements in June 2015, and, after considering the detail of the additional notification requirements, the Committee agreed that it was content with the proposal at its meeting on 2 July 2015.

The Committee considered the statutory rule, which is required to bring the additional notification requirements into effect, at its meeting on 25 February 2016 and noted that the Examiner of Statutory Rules had confirmed that he had no issues to raise with regard to the technical aspects of the rule. The Committee agreed to recommend to the Assembly that the rule be approved, and, therefore, I support the motion proposed by the Minister today.

**Mr Ford:** As is customary at this point on secondary legislation, I thank all Members who have contributed and the vast array of Members who have shown their interest by being present in the House. I commend the regulations and ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

*That the draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 be approved.*

## **Civil Legal Services (Scope) Regulations (Northern Ireland) 2016**

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

*That the draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 be approved.*

The draft statutory rule is made under article 12(6) of the Access to Justice (Northern Ireland) Order 2003. Members will recall that, last year, I brought forward legislative amendments to introduce civil legal services under the 2003 Order. The effect of those changes was to move the legislation governing civil legal aid from statutes dating back to 1981 to a more modern statutory framework. In bringing forward what was a comprehensive suite of legislative changes, a number of technical errors occurred. The draft statutory rule before the House rectifies that oversight.

I will provide clarity for Members. In April 2015, the provisions in articles 10 to 20A of the 2003 Order were commenced, replacing all the legal advice and assistance and civil legal aid legislative provisions from the previous framework provided under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981. In drafting the instruments, it became apparent that representation for certain proceedings previously provided for was not provided for in article 12(5) of or schedule 2 to the 2003 Order as a service that may be funded as a civil legal service.

Six classes of proceedings have been identified: proceedings under articles 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989; proceedings under paragraphs 29 or 36 of schedule 8 to the Terrorism Act 2000; proceedings under article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989; proceedings before the Parole Commissioners for Northern Ireland; proceedings before the care tribunal under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 or the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007; and proceedings under Part XIII A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995.

### **1.00 pm**

Legal aid was available for eligible applicants for all these proceedings under the 1981 order, and the draft statutory rule before the House replicates that position. In addition, the draft scope regulations will amend schedule 2 to the 2003 order to preclude the availability of civil legal services to any guardian ad litem for the purposes of any proceedings under the Children (Northern Ireland) Order 1995. Again, that change reflects the previous provision made in article 10(5A)(d) of the 1981 order.

These draft regulations, as Members will appreciate as I read them out, are technical and do not make any changes to the eligibility of those applying for legal aid, nor do they change the remuneration payable to legal representatives. They repair lacunae created by a drafting error. I commend the draft statutory rule to the House.

**Mr Ross (The Chairperson of the Committee for Justice):** This rule mainly contains technical amendments that reinstate certain provisions that were previously provided for prior to the commencement of the Access to Justice (Northern Ireland) Order 2003 in April 2015. The amendments will restore a range of proceedings not

covered under the scope of civil legal services and will bring them back into line with prior legislation.

In November 2015, the Committee noted the detail of the proposals and considered the statutory rule itself more recently at its meeting on 25 February. The Committee noted that the policy intention of the rule is to bring within its scope proceedings in a court of summary jurisdiction relating to declarations of parentage, applications for warrants of further detention and extensions of warrants of further detention. The Examiner of Statutory Rules also confirmed that he has no issues to raise on the technical aspects of the rule. At our meeting on 25 February, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion today.

**Mr Ford:** I do not need to repeat my usual joke. Given that this is probably the last piece of secondary legislation that I will present to the Assembly at any stage, I repeat my genuine thanks to the Committee for the work it does in scrutinising what is a very significant amount of legislation and number of policy proposals that go through the Justice Committee. I am not sure whether those Members who volunteered to be members of the Justice Committee, most notably the Chair and the Deputy Chair, realised quite what they were walking into when they accepted office in it, as it has a significant burden of very serious work to do. It is in that context that very serious attention is given to legislation such as this, and I appreciate very much the work that they have done over a number of pieces of legislation, not just the set of draft regulations that is before us today.

I also note that, given that the Committee Chair has referred on three occasions today, I think, to the work of the Examiner of Statutory Rules, we are coming close to the point when Mr Gordon Nabney will be retiring from that role. We should acknowledge the very significant amount of work he has put in on behalf of DOJ, never mind for the other 11 Departments. I add my thanks to him whilst noting the unanimous support of Members for the proposals that I put forward.

*Question put and agreed to.*

*Resolved:*

*That the draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 be approved.*

**Mr Speaker:** The Business Committee has arranged to meet around this time. 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 sitting was suspended at 1.03 pm.*

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

2.00 pm

## Oral Answers to Questions

### Finance and Personnel

**Mr Deputy Speaker (Mr Beggs):** I advise Members that questions 2, 5 and 10 have been withdrawn.

#### Libel Laws: Reform Delay

1. **Ms Hanna** asked the Minister of Finance and Personnel to outline the reasons for the delay to the reform of libel laws. (AQO 9810/11-16)

**Mr Storey (The Minister of Finance and Personnel):** Unfortunately, the Northern Ireland Law Commission ceased operations in 2015 before it had completed its review of the law of defamation in Northern Ireland. We were able to secure the services of Dr Andrew Scott, who had been undertaking the review on behalf of the commission. However, that break in the handling arrangements has inevitably impacted on the overall timetable, as has the additional work that Dr Scott undertook as a follow-up to the commission's consultation. We are, however, hopeful that Dr Scott's final report will be submitted to the Department by the end of this month.

**Ms Hanna:** I thank the Minister for his answer. I appreciate that there were delays with the commission and so on, but reform is clearly in the public interest. Indeed, a survey of people with a specific interest in that field found that they overwhelmingly — plus-90% — thought that the law should have been reformed. Will the Minister outline the reasons why the law was not changed through a legislative consent motion in 2012 when it was changed across the water? Were there any reasons why the then Finance and Personnel Minister —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked her question.

**Ms Hanna:** — appeared to block that?

**Mr Storey:** Obviously, there are differing accounts of how the 2013 Act is handled. I believe that it was appropriately handled by the Department. There is nothing to be gained by going over old ground; the important thing is that Northern Ireland will have had the benefit of a thorough and independent review. My predecessor is looking forward not only to having the report but to seeing how Dr Scott's recommendations can be dealt with in due process.

A number of Members in other ways have asked whether the report will be laid before the Assembly. The laying process was triggered by the Law Commission sending a copy of its report to the Department of Justice. If the commission is no longer in existence, that trigger will, unfortunately, no longer occur.

#### Economic Development Projects

3. **Mr Givan** asked the Minister of Finance and Personnel how councils and the private sector can work in

partnership to use financial transactions capital finance for economic development projects outside Belfast. (AQO 9812/11-16)

**Mr Storey:** I thank the Member for his question. Financial transactions capital (FTC) can be used only for loans to, or equity investment in, a private sector entity. Therefore, it cannot be accessed directly by councils. However, it is possible for councils to work with private sector bodies to utilise FTC. All financial transactions capital allocations require a sponsoring Department. Therefore, any organisation wishing to explore the use of FTC should contact the relevant Department. Alternatively, the Strategic Investment Board will be able to assist.

Once the Northern Ireland investment fund is operational, there will be a separate process for engagement on accessing its funding.

**Mr Givan:** I thank the Finance Minister for that response. He will be familiar with the Knockmore-Sprucefield link road scheme in my constituency. Is that the type of scheme that the fund could access, with councils and the Department for Regional Development engaging with the private sector to unlock the huge potential that exists in that part of the constituency? How does the investment fund —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked his question. Minister.

**Mr Givan:** Well, I was about to ask the question.

**Mr Storey:** I thank the Member. I can anticipate what he was going to ask about the investment fund. Let me address the issue about the council and the very particular issue that the Member raises. It is a concern that has been raised across a number of local authorities. There have been a number of engagements with councils on FTC funding, including the possibility of the Arc21 project availing itself of FTC. The project that the Minister — sorry, the Member; maybe that was saying things that are going to happen in the future — refers to is in that category of projects that should be seriously considered. The previous Finance Minister, Simon Hamilton, met SOLACE on that very issue in March last year. In addition, the issue of FTC was raised by council officials in a recent meeting with DFP officials on the investment plan for Europe.

The investment fund will be available for the Executive to deploy available financial transactions capital, and those two elements brought together should give a financial package that gives local authorities some certainty that there will be other streams of finance open to them.

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Has the use of FTC that we have seen in universities been a good use of that money? Is that something that we can focus on in the time ahead? I am thinking in particular of Ulster University and Queen's University, with its new law centre and students' centre.

**Mr Storey:** It is. The Executive have made a commitment to ensuring that we enhance the facilities of our education providers. That relates not only to capital in our schools but in our further and higher education colleges and our universities. Look at the amount of FTC that is available: the Executive will receive £113 million next year, compared with the £129 million that was available in 2015-16. Obviously, the level of financial transactions capital available to the Executive will decline over the spending review period, with some £54 million available in 2021.

While there are many demands on the FTC pot, every opportunity should be taken to utilise what is a valuable resource and a valuable financial tool that has been given to us. I look forward, as my predecessor did, to ensuring that we maximise the benefits to Northern Ireland and to the project that the Member referred to.

**Mr McKinney:** In two reasonably recent presentations to separate Committees, the Enterprise Committee was told that there is reasonable expertise within Invest NI on accessing FTC, while the Health Committee was told that it is notoriously difficult, despite the fact that it has set aside £10 million to spend. How can we achieve best practice among civil servants in accessing such funding?

**Mr Storey:** The Member raises a valid point about how, across the piece, we need to ensure that the various Departments are working with the same objectives and views. Obviously, FTC is ring-fenced by the Treasury and must be used to provide loan or equity investment to private sector entities. However, as I said in response to the substantive question, if there is a third party that can be utilised, that will open the opportunity to maximise that amount of money.

I am certainly keen to ensure that Departments continue to work together, not only on this issue but across the piece. Whether it is this particular funding or other schemes that we have introduced during this mandate, the bottom line for me, as Finance Minister, is that we utilise and maximise the total amount of money that is available to Northern Ireland plc and that those funds are used to their full potential, whether it is the Department of Health, the Department with responsibility for transport or whatever. None of us wants to be in the position where the money available to us is not spent in the best possible way.

**Mr Patterson:** I thank the Minister for his responses thus far. The Budget anticipates some £55 million financial transactions capital being available in 2016-17 for the Northern Ireland investment fund. Will that figure be increased by the year-end carry-forward, and is it clear that the fund can be used for economic development projects?

**Mr Storey:** We want to ensure that we can increase the amount of money that is available. In outlining the overall profile of the amount of money, I said that, this year, we will receive £113 million of FTC, compared with the £129 million that was available in 2015-16.

There will certainly be a particular pressure that is always the case in relation to the financial structures that we have. As to whether the money can be used for the purposes that the Member has indicated, I want to see the money utilised in the best possible way across a wide range of services, so that — as I have said to the Member previously — we maximise and utilise this financial resource to the benefit of Northern Ireland plc.

## Community Finance Fund: Criteria

4. **Mr A Maginness** asked the Minister of Finance and Personnel what criteria will be used to determine the allocation of money from the Northern Ireland community finance fund to community groups. (AQO 9813/11-16)

**Mr Storey:** I thank the Member for his question. As required under the Dormant Bank and Building Society Accounts Act 2008, my Department will now direct the Big Lottery Fund to develop a strategic plan for the utilisation

of the fund in Northern Ireland. That strategic plan will be laid before the Assembly and will include details of how the fund will operate, including criteria for accessing it.

The community finance fund will provide a unique and innovative funding opportunity for social investment in Northern Ireland. It will help to improve access to finance for a range of organisations across the third sector, such as social enterprises and church and smaller community-based groups. The third sector plays a vital role in Northern Ireland, but its development and growth has been constrained by a lack of affordable finance. The fund will enable such organisations to make further investment in their activities, grow their organisations and become self-sustaining through the availability of finance. Access to that financial support will help to increase their revenue and resources and, I trust, enhance the level of social benefit that they deliver to their communities.

**Mr A Maginness:** I thank the Minister for his detailed reply. It is an exciting opportunity for those in the third sector, particularly social and church groups. On the issue of criteria, will there be an opportunity for assistance to be given to encourage recipients or beneficiaries to establish themselves as mutuals or, indeed, as cooperatives?

**Mr Storey:** I thank the Member for his question. It is an interesting concept. One of the purposes that we want to achieve with the fund — this has caused some discussion — relates to the fact that, in most cases, funds are allocated on the basis of grants. We have tried to say that, as an incentive and as a way of getting the balance right so that we encourage the long-term sustainability of groups, we would have a combination of grants and loans. Where that would take an organisation and how it would develop over time needs to be given thought and consideration. Obviously, we are in the stages of going out to appoint a third party to deliver the fund, and I want to ensure that we have given the maximum opportunity to a wide variety of organisations, some of which feel that the current access to funding streams is too bureaucratic, prohibitive and creates some difficulties for them. The Member raises a valid point, which I will give more consideration to, as we try to progress this.

Members will want to know when the fund will be up and operational. I have already had numerous correspondences, even to my constituency office, in relation to that. I trust that it will be in September/October of this year.

**Mr McKay:** Go raibh maith agat. The Minister has touched on the fact that there are potential barriers in the process. How does he intend to ensure that small community organisations — the micro-community groups in rural constituencies like ours — will be able to access the funding and that it will not only be the organisations that are good at filling out the application forms for it?

2.15 pm

**Mr Storey:** That all comes down to the way in which we structure and operate the fund. You can make a fund simple and straightforward or bureaucratic and challenging. I want the former, not the latter. As I said in answer to the original question, we have directed the Big Lottery to develop the strategic plan for the utilisation of the fund in Northern Ireland. That strategic plan will be laid before the Assembly. I trust that that will give some

assurance, particularly when we see the detail of how the fund will operate, including the criteria for accessing it. I have made it clear that I want the criteria to be simple and to give us what is desired. The community groups and organisations in a rural setting that the Member referred to — it is not just a rural issue but one right across the piece — should have confidence in the process being fit for purpose and streamlined so that they can access the fund to benefit their community.

**Mr Dunne:** The issue of community groups has been well covered. I am sure that the Minister is well aware of the interest that there is in the fund throughout Northern Ireland. Can he identify how ease of access will increase the ability of such groups to get the funding and to do things for which no other funds would be available?

**Mr Storey:** I answered that in my response to the Member who asked the previous question. It will come down to the criteria that we establish and how the third party running the fund focuses on its delivery. It is frustrating for many organisations, and I know well from working with organisations in my constituency how challenging the funding regime can be. Various organisations have been established to assist with accessing funding. I want the community to have confidence in the fund. Let us remember: this is over £7 million. Northern Ireland has become the beneficiary of it as a result of the legislation passed in the House of Commons. I now want to see progress being made and the fund being opened. I want, at all costs, organisations, particularly those that have felt on the margins of some funding regimes, to be at the centre and become beneficiaries.

**Mr Kennedy:** The fund could also be beneficial to Church groups that do not avail themselves of lottery funding. Will there be any priority in the criteria for such faith groups?

**Mr Storey:** I thank the Member for his question. I concur with the concern that he raises. We all know from our constituencies that some faith-based organisations have difficulties — rightly so, from their perspective — with accessing and utilising funds emanating from the lottery. However, I have been keen to ensure that, as an element of the process and a core component of the fund, faith-based and Church organisations and smaller community groups will be able to access it more easily and with more confidence that they will benefit. It is difficult to give them absolute priority in the way in which the fund is established; however, in the guidance, as well as in the way in which the fund is established, the third party delivering the funding will be made aware that emphasis and serious thought needs to be given to such groups because of the financial deficits that many of them have, as a result of not having had, from their perspective, the same opportunity to access funding in the past.

## PSNI Equal Pay

6. **Mr Frew** asked the Minister of Finance and Personnel for an update on the issue of PSNI equal pay. (AQO 9815/11-16)

**Mr Storey:** I thank the Member for his question. This issue cannot be resolved by the Department of Finance and Personnel acting alone and will require Executive consideration. I have circulated a second version of the Executive paper to my colleagues. It is now for the

Executive to consider the issue and to work together to find a clearly defined solution and budget for this matter.

**Mr Frew:** I thank the Finance Minister for his answer. Why has the issue taken so long to resolve, and is there any legal liability to the affected staff?

**Mr Storey:** The matter has been put before Executive colleagues, and I hope that we can find a way forward together. The issue has required careful thought to provide justification for making a payment to staff when there is no legal requirement to do so. As Finance Minister, I have a clear responsibility to be careful about expenditure, particularly at a time when budgets are challenged across all Departments.

The Member asked whether there is an equal pay legal liability. It has been proven in court that there is no legal liability to these staff. As the Member will be aware, NIPSA took the legal action on behalf of the PSNI and NIO staff who were seeking to have the terms of the equal pay settlement apply to them. The case was lost in court on all points, so there is no legal obligation on the Northern Ireland Civil Service to make payments to these staff. However, my predecessor, Minister Hamilton, put forward an Executive paper on the issue because he wanted to find a way to recognise the feelings of these staff and, if at all possible, to find out whether a resolution was achievable.

**Mr Allister:** The Minister refers to a "second version". I take it that that is a second version of Minister Hamilton's paper, which dates back almost two years to June 2014. Will this paper, unlike its predecessor, ever get to the Executive, has it already been approved for discussion, and does it include a proposal that would recompense these individuals?

**Mr Storey:** You would not bring a proposal to the Executive that was not going to try to address the issue. It is now a matter of Executive colleagues making a decision on the issue, and it will have to be determined in that way. As I said to my colleague, the matter has been put before the Executive, and I hope that, together, we can find a resolution to this long-standing problem.

## EU Funding

7. **Mr Murphy** asked the Minister of Finance and Personnel to outline the total value of EU funding secured through the Special EU Programmes Body since 2007. (AQO 9816/11-16)

**Mr Storey:** I thank the Member for his question. Since 2007, EU funding totalling £676 million has been secured for the 2007-2013 Peace III and INTERREG Va programmes and the 2014-2020 Peace IV and INTERREG Va programmes, for delivery by the Special EU Programmes Body, which is the managing authority for the EU Peace and INTERREG programmes. Funding under these programmes is secured by the Northern Ireland Executive, the Irish Government and, for INTERREG, the Scottish Government.

European funding is allocated in euros, and this answer assumes an exchange rate of 1:31. That is a fluctuating situation, but I trust that that gives the context to answer the Member's question.

**Mr Murphy:** I thank the Minister for his answer. I am sure that he will agree that that almost £700 million is

a remarkable amount of money. It has been spent here and in the border counties on this programme alone and does not include other EU funding that is available to the Executive. The Peace funding has clearly been designed to help a society coming out of conflict and to address our infrastructure deficit in the border areas.

**Mr Deputy Speaker (Mr Beggs):** Will the Member come to his question, please?

**Mr Murphy:** Will the Minister offer suggestions as to how such funding would be achieved in the future if his party's wish to leave the European Union comes to pass in June?

**Mr Storey:** Obviously, that would be from the Treasury, given that we are a net beneficiary as part of the United Kingdom. As the Finance Minister in Northern Ireland, I would not have the finances were it not for the way in which, as part of the United Kingdom, we are a region that receives a substantial amount of funding from Her Majesty's Treasury.

However, the Member wants to draw us into the debate on what will happen post the referendum. I have made it very clear that the debate that leads us up to and during the referendum needs to be on the basis of facts. It has to be on the basis of figures. One figure that those parties suggesting that we stay within the European Union have to deal with is the £20 billion that goes every year to its coffers. The European Union is an organisation that has a bloated bureaucracy; an organisation that cannot secure our borders; and an organisation that cannot resist meddling in our courts' decisions. I think that, for those and many other reasons, let alone the financial reasons, a case is being made to ensure that our money is best spent in Northern Ireland for the benefit of our fisheries, for the benefit of our farmers and for the benefit of our communities.

**Mr I McCrea:** Given that the Secretary of State has said that Northern Ireland farmers would no doubt benefit from being outside the European Union, I am not so sure that it is necessarily a bad thing. The Member who asked the question talked about European funding, so will the Minister give us some detail of the Peace IV programme and the areas it is targeted at?

**Mr Storey:** Obviously, Peace IV is an important element of the existing arrangements that we have. Let us be very clear about this: we will take whatever money we possibly can to maximise it for the benefit of Northern Ireland. Whatever the outcome of the referendum, we will still ensure that we do the best for Northern Ireland. We have only to look at some of the projects that benefited as a result of previous Peace money: the Skainos Centre in east Belfast; the Peace Bridge in Londonderry; and the shared process and community engagement (SPACE) project, including the people's park, in Portadown. We could go down a list of other projects.

The current round of funding for Peace IV has a total value of £206 million and has match funding. So we have a programme with somewhere in the region of £400 million. Now that we have the call open for the new Peace funding — INTERREG Va has been open for almost a year — I want to see organisations right across the piece making applications that can stand scrutiny and pass the test so that we can build upon the good successful projects and, as I said, maximise the money that has come, albeit that we might like to have more money in the future. That is a debate, I believe, for when we know the outcome of the referendum.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire. I thank the Minister for his answer. I am not sure about his possibly ill-founded faith in the Tories to deliver enhancements to Northern Ireland. The only precedent we have is welfare reform, and that did not work out particularly well. Has his Department carried out any audit of the potential implications of Brexit, negative or otherwise, specifically for Northern Ireland? I think that faith in the Tories to deliver post Brexit to Northern Ireland is pretty much ill-founded, as I said, and grounded in a situation —

**Mr Deputy Speaker (Mr Beggs):** The Member has asked his question.

**Mr McGlone:** — where the shires would benefit much more than Northern Ireland.

**Mr Storey:** Whatever the debate will be — I have repeated this, and I will say it again — it has to be based on facts and figures.

### 2.30 pm

I hear Members who are always asking for more information, but all of the information necessary to make a judgement is out there, irrespective of the Government of the day, whether it is Conservative, or the Member's colleagues in the Labour Party, which we know spent money so well that it almost bust the Treasury. I think that the Member would do better to have a conversation with his colleagues in the Labour Party, who got us into a financial mess that the Conservative Party had to try and resolve. However, the issue that still needs to be resolved is for the Treasury, because it will have more money; money that will not go to Brussels but will come to Belfast, Ballymoney and other parts of the United Kingdom. Now that I have started that, I will have to go round every Member's constituency to keep them all happy. It is a matter of urgency and importance, and I share the fears and concerns that people have, but we have to ensure that the debate is based on the facts and figures, not fear.

**Mr Deputy Speaker (Mr Beggs):** That is the end of our period for listed Questions. We now move on to Topical Questions. The Members listed for Questions 1 and 2 have withdrawn their names.

### Taxes: NI Household Average

T3. **Mr Hilditch** asked the Minister of Finance and Personnel how much the average Northern Ireland household pays in taxes and how that compares with other regions of the United Kingdom. (AQT 3623/11-16)

**Mr Storey:** I thank the Member for his question. In a sense, it follows on from what the previous Member was trying to ask — are we better off with our own devolved administration? I think the answer to that is yes. In this House, we talk about how we deliver for our constituents, but when you look at the comparators — and this is for real households in Northern Ireland — the average household bill in Scotland is £1,337; it is £1,465 in England; it is £1,550 in Wales; and it is £840 in Northern Ireland. That is because of decisions taken by this Executive; it is because my party is a party of low taxation, and we believe that that reflects the way that we have endeavoured to protect households from a burdensome rate process.

**Mr Hilditch:** I thank the Minister for his answer. Further to that, will he give a commitment that the DUP has no plans to remove industrial derating?

**Mr Storey:** Yes, and it is a pleasure for me to have had the opportunity to fulfil the role of Minister of Finance in this mandate. I will repeat this, so that there is no equivocation on it: we have no intention of removing industrial derating. During 2015-16, a total of 4,443 properties benefited from industrial derating and, as of 31 January 2016, a total of £59,803,965 had been allocated for 2015-16. I think that that, along with the small business rate relief, the empty property relief scheme and the extension of the ATM scheme all indicate that we have been business-focused, business-centred and about ensuring that we deliver for our constituents.

### Greenways: Investment

T4. **Mr Newton** asked the Minister of Finance and Personnel whether he recognises that the Connswater greenway has been a huge success, which reflects the quality of the investment in it, and whether he will consider the Comber greenway as an investment opportunity that will contribute not only to the economy but to the health of the people of Northern Ireland. (AQT 3624/11-16)

**Mr Storey:** I thank the Member. I am almost tempted to ask him whether he is saying that we should all get on our bikes.

The greenways have been developed in ways that are to the credit of all who have been involved. Recently, I had the opportunity to meet Sustrans about some of those issues, because I value the greenways and believe that they have brought not only huge economic benefits but huge health benefits to those who have used them. I believe that their extension and continuation are things that need to be given serious thought. There has been financial assistance for some of them. I think that that needs to be given further thought so that we can extend them in a way that benefits the communities that use them.

**Mr Newton:** I thank the Minister for those very encouraging words. I know that work has been done by the Minister for Social Development, but, at the end of this mandate, will the Minister encourage this type of work and project to be part of the legacy that will go into the next mandate?

**Mr Storey:** Yes. When we look across Northern Ireland, we can see many examples of projects that have made an immense contribution to the lives of our citizens. All too often, we focus upon the negatives, but, when you look at the greenways, you see how communities and families have been able to get out and exercise. Those are clear examples of capital projects delivered in conjunction with community organisations and such organisations as Sustrans. I believe that they should play an important role as we develop the Programme for Government and as the new Departments, such as the Department for Communities and the Department for Infrastructure, come into existence alongside my Department, the Department of Finance.

### Rate Relief: Town Centre Businesses

T5. **Mr Ó hOisín** asked the Minister of Finance and Personnel whether he will introduce proposals for rate relief for businesses in town centres where significant public works are taking place. (AQT 3625/11-16)

**Mr Storey:** Obviously, the Member will know that we have just concluded a review of the rates process. I think that a very good exchange has been held across the piece. I know of public meetings that were held, and I have seen engagements. At the moment, we are working our way through the responses to those. I am conscious of the difficulties that arise, particularly when schemes come into town centres.

In my previous role as Minister for Social Development, I was keenly aware that traders raised concerns about public realm works. All of this has to be given consideration. Currently, there is no compensation process for businesses when there is a process like that in their area. However, every effort is made to ensure that work between the contractor and the local businesses is done in such a way that minimises disruption until we, ultimately, get to the endgame, which is the enhancement of our town and city centres.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for his answer. The Minister will be aware that when public works continue over a prolonged period in the likes of Limavady, or elsewhere, many businesses feel that it is unfair that they have to pay full rates during that time, when they have no chance to earn enough profit to do so.

**Mr Storey:** The Member raises a valid point. My challenge in having overall responsibility for rate collection is ensuring that whatever we do is fair and balanced. Pigeon clubs and all sorts of things have been raised during the debates in the Chamber. Everybody wants to have an exemption; depending on the nature of their business, everybody wants to have some relief. I can well understand that. The difficulty and challenge that face us with exemptions is where you then collect the resources from, because we want to be able to improve our public services, and we want to be able to improve the way in which we spend money on our health service and infrastructure.

It is a point well made. The issue will be given consideration now that we have completed the formal consultation process. I trust that in that work of looking at the responses, that issue and many others will be given serious thought and consideration.

### Charity Shops: Rates Exemption

T6. **Mr Lunn** asked the Minister of Finance and Personnel the question listed at number 12 in questions for oral answer, which concerned the impact of the removal of the rates exemption for charity shops. (AQT 3626/11-16)

**Mr Storey:** I thank the Member for his question. Obviously, as he is aware and as I have mentioned, the review of the non-domestic rating system is now complete. We are looking at and going through the consultation responses. The treatment of charity shops was an issue that various business organisations, district councils and many others commented on during the rating consultation. In fact, I have had a couple of meetings about it. I am well aware of the sensitivities on the issue. What I have said is that there will be no change to the current situation in this mandate. It will be for a new Executive to determine the outcome of that issue as well as the issue that was raised by the previous Member who spoke, to which I have referred.

I want to emphasise that it is a sensitive issue. I would be unfaithful to some of the comments that were made in the consultation if I did not say that some local businesses — some in my constituency — raised the issue and asked why those organisations, even though they carry out an immense job and do a very good job for their charities, should be exempt when the local businesses have to pay either, in most cases, full rates or rates under some of the rate relief schemes that have been mentioned. It is on the radar. I have already spoken to a number of them on the issue. I had a meeting with NICVA and representatives from the charity organisations just last week. I am well aware of the issue. It will be dealt with with the sensitivity that I believe it deserves.

**Mr Lunn:** I thank the Minister for his very complete answer. Without wishing to pre-empt the outcome of the review, would he agree that, given the present state of city centre retail areas, charity shops perform a very useful service, even perhaps just by being there, and that the outlook and appearance of city centres would be much reduced if they were not there — if they had to close because they were being rated?

**Mr Storey:** I think that there is no doubt. When I was Minister for Social Development, I, along with the Enterprise, Trade and Investment Minister, met the then Finance Minister, and collectively we had a discussion. I think that those discussions need to continue because we are facing a challenge on the high street. We have seen some good news about what has been happening with occupancy in our capital city. Some of that is a positive sign. However, I am well aware from my constituency of the challenges that a town such as Ballymoney faces when the owner of a family business decides to retire and may, for a variety of reasons, be unable to find someone to take on their business. The closure of any retail property on the high street is to be regretted.

However, I go back to the point that we need to ask whether, for example, the money for the small business rate relief scheme would not be better spent in a different way. We need to find answers to those questions. Over the time that I am here, I am committed to endeavouring to ensure that, whatever the end result, it is fair and in no way hinders progress in town and city centres but adds to it, encourages more investment and brings vibrancy to town and city centres, which I believe we all want to see.

2.45 pm

### NAMA: NI Portfolio Sale

T7. **Mrs McKevitt** asked the Minister of Finance and Personnel, after thanking him and telling him that he has done a great job during his short time in office, whether, following recent revelations about NAMA, he will make a recommendation to the incoming Finance Minister in the Irish Government to establish an independent inquiry into the sale of the Northern Ireland portfolio. (AQT 3627/11-16)

**Mr Storey:** I think my colleague said if only we knew who the next Finance Minister was going to be.

**Mr Hamilton:** We need d'Hondt.

**Mr Storey:** Yes — we would maybe then be in a better position to know who we are going to have those discussions with.

It is a sensitive issue that needs to be dealt with in a proper way. I have ensured that, as far as we are concerned, everything is done in a way that is proper and right. That is my responsibility as Finance Minister, and I am quite happy to ensure that, whether it is me or any other subsequent Finance Minister, we are there for one purpose and one purpose only, and that is to manage the finances of Northern Ireland in the best possible way and to ensure that we maximise the best opportunities for Northern Ireland. What others do and have done is for the process and the system and for everybody to find out how that was either not done correctly or not done in a way that gave confidence to the community and the people of Northern Ireland.

## Health, Social Services and Public Safety

**Mr Deputy Speaker (Mr Beggs):** I advise Members that questions 3, 6 and 9 have been withdrawn.

### Health Trusts: Savings

1. **Mr Kennedy** asked the Minister of Health, Social Services and Public Safety why he is unable to outline the savings made by the temporary contingency measures announced by each health and social care trust in October 2014. (AQO 9824/11-16)

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** In response to the significant financial challenges facing my Department in the 2014-15 financial year, the health and social care trusts prepared a range of contingency proposals to help them meet their statutory obligation to deliver financial break-even in that year. The measures proposed by trusts were wide-ranging and reflected the measures that could achieve financial savings in the latter part of 2014-15. My Department monitored the achievement of the overall break-even position rather than tracking the achievement of each individual contingency plan proposal. It is important to emphasise that overall financial break-even was achieved in 2014-15, and the trusts' contingency proposals played a key role in delivering that outcome.

**Mr Kennedy:** I thank the Minister for his reply. He has conceded that the motivating factor behind those decisions was to save costs, with, unfortunately, patients and service users being overlooked and ignored. Those decisions were spun as being temporary, but of course many have become permanent. Can the Minister explain how decisions such as the closure of the minor injuries unit in Armagh correspond with and complement departmental policies such as Choose Well and seek to keep people out of emergency departments?

**Mr Hamilton:** The Member made a very good point at the outset, which I will come back to in the broader context of the best way to make savings or efficiencies. The Member was a member of the Executive in 2014-15, and he will recall the acuity of the situation in respect of public finances at that time because of the issues surrounding welfare reform and not progressing that, and the fines that were starting to impact on what was not my Department then but is my Department now, and what was previously his Department.

In respect of decisions, particularly for the Armagh minor injuries unit, the Member will know that it was a temporary closure. A final decision has not been taken to make that permanent. My understanding from the trust — and these are all decisions that are taken by the trusts, not by the Department, in order to live within their budget in the financial year — was based on many pieces of evidence, but not least the fact that the number of people attending that minor injuries unit in Armagh was only four per hour on average. Some of that resource has been moved to Craigavon to assist the situation there with the emergency department.

In respect of the overall position about whether it is the best way to make efficiencies, I am on the record since becoming Minister as saying that, when you have a situation where you are making efficiencies or savings on the basis of budgetary pressures, it will sometimes — even though the decisions are probably in the best interests of the community that we seek to serve — give the impression of not being strategic or long-term. That is why I have tried to change the conversation around trying to take a long-term view about the need to reform our services, taking decisions that are in the best interests of the people and patients that our health and social care system is there to serve and to give a clear understanding to people as to why a particular decision is being taken and why that will produce a better outcome for them, because, at the end of the day, the patient is the most important part of our system.

**Mr Lyons:** I thank the Minister for his answers. Everyone knows how tight the Health Department's budget is and that savings need to be made. That has also included staff pay. Could the Minister outline what he intends to do about the HSC staff pay award for 2016-17? A lot of people are waiting for good news about that.

**Mr Hamilton:** Hopefully, I will be able to give those who are waiting some good news now. The Assembly will know that I recently announced that I would ask the independent NHS Pay Review Body for a recommendation about a 2016-17 pay award and indicated that I would honour its conclusions. I have now received the Pay Review Body's response. It suggests that certain economic factors particular to Northern Ireland could point towards the option of a nil award and states that it has seen no evidence that large numbers of staff are leaving Northern Ireland because of pay. However, it recommends a 1% increase for all Agenda for Change staff in Northern Ireland in line with the rest of the United Kingdom, and I am happy to confirm that I am accepting its recommendation for a 1% pay award. That will be challenging in tough budgetary times for my Department, but I am clear that it is an appropriate award for our hard-working staff, who, I am sure, will warmly welcome the decision.

**Mrs McKevitt:** Can the Minister confirm whether there was cross-trust collaboration on the cuts to ensure that cutting a service in one trust did not put pressure on another trust?

**Mr Hamilton:** Obviously, trusts operate as distinct entities. The Member characterises them as "cuts". Some of the contingency measures that were asked about in Mr Kennedy's question were for the 2014-15 financial year, and the total value of those contingency measures was around £16 million. Not all the measures that were suggested by trusts were accepted by the board, for example. Within that £16 million, yes, a few perhaps made

the headlines and are the ones that people have focused and concentrated on, but I am sure that everybody in the House will agree that a lot of the savings in there are good ideas for where we should seek to save money. For example, they are around vacancy controls, reducing overtime, reducing the use of agency staff, administration, corporate management fees, locum rates and stopping clinical excellence awards. A lot of the measures that have not, perhaps, been the focus of public or political attention are very good and are what trusts or any part of the public sector should do ordinarily to reduce costs and overheads at a time when we face significant budget pressures. At that time, we were facing significant budget pressures because of welfare reform fines, and the Executive losing £200 million was really beginning to bite, particularly in my Department. I am sure that some of those savings will be welcomed on all sides. Others that perhaps have a more obvious impact on service delivery are understandably controversial in nature, and I expect all trusts to take those decisions and make those recommendations on the basis of the fullness of evidence that they have before them.

## GP Review: Update

**2. Ms Sugden** asked the Minister of Health, Social Services and Public Safety for an update on the ongoing review of general practice. (AQO 9825/11-16)

**Mr Hamilton:** In October last year, I established a working group to review the provision of GP-led care and to make recommendations aimed at ensuring the future sustainability of GP services. That working group has been led by my Department, and its membership includes a patient representative, GP representatives and members of the Health and Social Care Board, health and social care trusts, the Royal College of Nursing and the Allied Health Professions Federation. The group has met regularly since its establishment and has considered a wide range of issues, including the recruitment and retention of GPs and how best to support the existing GP workforce. The group is finalising its report, and I expect to receive a copy in the next few days. I will, of course, give careful consideration to its findings and recommendations.

I expect the working group's recommendations to build on actions that I have already taken to address the challenges that GPs face. I recently announced an investment of £1.2 million each year to commission an additional 20 GP training places, starting in 2016-17. That is the largest investment in GP training for more than 10 years and will increase the number of GP trainees to 85 per year from August 2016. In December, I announced a five-year investment initiative that will put close to 300 pharmacists in GP practices by 2021, easing pressures on GPs and ensuring that patients continue to receive a high-quality service. In addition, as part of an investment package of up to £5.1 million in 2015-16, new schemes have been introduced aimed at encouraging GPs who have left practice in Northern Ireland to return and supporting the existing GP workforce to remain in practice. Those actions are helping to ensure that the people of Northern Ireland continue to have timely access to sustainable, high-quality, GP-led primary care services.

**Ms Sugden:** I appreciate the Minister's response. I recently met doctors from general practice who told me that they were at breaking point because they felt that their resources were so tightly squeezed. One of the biggest

pressures is GPs taking on responsibilities that have never been theirs, such as interpreting results from consultants or even filling in DLA forms —

**Mr Deputy Speaker (Mr Beggs):** I ask the Member to come to her question, please.

**Ms Sugden:** How does the Minister intend to move forward after the report to support GPs so that their workload is not as significant?

**Mr Hamilton:** One issue in particular that the Member raised is not something that the Department or the board will ask GPs to do in the system. It is a matter for them to take on board themselves. Sometimes we forget that they are independent contractors, as opposed to people working directly for health trusts, the board or the Department. I accept that it is a profession that is under pressure. You just have to look at the increase in consultations. In 2008-09, there were 10.2 million consultations in Northern Ireland; that rose to 12.7 million in 2013-14, which was an increase of around a quarter. Clearly, that will put pressure on a GP workforce that is exceptionally good but is ageing, and those pressures are not helping to retain people in the system.

I acknowledge the pressures. That is why a package of measures has been put in place to deal with the pressures that GPs face. I, too, have met individual GPs. I have met the Royal College of General Practitioners and the British Medical Association. On top of the funding package of around £10 million that was put in place in April last year for a GP modernisation fund, some investment in skills and some investment in developing GP federations, we have made the biggest investment in 10 years, as I noted, by increasing GP training places to deal with GPs leaving and not being able to retain them. The working group itself is a response to a call from that sector for short-, medium- and long-term recommendations. The GP pharmacist initiative is something that GPs have called for.

Yes, there is a problem. We accept and acknowledge that, but we are not sitting back doing nothing. We are coming forward with a range of measures, many of which owe their origins to the profession suggesting them and the Department positively responding.

**Mrs Cameron:** We understand the pressures that GPs are under, and the Minister has mentioned the pharmacists in GP practices initiative. Can he outline some of the benefits of that initiative?

**Mr Hamilton:** It is something that I was pleased to announce towards the tail end of last year. As I mentioned in response to Ms Sugden, it was something that we had been working with GPs on. They suggested the idea, we piloted a scheme, and I was able to see a pilot scheme at the Arches practice at the bottom of the Holywood Road in Belfast.

We have been announcing a five-year investment that will start off quite small. There will be £2.6 million in the next financial year, rising to £14 million by 2020-21. Over five years, that will allow us to ramp up the number of pharmacists working alongside GP practices. Some will be full-time and some part-time. Some will be shared between a couple of practices. In more rural areas, it might be one day in practices over a wider area.

There are benefits in two areas. There will be financial savings. We anticipate that, by 2021, our investment will yield savings of around £16 million, so the scheme will pay

for itself. There are also non-monetary benefits, including better prescribing. GPs will be able to do regular checks on what people are being prescribed and whether it is working for them. The initiative will reduce prescribing costs and increase capacity in GP surgeries. GPs will be able to use the pharmacists to remove some of the pressure that they face. Hopefully, it will also reduce the number of acute admissions. Therefore, a range of benefits, monetary and non-monetary, will be derived from this innovative initiative, which I was very pleased to announce last year.

### 3.00 pm

**Mr Diver:** I thank the Minister for his answers to date. Minister, despite listening with interest to the range of measures that you are putting in place to help general practice, in my constituency in the west, we are aware of falling numbers of trainees coming into general practice, and the scheme is undersubscribed year after year. What effect is that having on the strategic goals for GPs in Transforming Your Care, considering that one GP said to me only today that falling numbers make the Transforming Your Care plans impossible?

**Mr Hamilton:** As I hope I have indicated in the answers that I have given so far, I accept that there are pressures and I acknowledge that there is an issue with general practice. That is why we have been rolling out all the various initiatives and investments that we have been making. I accept that there are some parts of the Province where the problem is particularly acute compared with others. I am not saying, for example, that there are not issues in the Belfast or greater Belfast area, but there is certainly an acuteness of the problem in the west of the Province.

I recently visited not quite the Member's constituency but Fermanagh, along with the First Minister, to hear directly from GPs in that county about the difficulties that they are facing. I accept and acknowledge the problem that they are facing, because the problems about which I responded to Ms Sugden are a little more pronounced in that part of Northern Ireland. The fact that we have a GP workforce where around a quarter are over 55 seems to be a much more pronounced problem in the west of the Province. Where you have many GP practices in the west of the Province that are single or have just two GPs, that adds to the pressures that people are facing.

One of the impacts of one of the initiatives, the £1.2 million investment in more GP training places, which is the biggest investment of its kind in over a decade, will see 20 more GPs go into training. Four of those GP training places will go into the Western Trust area to help to alleviate some of those problems. Obviously, that will be cumulative over the next number of years as those numbers start to move through the system. There is an issue with retention, which I am keen to address. Without having seen the response of the working group, I will be very surprised if it does not make a recommendation to do something in respect of trying to retain GPs in certain parts of the Province, particularly in the west and the north-west.

### Taxis: DHSSPS Spend

**4. Mrs Overend** asked the Minister of Health, Social Services and Public Safety how much his Department and its arm's-length bodies spent on private taxis for patients and staff in 2014-15. (AQO 9827/11-16)

**Mr Hamilton:** The total amount spent on taxis by my Department and its arm's-length bodies in 2014-15 was £4,878,261. This covers all taxi use, including taxis for patients, social care clients and staff.

**Mrs Overend:** I thank the Minister for that answer. I am disappointed that it has taken this question during questions for oral answer to get the information from the Minister, as he has repeatedly refused to answer questions for written answer. As waiting times remain terrifying, the Minister's only response is piecemeal funding announcements and pre-election stunts. Does the Minister agree with previous comments from other DUP Members that this spending is totally outrageous?

**Mr Hamilton:** I am not quite sure what the question was. I am not even sure that the Member actually believes what she said in respect of some of the comments that she made. I do not want to pre-empt the question that is next up from Ms McCorley on waiting times, but I think that the Member should reflect on her slightly churlish comments around pre-election stunts and throwing piecemeal funding at waiting lists.

This is a serious issue, and there are too many people waiting for operations, procedures and tests in Northern Ireland. I am sure that, even if the Member cannot welcome the investment of a further £30 million in tackling waiting lists, many of the 150,000 people who will benefit from the £70 million that will be invested this calendar year will welcome the investment that has been made, which will ensure that they get the treatments, procedures and operations that they require.

The issue of taxi funding sometimes comes to the fore and gets a bit of concentration because it seems so very different from what is core business in a Department like mine. It is worth reflecting that the total expenditure of about £4.8 million last year is 0.1% of the total budget.

Using taxis provides a flexible and reliable service for the system, and it supplements our transportation fleet right across the health and social care system. Perhaps the Member would reflect on some of the uses of taxis. I think that sometimes the impression given is of people swanning about all over the country using these taxis, but they are used only in specific circumstances. There are strict guidelines on when they should be used. The sorts of things they are used for include providing safe transportation for children in care, transporting adult mental health outpatients, taking people to and from day centres, taking people to and from renal dialysis and taking social work staff to ensure that they can escort patients when they are going to hospital.

So, yes, it has the appearance of a large figure, but it is not, in the context of the overall budget, and it is being well used.

**Mr Deputy Speaker (Mr Beggs):** The Minister's two minutes are up.

**Mr Middleton:** I thank the Minister for his answers so far. Can he give us an indication of how expenditure over this term on the use of taxis compares with the expenditure during the last Assembly term?

**Mr Hamilton:** I am very happy to provide an update. I was not able to find the time to provide that to Mrs Overend, who was, I think, critical about the level of expenditure on taxis. I cannot remember what she exactly said, but she was certainly critical. The interesting point that the

Member will, I am sure, appreciate is that the figures are falling and have been falling in recent years. They have been falling from a high of £5.2 million in 2009-2010. So, the cost was £400,000 higher in 2009-2010 than in the most recent financial year. The Member will remember, even if Mrs Overend has forgotten, who was Minister of Health in 2009-2010. In case anyone needs reminding, it was Michael McGimpsey of the Ulster Unionist Party. Figures rose during his time in office from £4.5 million to that £5.2 million, but they have been falling to a reasonably steady level ever since.

## Waiting Lists

**5. Ms McCorley** asked the Minister of Health, Social Services and Public Safety what measures he will put in place to address waiting lists for consultant-led appointments. (AQO 9828/11-16)

**Mr Hamilton:** Improving waiting times continues to be one of my key priorities, and the vast majority of additional resources made available by the Executive through November monitoring are going directly towards tackling waiting times. That is expected to benefit around 70,000 patients who would otherwise be waiting for assessments, diagnostics and treatments.

I am pleased to say that delivery of that additional activity is progressing well. Most people will be seen between January and March this year, so the full extent will not become clear until early 2016-17. However, we are now seeing real reductions in the number of people waiting for assessment or treatment. Robust performance management figures are in place. Provisional figures for February this year show that those waiting more than 18 weeks for an outpatient appointment has fallen by 6%, and those waiting longer than 26 weeks for an inpatient day case has fallen by 13%. It is clear that the investments we are directing towards waiting lists are making a difference. Slowly but surely, we are getting to grips with our waiting lists.

On Sunday, I announced the allocation of £30 million of additional funding to continue tackling waiting lists. That additional funding will support up to 25,000 additional assessments and some 12,000 additional treatments across a wide range of specialities, including orthopaedics, gastroenterology, neurology and ENT. Importantly, it will see a £10 million investment in diagnostic services, building capacity to support up to 50,000 additional tests to help meet increasing demands, as well as supporting seven-day services. That further £30 million follows the Executive's earlier allocation of £40 million, and the combined £70 million will ensure in the region of 150,000 extra assessments, tests and procedures. Also, many children awaiting assessments for autism will benefit from the £2 million I recently allocated for that specific area.

It is clear that it will take some time and significant non-recurrent and recurrent investment to bring waiting lists back to acceptable levels while increasing capacity to meet increasing demand. My commitment to an additional £30 million is an important step to ensuring continued progress.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. It was a very comprehensive answer, and I thank him for that. The statistics are encouraging and show that things are moving

in the right direction, but as we know, there is a recurring, growing problem here.

How confident is the Minister that waiting lists will continue to decrease and that we will seriously get to grips with the problem?

**Mr Hamilton:** The Member is right that we can invest, and we are investing. We should note and welcome the additional investment that I announced in the last number of days, on top of the £40 million that is going in this year. Sometimes, I think that people think that this is the only money going towards addressing waiting lists. It is on top of what might be described as the ordinary activity by our trusts, which ensures that around 600,000 inpatient day cases go on a year and around 1.5 million outpatient consultant-led appointments take place. This is additional to that.

The Member is right to identify that, when you remove somebody, somebody else comes in at the other end of a waiting list. Sometimes, people move from one waiting list to another — from an outpatient list to an inpatient one or via, say, a diagnostic list. There is a constant churn of people coming out at one end of the list and those going on to the list at the other end. This is reflected in the fact that there has been a 14% increase in the number of referrals. Never mind any issues with finance — and those are pertinent issues — there has been a 14% increase in the number of people referred by their GPs or others to hospital for outpatient and other appointments.

We have to keep our focus on continued investment in getting to grips with the problem. I accept and acknowledge that waiting lists are too long in Northern Ireland, and it is one of my key priorities to address that problem. That is why we have been investing the money that we have — the £40 million plus the additional £30 million that will help 150,000 people across Northern Ireland get the tests, procedures, operations and diagnostics that they require.

We need to continue that investment and that is why I am very pleased that my party leader the First Minister has indicated that one of her priorities for the next Assembly term will be health expenditure. I agree wholeheartedly with her when she says that we need to reform our system. We all know that we need to reform our system, but we also need to spend a minimum of £1 billion extra on health over the next five years to ensure that we can get to grips with waiting lists and reform our system.

**Mr Deputy Speaker (Mr Beggs):** The Minister's time is up.

**Mr McKinney:** The Minister is right: the lists are too long. In fact, they are longest they have been in 15 years. While I welcome funding, individuals have been on waiting lists because the Minister cut the elective care fund to prevent an A&E crisis. Rather than cutting and then throwing money at the crisis that that provokes, will the Minister outline his long-term plan to deal with demand?

**Mr Hamilton:** I am sure that the Member will reflect on the factual inaccuracy that I cut investment on waiting lists. The reason why contracts with the independent sector and in-house activity had to be turned down in recent years was as a direct consequence of the fact that the Executive lost £200 million as a result of welfare reform penalties. Those were penalties that his party colleague the Member for West Belfast came into the House — *[Interruption.]* Mr Attwood, the Member for West Belfast came into the

House during debates on welfare reform and, when it was put to him that all that money would be lost and that, as a consequence, public services, including health — *[Interruption.]*

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr Hamilton:** — would suffer, Mr Attwood said that it was a price worth paying — a price worth paying. So, more people on waiting lists as a result were, according to the SDLP, a price worth paying for its position on welfare reform.

I accept that waiting lists are too long. That is why we are trying to address them and why we have put an additional £40 million in this year to be topped up by an additional £30 million next year. That will see 150,000 extra people across Northern Ireland getting the treatments, the procedures, the tests and the appointments they have been waiting for. Whilst I hear a lot of criticism from the Member and his party about waiting lists and various other things, they are very silent when it comes to having an alternative plan about how to take the health service forward. We are trying to reform our system, but we are trying to deal with issues on the front line by investing that additional £70 million. I want to see that investment continuing, and I want the momentum that we have started continuing into the next year.

### Perinatal Mental Health Services

8. **Mr McKay** asked the Minister of Health, Social Services and Public Safety to outline his plans to invest in specialist perinatal mental health services. (AQO 9831/11-16)

**Mr Hamilton:** An integrated perinatal mental healthcare pathway was published by the Public Health Agency in 2012 and is being updated at present. It provides regional guidance for all healthcare professions who come into contact with pregnant women to ensure that any mental health problems are identified earlier and that women are directed to the appropriate mental health services. For example, midwives can decide on the appropriate care for women who disclose previous mental health problems.

### 3.15 pm

The Health and Social Care Board has developed outline proposals for the future development of specialist perinatal mental health services in line with NICE guidance CG192, which was endorsed in Northern Ireland in 2015. These proposals include specialist community-based services and a regional mother-and-baby unit. The estimated cost of developing these specialist services is £1.9 million. My Department's detailed financial planning process for 2016-17 is ongoing and will include consideration of a wide range of developments. The funding requirements for the development of specialist perinatal mental health services will be considered alongside a wide range of competing priorities.

RQIA will carry out a review of perinatal mental health services in 2016-17, and the recommendations from that review will inform the future development of this service.

**Mr McKay:** Go raibh maith agat, a Leas-Cheann Comhairle. I thank the Minister for his answer. I am sure he will be well aware of the many horrific stories relating to this area of health where the mother and child have been separated. That is totally unacceptable, and I agree that we need a regional unit sooner rather than later. I ask the Minister

whether he agrees that this needs to be an absolute priority for the Department in the new Assembly term.

**Mr Hamilton:** I do. This is an area where our understanding of the extent of the issue is not as clear as it might be in lots of other areas. As the Member will know from his brief time on the Committee, this Department touches upon a huge number of areas. Historically, just as it is with the whole issue of mental health, there is not as much understanding as there might have been around, say, our physical health. This is one particular area of perinatal mental health where our understanding is getting better, but I accept that we have fallen behind others. I welcome and appreciate the work done by people like Lindsay Robinson to highlight this issue and the effect it has on real people in Northern Ireland. So it is something that I am focused on, and there is a review, as I indicated, and I think there is a demand for a small specialist unit in Northern Ireland, which will deal with those problems, so that the issues that the Member raises do not happen again. I think the ongoing development of the new regional mother, baby and children's hospital at the Royal Victoria Hospital presents the perfect opportunity to make that a reality.

**Mr Deputy Speaker (Mr Beggs):** That is the end of our time for listed questions, and now we move on to topical questions.

### Day-care Centres: Proposed Closures

T1. **Ms McGahan** asked the Minister of Health, Social Services and Public Safety when he is likely to make a decision on the future of day-care centres that have been proposed for closure, such as Rosslea, Dromore and Gortin. (AQT 3631/11-16)

**Mr Hamilton:** Like some of the issues that we discussed earlier in respect of contingency measures for previous financial years, these are issues that the Western Trust has been examining. Sometimes there is an instinctive and understandable reaction to decisions to close or downgrade particular services. As I mentioned in response to Mr Kennedy earlier, it can sometimes cause distress when that is done without making the alternative clear or obvious. However, I do not think it is wrong to review the provision of any service to see whether it can be provided in a better way and with better outcomes for people.

The Western Trust submitted a proposal for reform to the Health and Social Care Board, and that has been forwarded to my Department in respect of the centres that the Member named. No decisions have been taken, but I can assure the Member and, more importantly, the users of those services that no decision will be taken without the fullest consideration of the evidence placed before me.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. He will appreciate that, at the centre of this, is a group of older and vulnerable people, who are confused and concerned about their future. What rural proofing and equality impact assessments have been carried out to date?

**Mr Hamilton:** I will come back to the Member on the specifics. I am sure that it has been taken into account that this issue relates to a rural population. I know that one of the measures that the trust was proposing, if it were to go through with these closures or reconfiguration, was to pay for the cost of transporting people to their nearest open centre.

The Member is absolutely right to say that the patient has to be at the centre of everything that we do and consider. We are trying to reform our health and social care system in Northern Ireland, not so that we can save money — although we have to make our system financially sustainable — but on the basis of trying to create better outcomes for patients and people right across our country. I think that the trusts and others need to be very careful about how they engage when they are dealing with vulnerable adults or young people on whom some of the decisions will have ramifications, even if those ramifications are, on balance, positive.

We need to learn, and we have learned, some of the lessons from previous consultations where, perhaps, such standards were not adhered to. I hope and trust that, in dealing with this issue, the Western Trust and the other trusts bear in mind the need to act sensitively when dealing with vulnerable adults.

### Health Budget: Additional Allocations

**T2. Mr Patterson** asked the Minister of Health, Social Services and Public Safety to explain how the £40 million this year and the £30 million for next year compare to the amount his Department received last year in additional allocations. (AQT 3632/11-16)

**Mr Hamilton:** I cannot remember precisely what the additional allocations were in the previous year, but I will be happy to get back to the Member. He will recall that, this year, our ability to get additional finance was hampered by the fact that there were issues with welfare reform. That meant that there was no June monitoring round and that the October monitoring round was postponed until November. My Department got close to £50 million in the November monitoring round, most, but not all, of which went to waiting lists. The £30 million that I announced this week is an allocation from the 2016-17 budget, which received a significant uplift of about £130 million, the biggest and best settlement of any Department in the entire Executive.

**Mr Patterson:** Maybe I can inform the Minister that I am aware that his Department received an additional £80 million in the monitoring rounds last year, yet the situation in my constituency of Fermanagh and South Tyrone continued to deteriorate. When will he get to grips with the crisis in waiting times?

**Mr Hamilton:** The Member will not believe that I was going to say £80 million. [Laughter.] Without wishing to rehearse the arguments that I made to Members on the opposite Benches about why we are in the position that we are in, we are in that position because of budgetary pressures and also the 14% increase in referrals where we have unacceptably long waiting lists. Were I to stand here before the Member and the House, saying that that is just the way it is and that we are not doing anything about it, he and others would be right and justified in criticising me. Once we resolved welfare reform, we got our Budget back on a stable footing. We have been addressing the problem, and I have made it a key priority in the big allocations that I have been making out of the monitoring rounds and the uplift that I received for next year's budget to tackle waiting times.

That £70 million that we are investing will benefit 150,000 people, including many from the Member's constituency. I have had the pleasure of visiting the South West Acute

Hospital, which is doing a tremendous job in difficult circumstances to eat into waiting lists, and we are starting to see the benefit of that investment. We publish the figures quarter by quarter, and the provisional February 2016 figures show an improvement that will be reflected in the Member's constituency too, where the number of outpatients waiting more than 18 weeks is down by 6%, the number of inpatients waiting more than 13 weeks is down by 3.5%, and the number of inpatients waiting more than 26 weeks for an appointment is down by 13%. That is the impact that part of the £40 million has made over a very short period. We will spend the remainder of that money right up to the end of this financial year, and we will continue that momentum with the new £30 million that we are investing, which will see those numbers go down. Slowly but surely, we are getting to grips with waiting lists.

### Type 2 Diabetes

**T3. Mrs Hale** asked the Minister of Health, Social Services and Public Safety what he is doing to tackle the high prevalence of type 2 diabetes in Northern Ireland. (AQT 3633/11-16)

**Mr Hamilton:** I thank the Member for her question; it is an area that she has a keen interest in. We are all very used to saying that we have a particular problem with type 2 diabetes. When I talk about the health and social care system needing to become world-class to deal with the challenges that we face, many of those challenges are to do with a growing number of people in Northern Ireland who have to live with long-term conditions. It is frightening, in some respects, to learn that there are 3,000 new type 2 diabetes cases each and every year in Northern Ireland. That works out at about 10 people a day who are diagnosed with type 2 diabetes all across our country.

We are investing about £1 million a day in tackling diabetes, but I am pleased that I have been able to make an announcement today. I was at an event first thing this morning with Diabetes UK Northern Ireland. At that event, I announced two things: the publication for consultation of a new draft diabetes strategic framework, and a £1.7 million investment, £1 million of which comes from the new transformation fund that I announced last week, to help to kick-start some innovative work that will flow from that draft diabetes strategic framework. That will include investment to help pregnant women who have diabetes to address issues around foot care. It will also fund some structured diabetes education and the purchase of more insulin pumps.

**Mrs Hale:** I thank the Minister for his answer. I warmly welcome his announcement of extra money, given that this is his last Question Time of this mandate. Minister, while we are speaking about money, what are you doing to ensure that additional investment is being directed towards our front-line services, specifically towards staffing costs?

**Mr Hamilton:** If you were to listen to some in the media, you would be forgiven for believing that a lot of the additional investment that we are making is being frittered away on waste, bureaucracy and inefficiency. We have a proud record of increasing investment in day-to-day expenditure on the health service in Northern Ireland from around £4.3 billion at the start of this Assembly term to £4.8 billion at the end of it. That will increase by a further £130 million at the start of the next Assembly term. The

bulk of that money has not gone on administration or bureaucracy; it has gone directly into the front line.

The Member asked specifically about what we have been doing to increase staffing. I know that there are pressures on our staff; the statement that I made earlier in respect of the pay award is an acknowledgement of the pressures that they are facing. I am sure that it will be warmly welcomed by them. Over the last five years, Ministers in my Department, including me, have been investing the additional money that we have received in the front line to increase the number of staff in our system. It may surprise many to learn that the number of nurses, midwives, professional and technical staff, social services staff, medical and dental staff and ambulance staff has gone up by over 2,100 whole-time equivalents since the start of this Assembly term. Specifically, there are 1,191 more nurses, which is up 9%; 523 more allied health professionals, which is up 18%; and 275 more consultants, which is an increase of 21%. The additional money that we have been getting over this Assembly term has been going into the front line. Importantly, it has been employing more doctors, nurses and allied health professionals.

### GP Pressures

T4. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety, following her earlier question, whether he could use the community and voluntary sector to ease the pressures on GPs or more generally across the health and social care sector. (AQT 3634/11-16)

**Mr Hamilton:** It is not often that a Member gets a second supplementary question.

In this job and in previous ones — even as Chair of a Committee — I have been a strong advocate for our third sector and for an increased role for it in assisting the public sector to do its job. I am sure that the Member and the whole House recognises that, even though we have a vast welfare state and a £5 billion NHS in Northern Ireland employing around 70,000 people, there are still areas that we struggle to reach and make an impact in. The community and voluntary sector can help us to do that. I am a big advocate and supporter of the ability of that sector to take away some of the pressure, although obviously it cannot do appointments or the treatments and so forth that GPs do.

I visited Peninsula Healthy Living in Kircubbin the other day to launch a new innovation scheme for the third sector in Northern Ireland. That is out to consultation at the minute. Hopefully, it will be out for bids later in this financial year. That will allow community and voluntary sector organisations to bid for innovative schemes that will produce better health outcomes in their particular local community or right across the whole of Northern Ireland. It will be particularly focused on collaboration, early intervention, prevention and innovation more generally. That is a practical way in which we are trying to help that sector to do more and to do what it does very well, which is to deal with particular problems in local communities in a way that the system sometimes struggles to.

### 3.30 pm

**Ms Sugden:** I am quite keen to see the community and voluntary sector work within domiciliary care, particularly in rural areas, so that they can reach those people who

seem to have slipped through the net. How is the Minister encouraging investment or funding in that area, so that we can invest more in services in rural areas, particularly for domiciliary care?

**Mr Hamilton:** There are some community and voluntary sector — third sector — organisations or social enterprises that are operating in that space of domiciliary care. The Member is right that, sometimes, those are in areas of Northern Ireland that are perhaps not as attractive to others to work and operate in. As the Member will recall, we have invested an additional £1.6 million in the domiciliary and residential nursing care sector, in what remains of this financial year. That will not solve all the problems that that sector faces, but we are, at least, putting in a boost and a help to deal with some of the problems that have appeared in different parts of our country.

I am happy to work with the third sector and others on innovative ideas. I think that there are very good and interesting models from around the globe of where social enterprises, third sector and, indeed, others have been able to step in and, on a sustainable basis, deal with some of the issues and problems that we are facing with domiciliary care in Northern Ireland.

**Mr Deputy Speaker (Mr Beggs):** That is the end of our time for topical questions. I ask Members to take their ease for a few moments.

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

## Executive Committee Business

### **Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015**

**Mr Principal Deputy Speaker:** This is a motion to approve a statutory rule.

**Lord Morrow (The Minister for Social Development):** I beg to move

*That the Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 be approved.*

The Westminster Pensions Act 2014 introduced a new class of voluntary National Insurance contribution called “class 3A”. As National Insurance contributions are an excepted matter, these measures extend to Northern Ireland.

These new voluntary contributions are aimed at existing pensioners and people who reach state pension age before the introduction of the new state pension on 6 April 2016 and have an entitlement to a UK state pension. They will be able to make class 3A contributions in return for units of additional state pension, which will increase their weekly state pension. The scheme is known as the state pension top-up, and it is open from 12 October 2015 to 5 April 2017.

Perhaps it would help Members if I explain what the order does in a little more detail. The Pensions Act (Northern Ireland) 2015 provides for the payment of extra units of additional state pension to those who choose to pay class 3A contributions. The order before us makes consequential changes to existing legislation to prevent a person experiencing any reduction in their state pension or disablement pension as a result of having obtained or inherited units of additional state pension acquired by class 3A contributions. It does this by maintaining the amounts paid to those incapacitated before age 45 who received an increase to their long-term incapacity benefit and subsequently an equivalent increase to their state pension as a result; and maintaining the amounts paid to those who receive an increase of unemployability supplement paid with their disablement pension.

The order also allows a person to inherit their spouse or civil partner’s units of additional pension in line with existing rules. That means that people will be able to inherit the state pension top-up in the same way as they can inherit the state earnings related pension scheme, better known as SERPS; that is, up to 100%, if the deceased spouse or civil partner reached state pension age before October 2002, tapering down to 50%, if they reached state pension age since October 2010.

In summary, the order makes consequential changes to existing legislation to help to safeguard the value of the units of additional pension derived from voluntary class 3A contributions.

**Mr Principal Deputy Speaker:** Minister, no Members in the Chamber have indicated a wish to speak. If you wish to wind, I give you that opportunity.

**Lord Morrow:** I thank Members very much. *[Laughter.]*

*Question put and agreed to.*

*Resolved:*

*That the Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 be approved.*

## State Pension Regulations (Northern Ireland) 2015

**Lord Morrow (The Minister for Social Development):** I beg to move:

*That the State Pension Regulations (Northern Ireland) 2015 be approved.*

I wonder whether I will get off as lightly this time.

As I am sure Members are aware from previous debates, the Pensions Act (Northern Ireland) 2015 introduces a new state pension for all those reaching state pension age on or after 6 April 2016. The regulations before us today support the introduction of the new state pension scheme and, consequently, are largely technical in nature.

To a large extent, the provisions outlined in the State Pension Regulations (Northern Ireland) 2015 replicate the position in the current state pension system. However, there are two key differences between the current and new systems, and those are clarified in the regulations.

First, there are different rules surrounding the deferral of state pension under the new scheme. In particular, regulation 10 specifies the accrual rate for increments paid where individuals defer claiming their state pension. Following analysis undertaken by the Government Actuary's Department, the Westminster Government announced in July 2014 that the deferral rate would be equivalent to around 5.8% a year or a 1% increase for every nine weeks of deferral. The accrual rate has been set at a level that will offer a broadly actuarially fair return, but not a bonus, to those who wish to delay claiming their state pension.

Secondly, the Pensions Act (Northern Ireland) 2015 introduces a minimum qualifying period for entitlement to the new state pension. Regulation 13 specifies that the minimum number of qualifying years, of paid or unpaid contributions, will be 10. That should ensure that state pension expenditure is focused on those who make a significant economic or social contribution to the UK during their working life.

I turn now to the remaining provisions. Regulations 2 and 3 deal with prisoners. Although the language has been modernised, the intention is that prisoners will be treated in exactly the same way under the new state pension scheme as under the current system. That means that people will be disqualified from receiving their state pension if they are serving a prison sentence as a result of a criminal offence or are serving part or all of a prison sentence in hospital. That long-standing principle is based on the premise that paying the person a pension would constitute double provision by the state, as the person's bed and board is already being provided.

People may also be disqualified if they are serving a prison sentence abroad. However, there is a safeguarding provision in place, in that the disqualification does not apply if, in similar circumstances, the person would not have been imprisoned in Northern Ireland.

Regulations 4 to 6 deal with the inheritance of benefits from a spouse or civil partner who reached state pension age under the current scheme and deferred taking the state pension. Those regulations basically replicate the current provisions governing when and how a survivor can choose a lump sum payment instead of increments, as well as when and how such a choice can be changed.

Although the new state pension will not be inheritable, deferral inheritance will continue to be available where the late spouse or civil partner had deferred an old state pension. That is to ensure parity of treatment with survivors of people who deferred under the old arrangements, regardless of whether the survivor is covered by the old or new scheme.

Regulations 7 to 9 outline the process for dealing with people who had claimed their state pension but subsequently decided to suspend their entitlement or "de-retire". Effectively, those people are revoking their claim in order to increase their entitlement through the deferral arrangements.

The requirements and restrictions imposed by the regulations mirror those applied under the current scheme.

Regulation 11 details the days that are not included when calculating the length of time that people have deferred their state pension. The provisions largely mirror those that apply under the current arrangements by preventing people from being able to accrue increments or extra pension while they are receiving another benefit — for example, pension credit.

Regulation 12 simply provides for part weeks or odd days to be treated as full weeks for the purposes of determining the period of deferral and calculating the value of the increments.

Regulation 14 deals with the sharing of state pension rights on divorce. Currently, additional state pension can be included in the assets considered for sharing in divorce proceedings. From April 2016, only protected payments will be shareable. Regulation 14 introduces the concept of old and new state pension sharing arrangements to distinguish the two and to assist the courts and the Department in administering pension sharing. It is expected that only a small number of people will be affected by the pension sharing arrangements, as approximately 120 pension sharing orders are implemented each year. That number will further reduce over time as the number of people with protected payments declines.

I hope that I have been able to clarify the content of the regulations for Members. I invite the House to support the motion and to endorse the State Pension Regulations (Northern Ireland) 2015.

**Mr Principal Deputy Speaker:** Again, as you have been as clear as crystal, Minister, no Members have indicated that they wish to speak. I will give you the opportunity to make a winding-up speech, if you so desire.

**Lord Morrow:** I think that it is appropriate that I again thank the House for its thoughtfulness. I am glad that I was so explicit about everything. *[Laughter.]*

*Question put and agreed to.*

*Resolved:*

*That the State Pension Regulations (Northern Ireland) 2015 be approved.*

## General Register Office (Fees) Order (Northern Ireland) 2016

**Mr Storey (The Minister of Finance and Personnel):** I beg to move

*That the draft General Register Office (Fees) Order (Northern Ireland) 2016 be approved.*

I trust that the House will be as lenient with me as it has been with my colleague Lord Morrow.

The order that comes under Members' consideration today is intended to provide revised fees for the searching of indexes of civil registration records retained by the General Register Office (GRO). All other fees that have been in place since 2012 do not require an increase at this stage. The proposed date for commencement of the new fees is 4 April 2016. The last fees order was made in March 2014.

By way of general background, Members will wish to note that, under the current law, fees are not charged for the statutory requirement of registering births and deaths or for providing one copy of a birth entry at the time of registration. Fees are chargeable, however, for the provision of other certificates and for further certified copies of registration events including, when necessary, the searching of indexes and the retrieval of the record involved. There are also chargeable fees for carrying out procedures such as recording a name change or, for marriage and civil partnership services, including the giving of notice, the solemnisation of a marriage, the registration of civil partnerships and access to records maintained on the family history website. Under government accounting rules, the cost of such chargeable services is recovered by means of a fees order, as provided for in the relevant legislation.

It is in this context of revised fees that this order comes before the Assembly. Over the last few years, there has been a continued improvement in the processes and systems for the registration of life events and the production of certificates for the public. This efficiency of the GRO services has improved further with the introduction of the GRO's new computer system, the Northern Ireland registration office system, which went live on 22 February 2016.

The family history website provides access to historical indexes and images of civil registration records. Births over 100 years old, deaths over 75 years old and marriages over 50 years old are made available online, with access available to all index records and images in the public search room in the General Register Office. It is in connection with the provision of those services that fees are required to be set.

### 3.45 pm

As I indicated, the General Register Office is required to recover the cost of chargeable services, including services provided by local register offices based in each council. The cost of each fee has been calculated individually using work study analysis to reflect the work involved in each area and includes the full range of costs involved, including staff, rent, rates and computer maintenance in the GRO and the district registration offices. A similar cost recovery system also operates in Scotland, England and Wales. Passage of the order will ensure, as has been the case here and in GB,

that the cost of providing services is borne by the parties requiring such services and not by the public purse.

The order has been considered by the Finance and Personnel Committee, and no objections have been raised. I commend the order to the Assembly.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Finance and Personnel Committee first considered the proposal to make the order at its meeting on 27 January. At that time, the Department had provided clarification highlighting that the general search fee would decrease from £7 to zero and that the enhanced index search fee would increase from 40p to 50p per credit. No other increases are being applied to existing fees.

NISRA officials were able to confirm that the changes were being made with due regard to effective cost recovery for the service provided. They also highlighted that charges are assessed at a particular level by having due regard to actual costs for service provision and that each service is costed individually in this manner.

On the charge for a general search request dropping from £7 to zero, I questioned officials on the basis for that reduction. They indicated that it was part of a concerted effort to encourage more people to use the search facility. It had been noted that a £7 fee was possibly seen as a prohibitive barrier to service users, particularly in the case of what officials referred to as "taster sessions". That, combined with efficiencies associated with the evolution of the online system that the Minister referred to, has negated the necessity to charge the higher amount. It is hoped that the decrease will encourage more people to use the facility.

I welcome this development, particularly in facilitating genealogical research. I hope that it encourages locals, as well as potential visitors, to use the service.

Having received this clarification and on the basis that no further issues were raised by way of technical scrutiny, the Committee agreed to support the Department in seeking the Assembly's endorsement of the order. I, therefore, support the motion.

**Mr Storey:** I thank the Chair and members of the Committee for their work. I ask that Members approve the order, which should come into operation on 4 April 2016.

*Question put and agreed to.*

*Resolved:*

*That the draft General Register Office (Fees) Order (Northern Ireland) 2016 be approved.*

## Committee Business

### Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland

**Mr Principal Deputy 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 to make a winding-up speech. All other speakers will have five minutes.

**Mr Ross (The Chairperson of the Committee for Justice):** I beg to move

*That this Assembly notes the report on 'Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland' (NIA 313/11-16) by the Committee for Justice; and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for online dispute resolution approaches and problem-solving courts.*

On Thursday, the President of UK Supreme Court, Lord David Neuberger, addressed the final innovation seminar of this mandate. The fact that somebody of his stature travelled to Northern Ireland to participate demonstrates the credibility and regard with which our work was valued by those in the criminal justice sector.

Everyone in the Assembly understands that we live in a world where public expectation is higher than ever, yet the amount of money that Departments have to spend is reducing and is set to continue to fall over the next few years. There is therefore a clear incentive for us to do things differently not only to reduce costs but, importantly, to produce outcomes and delivery. That is precisely why the Committee for Justice decided to launch its innovation seminar series, exploring new evidence-based ideas and encouraging outcome-driven, innovative solutions to traditional problems in the criminal justice system.

I am delighted to say that over the past year we were supported in our work by the Lord Chief Justice and his colleagues in the judiciary, the Bar Council, the Law Society, the PSNI and the Probation Board and by countless community and voluntary groups and organisations. We also hosted a hugely successful conference on justice in the digital age that explored the challenges and opportunities that modern technology presents to the criminal justice system.

I have personally observed court proceedings at all levels in Belfast and Londonderry, spoken to judges and shadowed solicitors and barristers, met organisations promoting justice innovation in New York, London and The Hague and observed innovative courts in Brooklyn and Glasgow. This collaborative and comprehensive approach paid dividends and ensured that everyone's voice and experience was heard, as we sought to come up with new policy ideas and approaches and explore what works and what does not.

It also required us, as politicians, to think differently. I have said many times that too often in justice issues are viewed as either being tough on crime or soft on crime. I am not

interested in that; instead, I want us all to get smart on crime and ensure that we have a smarter justice system that is quicker, fairer and more accessible and, ultimately, aims to protect the public, support victims and rehabilitate offenders. The last part is incredibly important. Most people view the criminal justice system as being simply about punishing those who do wrong, and, whilst punishment is undoubtedly a key component of a justice system, a smarter justice system is effective only if we achieve the right balance of punishment, deterrence and rehabilitation.

The report laid before the Assembly today is, in my view, a comprehensive summary of the work we have undertaken and the proposals that we think will make a real difference to the lives of people living in Northern Ireland. Individual Members will cover the various issues in detail, but I will briefly give an overview of some of the areas covered in the report.

We began our series with seminars led by the Lord Chief Justice, the Bar Council and the Law Society, all of whom explored youth justice initiatives. Whilst a range of options were discussed, common themes included a desire to, as far as possible, avoid sending low-level young offenders to prison and keep young people out of the formal criminal justice system, as the evidence suggests that this simply leads to them entering the revolving door of the criminal justice system. In Northern Ireland, we already have a positive story to tell with youth conferencing, but other areas, including greater collaboration with education and ensuring that cases are heard quickly after an alleged offence takes place, are critical in establishing the link between offending and facing up to the consequences of those actions.

Perhaps the area that the Committee was most enthusiastic about during our work was the concept of problem-solving courts. They work on the principle that, unless you tackle the underlying reason why someone offends, you cannot realistically expect reoffending rates to reduce. It also means that we move away from the notion that all offending requires a criminal justice response. Sometimes, when appropriate, a healthcare solution is not only far more appropriate but much more successful.

Problem-solving courts come in various guises, whether it be drugs courts, mental health courts, domestic violence courts, veterans courts or peer courts. We have seen something akin to a domestic violence court working in Londonderry, which, I think, Bronwyn will speak about later this evening. The Committee visited drugs courts run by Judge Ferdinand and Judge Calabrese in New York and Sheriff Wood in Glasgow to see the different approaches that were taken and examine their levels of success.

Take, for example, an individual who steals or commits crime in order to feed a drug habit. Will sending that person to prison for a short sentence, where they will still abuse their substance of choice behind prison walls, rehabilitate that person and prevent them offending again? All of the evidence suggests that it will not. The approach of problem-solving courts, as we saw at first hand in Brooklyn and Glasgow, is to, instead, offer that individual the opportunity to avoid jail if they commit to an intensive testing, supervision, rehabilitation and community service order. As long as the person stays off drugs, ceases to offend and attends rehab and community service sessions, they can avoid a custodial sentence. Far from being a soft option, that is a much tougher regime for

people with addiction issues and with little or no discipline or routine in their life.

The important fact is that the problem-solving approach in justice works. It has been proven to reduce reoffending in the US and in Glasgow, and it is a less expensive option than sending people to prison for short periods. That is precisely why, in the US, politicians of all shades from Rick Perry to Bernie Sanders support that approach and why law enforcement and public prosecutors are behind the shift away from the traditional approaches that have so spectacularly failed in the United States.

The Committee also examined how technology could help the justice system in the future, from digitising court papers to the use of video links for vulnerable or expert witnesses who are overseas or in a place of safety or those in custody who, traditionally, need to be escorted to court by up to four prison officers for an appearance that may last for only a few minutes. We examined body-worn cameras used by PSNI officers — something that could help collate evidence for domestic violence cases — and we considered how we could make it easier for the citizen to engage with the justice system, lodge a complaint or report a crime.

One other area of particular interest from the Committee's perspective was the potential for online dispute resolution (ODR). It is based on the model that is successfully used by eBay. The Committee heard from the Civil Justice Council in London and The Hague Institute for the Internationalisation of Law about the opportunity for ODR in a range of cases from low-value compensation claims right through to divorce proceedings. That technology is already being used in the Netherlands and in Canada, and, in our view, there is no reason why we cannot seek to pilot something here, particularly given that the Civil Justice Council is looking to introduce something in England and Wales. We do not want to be left behind.

In his contribution to the series, the Attorney General posed questions on whether we were too often legislating to create new criminal offences for non-compliance with legislation, whether that is an effective enforcement method or whether administrative solutions would be more appropriate.

I genuinely hope that the next Programme for Government will include some of the ideas contained in the report. They are far from being pie-in-the-sky suggestions. We believe that these important suggestions would reduce costs to the taxpayer and improve outcomes. They will improve outcomes for wider society, which will experience a drop in crime; for victims, who will feel that they are part of the process rather than a by-product of it; and for offenders, who will be given a genuine opportunity to turn their life around. We fully recognise that it will require the support of other Departments, such as the Department of Education but primarily, I suppose, the Department of Health. That is precisely why this commitment needs to be made now, before Departments are allocated and Ministers take up post.

I conclude by sincerely thanking all of those who helped the Committee over the past year; all of the stakeholders who attended and contributed to our seminars; all of the speakers who led discussions; the Committee staff, who organised visits and workshops; and the members of the Justice Committee, who embraced the concept of building a smarter, more innovative justice system and genuinely approached this work in a collaborative and non-political

manner. I commend the report to the House and look forward to hearing Members' contributions.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the report and offer our thanks to anyone who, in any way, assisted in the creation of the Committee report. I also acknowledge the role of the Chair, Alastair Ross, in launching us into a number of seminars. I know that I can speak for my party colleagues when I say that I found them to be innovative, informative and challenging. They allowed us to look at how judicial processes could change and bring about better judicial outcomes. That, obviously, blends in with the new technologies and outcomes of the 21st century.

Indeed, as far back as 2011, the access to justice review talked about alternative dispute resolution. In 2015, review number 2 also said the same about looking at ways of alternative dispute resolution. I think that that is fit and proper.

#### 4.00 pm

One of our field trips was to the Hague Institute for the Internationalisation of Law, which has developed very forward-thinking alternative dispute resolution for separation and divorce. We found that it was a very innovative and voluntary process. There was a clear pathway at all stages of the process, both parties to the dispute were given excellent legal advice, and there was also judicial input. It was a process by which, at any stage in it, people could come away from it. If they felt that they were not being serviced properly, they could pull away. Even at the end, once the dispute process had been exhausted and people had come to a settlement, there was still room for judicial input to, if you like, oversee it and give judicial approval that it was in the best interests and that it would stand up if it were ever contested in court.

When the professor from the internationalisation of law centre came to the Senate and made the presentation, I think that most of us were pleasantly surprised that the legal profession was saying that it could see a role in this, even at that early stage. I think that people maybe had a fixed view that the legal profession would have preferred to see all those issues dealt with in open court, but it was certainly very receptive. There is no doubt that it was saying that mediation is a skill that advocates have, but it would have pointed out — I think that Alban Maginness did so on a number of occasions — that sometimes mediation can be dearer than legal advice. Certainly, as a concept, people were for it. We were delighted that, with the review of the civil and family justice courts, Lord Justice Gillen has also looked at how, in the 21st century, digitalisation will play a role in creating a more responsive and proportionate system. It is about not ruling out issues: if some aspects of the judicial process can be dealt with outside the open court setting, room should be made for it.

With the recommendations, I suppose that it is in that context that there is a bit of disappointment that the Department has not been as proactive as we would perhaps hope, particularly around alternative dispute mechanisms. It is accepted that there is no such thing as a one-size-fits-all model; each model would have to be adapted to the particular circumstances. Our recommendation, to which the Chair referred, is that, perhaps in the next Programme for Government, there could be a commitment for a pilot scheme and that it would include at least one alternative method of dealing

with some judicial issues. It is important to say, and it is perhaps understandable, that sometimes the Department might feel that, if the idea does not come from within, it has to be wary of it. I have absolutely no doubt that that sometimes poses a challenge for the Department. What we would say, and what the Committee has found, is that it should see it as an opportunity —

**Mr Principal Deputy Speaker:** I ask the Member to conclude his remarks.

**Mr McCartney:** — that it should try to exploit. By exploiting it, we would end up with better judicial outcomes. I welcome the report and all the work that has been put into it by many people, particularly the Chair.

**Mr A Maginness:** I used to say that the Committee for Enterprise, Trade and Investment was the best Committee in the House. It is not. I want to make it clear and official that the Committee for Justice is quite definitely the best Committee in the House. Previously, of course, I was Chair of the Committee for Enterprise, Trade and Investment, so I was the judge of my own cause. I am not the judge of my own cause here. I think that the president of the Supreme Court might well be a very suitable judge to comment upon the work of the Committee for Justice. On 3 March, he said:

*“The work of the Committee, led by its chairman, Alastair Ross, has been exemplary in terms of substance and procedure. Your pioneering work in investigating what can be done to improve and modernise the justice system, and in particular criminal justice has been imaginative and thorough. And the constructive way in which you have worked together with the Justice Minister, the Lord Chief Justice and others concerned with the administration of justice and the criminal law has been exemplary.”*

So it is not just my humble opinion; it is the opinion of the president of the Supreme Court, and I am very happy to endorse what the president has said.

I thank the Chair for his sterling work in giving leadership to the Committee, and Mr McCartney, who has been Deputy Chair of the Committee since 2010. His constructive work and support for the work of the Committee has been outstanding. I am very happy to say that people should be very proud of this report because it is innovative, exemplary and creative in relation to the criminal justice system. That is what the Committee set out to do and has done. Not all the ideas have been crystallised in legislation, administrative change or whatever, but I am certain that, in the next mandate, some, if not all, of these ideas will, in fact, be adopted and implemented as far as possible. I encourage any successor Minister of Justice to look at these ideas and to embrace them fully.

I will say very quickly, because I am going to run out of time, unless somebody wishes to intervene, and somebody might want to intervene, that —

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

**Mr A Maginness:** Yes, I will. *[Laughter.]*

**Mr Kennedy:** I am grateful to the Member for giving way. I will add my congratulations to the Chair and other members of the Justice Committee for their very important and innovative work. I am sure that the Member agrees with my sentiments.

**Mr A Maginness:** Absolutely. That was a very timely intervention, with the emphasis on timely.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr A Maginness:** I also thank the Clerk of the Committee and her staff. She has been outstanding in supporting the Committee, and the Committee staff have been wonderful in their commitment and support for the Committee.

The Chair adverted to problem-solving courts. We have to go in that direction; there is absolutely no doubt. The support comes not just from within our Committee but from the Lord Chief Justice, who has expressed a sympathetic view in relation to problem solving. Indeed, on youth justice, he said, “Instead of a 150-day time limit, let us have 50 days.” He was talking in those terms, and he was talking about diversionary disposals because he sees the merit in keeping young people out of the formal justice system. That makes sense. It is not just a matter of economics and public funds; it is a matter of the good social benefit to society of keeping youngsters out of the justice system. I endorse everything that the Chair has said.

Our visits to Brooklyn were very interesting, meeting with Judge Ferdinand and Judge Calabrese in the Brooklyn Treatment Court and the Red Hook Community Justice Center respectively. Those were very impressive, but we do not have to go outside these islands. We can go to Glasgow and see what they are doing there. There is fantastic work in the drugs court led by Sheriff Wood. Wonderful work is being done there. Of course, district judge Barney McElholm is doing good work up in Derry, and let us hope that that work can be developed further. I am quite certain that the judiciary is sympathetic and supportive of the changes.

Finally, in relation to the problem of excessive penalisation, which the Attorney General referred to in the February seminar, it is important that we do not introduce too many extra criminal offences.

Let us use an alternative. Let us use administrative sanctions rather than criminal offences. Let us do away with the silly idea that, if you do not pay your TV licence, you have to endure some sort of criminal record. That is just nonsense. Let us not create other offences that do the same.

**Mr Principal Deputy Speaker:** In the spirit of the debate and the professionalism of the debate, I understand that the Member knows that he should not be inviting interventions across the Chamber.

**Mr Kennedy:** I want to place on record — on behalf of myself and, I sense, on behalf of other Committee members — acknowledgment of Alban Maginness's contribution, not only to the Justice Committee but to the House. I thank him for that, particularly in respect of justice.

I have not served a very long period on the Justice Committee, but I very much agree with the genuine compliments paid to the Chair and the other members and, indeed, to the Clerk and her officials.

I want to share some observations on the visits that members of the Committee, including me, made to the problem-solving courts in Red Hook, in Brooklyn and in Brownsville in the New York area and to the Glasgow drug court. Those visits were most useful and insightful. I know that the report, in large measure, details the outcome of

those visits with recommendations, but it is important to read those into the record of the proceedings of the House through this debate.

Consistent themes that emerged from those visits and from the seminar by the Centre for Justice Innovation included the requirement for significant upfront investment, and that is mitigated through positive outcomes and reduced costs in other areas of the criminal justice system. Of course, there are additional benefits to health. There are the benefits of a multidisciplinary health and justice collaborative approach, which, I think, needs to be truly integrated in terms of treatment and sharing information. There is a need for a holistic approach, which may go beyond treating the immediate need and into other areas, including housing. There is also the importance of being able to engage immediately with a treatment order and the ability to go straight from court to the first relevant appointment.

Those are sensible and, in many ways, common-sense approaches that I think should be considered urgently in the new mandate by whoever becomes the Minister of Justice. There is also an important judicial role to select members of the judiciary who understand the value and benefits of problem-solving courts. Of course, there needs to be the opportunity to foster public confidence in the criminal justice system, so that people know that it is not a soft option and that sanctions are employed if people engage in repeat offending and do not take on board the lessons of the programmes that are offered to them.

It is my view and, I think, the view of the Committee that the underlying problems and root causes of offending behaviour in a range of areas, such as alcohol and drug addiction, must be tackled if reoffending rates are to be addressed, and so there is merit in exploring the introduction of problem-solving justice in Northern Ireland, particularly against a backdrop of increased budgetary pressure in the public sector.

The Minister recently announced the rationalisation of the court estate, and whilst that is regrettable and many of us were critical and remain critical of that, there is perhaps an opportunity to think creatively about alternative uses for buildings once they cease to be fully functioning courthouses, perhaps even including transformation into community justice centres. May I suggest Armagh —

#### 4.15 pm

**Some Members:** Hear, hear.

**Mr Kennedy:** — not least because it is in my constituency? It could house something of that nature.

The Committee recommends that a commitment be in the next Programme for Government. There is an opportunity, which I hope all parties will take, to engage seriously on how we can improve the criminal justice system in conjunction with other Departments and agencies through that discussion for a Programme for Government.

**Mr Dickson:** I add my words of thanks to the Clerk and staff of the Committee for the incredible work that they did in putting the report together, and not just this report but the work that they did throughout this mandate. Mr Maginness was right: if it is not the best Committee, and I agree that it is the best Committee in the Assembly, it is certainly a Committee that has had to deal with some of the most

complex issues. It dealt with them in a timely way, and a lot of that was down to the work of the Committee Clerk.

It is important to reference, as others did, that the report is the brainchild of the Chair of the Committee. He put an amazing amount of effort into the report and the whole lead-up to it, in the way in which justice seminars were organised and all of that. I genuinely congratulate Alastair for the work that he has done and the way in which he has led the Committee in the latter part of the mandate. This report alone is a tremendous legacy for a future Justice Minister and Committee.

I was asked to speak on the youth justice aspects of the report. Building a justice system that is fit for the needs of our society in the 21st century cannot ignore the issues of youth justice. Previous reviews of the justice system emphasised prevention and intervention to redirect people headed towards offending and even prison. A broad approach was and is considered most appropriate, involving family, schools and communities. The principles of proportionality, transparency and fairness should also be at the heart of any youth justice system.

In our considerations, the Lord Chief Justice, Sir Declan Morgan, spoke of the delays in the youth justice system. I know that that is an issue that the Minister and Department have been progressing and working on throughout the life of this mandate. The Lord Chief Justice believed that the statutory time limit should fall progressively from 120 to 50 days.

He discussed how it may be beneficial for a young person to avoid a criminal record. That is an area that the Committee has a strong view on. If at all possible, we want to see young people being given every chance in life, rather than being marked with a criminal record at the beginning of their life. If they accept a guilty plea or can be involved in diversionary disposals, the Committee is keen to see those things being worked out.

Our third seminar, which took place in June, was led by the Law Society. It took a different approach to the experience of children and young people in the criminal justice system, considering initiatives in the Children Order public law proceedings. That offered those attending an opportunity to discuss the particular challenges faced by children and young people in the care system. Issues arising from fostering and adoption, the value of early intervention, and multi-agency approaches covering health, education, social services and the criminal justice system were highlighted.

In January, Criminal Justice Inspection briefed the Committee on its second youth justice review and told us that it considered nearly 60% of the recommendations that it had made to have been achieved. It was keen to highlight the fact that no child under the age of 18 was held in an adult prison in the four years up to the final report in 2015. It is good that we know now that fewer children were committed to youth custody and that the age of the offending profile of those who were committed meant that the most difficult and disturbed young people were being dealt with appropriately.

Good work has been undertaken with youth engagement clinics, youth diversion and restorative justice, and there is improved identification and support for children at risk.

Nevertheless, Criminal Justice Inspection expressed less certainty around the success of meeting

recommendations in the future, particularly because many of the recommendations required working with other Departments. That is a theme that has come out of many of the contributions thus far, and this is why it is so important that everybody has concluded their comments by saying that, in developing the next Programme for Government, other Departments need to be able to buy into the justice system and deliver for us in order to get those good outcomes.

Criminal Justice Inspection also noted some of the recommendations that were unable to be met, for example the introduction of statutory time limits, developing a multidisciplinary model of practice for children in need, putting arrangements on a statutory footing and the legal reform of bail. The Committee noted that the Minister intends to speak in the Assembly next week on the subject of children in the justice system.

To conclude, the Committee notes the general feeling —

**Mr Principal Deputy Speaker:** The Member has gone over his time. I have been very generous. I ask you to conclude your remarks now.

**Mr Dickson:** I will conclude simply by reiterating the words of others that youth justice is an improving situation, and I am delighted to say that this Minister has spent a great deal of time creating that improvement.

**Mr Douglas:** I rise as a member of the Justice Committee to commend this report. I think that it is an excellent report; one of the best reports if not the best that I have seen in my four and a bit years in the Assembly. I want to speak about justice in a digital age but, first, I want to thank our Chair for taking this initiative. The response that we have had from a whole range of sources has been extraordinary. I also thank the Clerk, who members have mentioned, and the Committee staff for doing an excellent job.

Over this past year and a bit, my experience of the seminars is that this has been some of the most radical and informative work that any Committee has carried out during this mandate. Some of these seminars have been very radical in the proposals that, hopefully, will be introduced during the next mandate. I think that every Member recognises that we have to have reform of the criminal justice system.

Last week, we had a seminar that was attended by Lord Neuberger and the Lord Chief Justice. I think that my colleague has mentioned some of the words that were spoken there. I was so encouraged by the debates. In fact, the Lord Chief Justice said at one stage that, six years ago, we would not have been having this seminar, which shows that things have moved on so much.

**Mr A Maginness:** I thank the Member for giving way. I think that it is important to remind the House that the Lord Chief Justice, while preserving his total independence in relation to the administration of justice, has gone out of his way to interact with this Committee and, indeed, indirectly with the Assembly. He should be congratulated for that. No longer is the Lord Chief Justice somebody who is up there and we are down here. He has come and talked to us and engaged in a very important debate in relation to criminal justice issues.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Douglas:** I certainly concur with the Member. Before I got involved in politics, I came across solicitors and barristers, but this has been a whole new arena for me. I was involved in working with prisoners and ex-prisoners in the past, but I concur with the Member about the openness, honesty and sheer enthusiasm of people like the Lord Chief Justice in wanting to work with us. Lord Neuberger is the top legal, if that is the right term, in the whole of the United Kingdom. He spent a few hours with us the other night. He is a really down to earth man who knows the issues and also wants to support us as we drive these ideas forward.

This is what he said at that seminar:

*“The work of the Committee, led by its chairman, Alastair Ross, has been exemplary in terms of substance and procedure. Your pioneering work” —*

It is pioneering work; there is absolutely no doubt about that, and that is why I am so encouraged by it:

*“in investigating what can be done to improve and modernise the justice system, and in particular criminal justice has been imaginative and thorough. And the constructive way in which you have worked together with the Justice Minister, the Lord Chief Justice and others concerned with the administration of justice and the criminal law has been exemplary.”*

I thought, what a testimony from the top legal person in the whole of the United Kingdom.

In the next minute and a half, I will concentrate on a couple of the areas we looked at. We certainly commend those organisations that seek to raise public awareness of the importance of online safety, particularly amongst children and young people with social media and other vulnerable groups, like the elderly on safeguarding personal data.

At one of the seminars, we had one of the best-known brains on using social media and dealing with some of those criminals online: Jim Gamble. He presented to us, and there was a great question-and-answer session. To be honest, I learned as much in those seminars as I have in the five years I have been in the Assembly and in the time I have been on the Justice Committee. We were very supportive of the proposal presented by Mr Gamble during his consideration of the Justice (No. 2) Bill but recognise that it is a complex area of law and that any changes will require careful consideration to ensure that there are no unintended consequences. I am sure the Minister will respond to that.

Again, I commend the Chair —

**Mr Principal Deputy Speaker:** I ask the Member to conclude his remarks.

**Mr Douglas:** — and the Committee for the work. I think it is a fabulous report, and I am delighted to support it.

**Mr Lynch:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. First of all, I recognise Alban's contribution to the Justice Committee over the last number of years. Only for the fact that he is going, I thought he was making a pitch to be the new Justice Minister when he made his speech.

I support the motion. I want to mention a conference that we had at W5 last October. The last speaker mentioned

Jim Gamble. One of the schools that attended that day, St Comhghall's, Lisnaskea, is from my area. I spoke to the pupils afterwards, and they said it was very informative and interesting, especially some of the things Jim said, and particularly for their age group

The access to justice review report, published in September 2015 — I think this was mentioned by somebody else — included the following recommendation:

*“Developing effective alternatives to the courts, through diversion or alternative dispute resolution, is just as important as court reform.”*

When Colin Stutt spoke to the Committee about the access to justice review, part II, I asked him whether alternative measures would be in it, and he said they would. I also asked him about alternative measures processes, and he said that all processes would be involved.

Restorative justice is:

*“a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications”.*

For that to be successful, a number of concepts and components must apply. The victim's perspective is central to how the harm can be repaired. The offender is encouraged to take responsibility for their actions. Full extent of the victim's suffering is acknowledged. The concept is victim centred. However, it is predicated on the offender taking responsibility for their actions.

#### 4.30 pm

Whilst some have misgivings about restorative justice, there have been positive benefits and outcomes. Successful programmes have been functioning in working-class disadvantaged areas of Belfast and Derry, and I am aware that the Minister has visited a number of them. As I said, the concept is radical in other places, and, in Canada, the sentencing principles in the criminal code were amended in 1996 to encourage the use of community-based sentences. That is something that any future Minister could look at.

Alternative dispute resolution can be in the best interests of society and can support offenders in turning away from crime and learning to behave in a socially acceptable way. It can be particularly useful in youth crime. Criminal court proceedings are not always in the best interests of youth and society, and we should try to keep as many young people out of prison as possible.

I agree with the Committee's conclusion, and I am disappointed with the lack of progress made on investigating and implementing alternative dispute resolutions, given the recommendation in the original access to justice review in 2011. Alternative dispute resolutions are essential if we are to progress in the 21st century, given the financial constraints that we will encounter in the future. As the Chair said, I hope that many of the suggestions in the report will be part of the Programme for Government in the new mandate. I support the report.

**Ms McGahan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I wish to recommend the adoption

of the Committee's report on justice in the 21st century, while taking the opportunity to echo the Committee's encouragement for the next Committee of Justice to build on the strong foundations that have been laid for collaboration between those working in the various aspects of the criminal justice system.

I also want to take the opportunity to thank the Chair, the Committee and the Committee Clerk and her officials for all their hard work on the report. I, too, am a relative newcomer to the Committee and I have enjoyed the Committee very much in the short time that I have been there. It has a very heavy workload, so fair play to everybody.

I agree with the key principles contained in the Committee's report in relation to collaboration and innovation, which continue to provide opportunities for innovative thinking and creative approaches to the many challenges that will be faced, while ensuring progress on the recommendations that are contained in the report.

This morning, one of our regional newspapers, 'The Irish News', put a front-page focus on a proposal for domestic violence courts. Those were described as:

*“Bespoke courts to handle domestic violence cases”,*

and it was mentioned that they could be rolled out across the North “within weeks”. The proposal follows a two-year pilot scheme in Derry in which all cases involving domestic violence were:

*“placed on the same court list to guarantee victims access to specialist support.”*

The newspaper's front-page feature was followed by a full-page story on page 10, which started by giving the appalling statistics that the PSNI responds to calls about domestic violence abuse every 20 minutes, before telling us that, last year alone in the North, six murders had a “domestic abuse motivation”, while there were almost 3,000 cases of sexual offences including 737 rapes.

We were also informed that domestic abuse now accounts for:

*“two-and-a-half times as many crimes as drugs.”*

However, fewer than 20% of an average 350 non-molestation orders breached every year result in prison sentences. The newspaper also reported:

*“Since January 2010, there have been 8,363 Marac (Multi Agency Risk Assessment Conference) cases, with 10,856 children living in households affected by domestic violence.”*

Towards the end of last year, I requested a research paper, which provided shocking new statistics on domestic violence in my constituency during 2014-15. They showed that the police were called to 656 incidents of that nature in Dungannon and south Tyrone over the course of the previous 12 months, which amounted to almost two incidents every day. The figures paint a worrying picture of the prevalence of violence in the home, whether it is against a partner, a child or any family member. It gives me no pleasure, on International Women's Day, to have to state the obvious: tackling this massive problem will be no easy matter. We must commit to further supporting all the agencies and NGOs that are involved in dealing with abusive relationships. These include the police, social

services, healthcare staff, Women's Aid, Victim Support, lawyers and judges.

The Derry pilot scheme points to one positive development that, if implemented, could make an important difference in the support of victims. In Derry, domestic violence cases are all heard by a single judge on a particular day of the month, in a specialist listing, with much-needed specialist support and arrangements made to ensure that victims and alleged attackers do not see each other before hearings. This pilot scheme needs to be adopted and mainstreamed across the north. This would, hopefully, encourage more victims to stick with the process of justice. We have fed this into our recommendations in the report.

Finally, it is important that all measures that help to tackle this scourge on our society are allowed to move forward without further delay.

**Mr Ford:** I thank the Justice Committee for its work, which led to this report, and for bringing the motion to the Assembly today. The motion refers to the Committee's 'Report on Justice in the 21st Century: Innovative approaches for the Criminal Justice System in Northern Ireland', and I believe that is an excellent line that we should be accepting of. This excellent report follows a significant series of seminars organised by the Committee that looked at a number of issues in the justice system.

The eminent speakers whom they managed to persuade either to come here or to the Royal Courts of Justice have provided a significant amount of thought for people involved in the justice system in general. I wish to acknowledge, as Alban Maginness reminded us, the good work being done by the Lord Chief Justice and some of his senior colleagues, which, effectively, opened up the debate around justice issues so as to include the judiciary, recognising that they have to be careful about their role in policy matters. I believe that Sir Declan Morgan has given a very significant and positive lead ever since he started the legal term annual lecture and through his wider engagement with others.

I also wish to acknowledge the contribution being made by the Committee, not just with this report but in a number of different areas. Committee members have managed to divide the topics for discussion amongst themselves, leaving me to respond to all of them in somewhat shorter time. It does bear repetition that, whilst the Committee and the Department do not agree on everything and, I suspect, never will, there has been a high degree of collaboration that has allowed us to pass important and very significant legislation in this mandate in a number of areas to introduce innovative solutions to improve the criminal justice system. I note that at least two members directly quoted Lord Neuberger's remarks when he praised the Committee's efforts and also gave the Minister a tangential reference of praise as well. I have no doubt that the work being done by the Committee will allow for significantly better outcomes for those who come into contact with the justice system in the future.

I will try to respond to some of the points that were made by Committee members during the debate. The Chair started off by highlighting the issue of problem-solving courts and the Committee's concern that we learn from best international practice. I agree that, if we develop the concept of a problem-solving approach, a number of offenders in the justice system could be dealt with more

quickly. This would mean enabling people to access more appropriate specialist services as opposed to their receiving the, sometimes fairly blunt, response that they get from the criminal justice system in its current form.

The Department has been looking at that, and a number of members have already highlighted the current operation in Londonderry Magistrates' Court, which looks at the issue of domestic violence. Indeed, Ms McGahan has just referred to the significant need there and the good work being done by District Judge Mr McElholm. I have also heard examples of other courts, which have not been highlighted along with the others, that include a drug court that operates in inner London. I hope we will see some development around that area because having a problem-solving ethos for victims really does underpin the benefits of having a specialist court listing arrangement.

Members, of course, will be aware that, as part of its work last year, the Organisation for Economic Co-operation and Development carried out a specific study of the Derry court arrangements. I hope that we will shortly see its formal report, which will enable us to inform the future direction and development of problem-solving courts in Northern Ireland. As politicians, however, we need to be slightly careful that we do not find ourselves telling the judiciary exactly how it should manage courts on a day-to-day basis.

**Mr Kennedy:** I am grateful to the Minister for giving way. He will be aware of the report in today's 'Belfast Telegraph' about the high number of cases involving imprisonment for unpaid TV licence fines. Is there any way that a more innovative approach can be taken, rather than putting people in prison for such offences? Can any effort be made to address that situation?

**Mr Ford:** Yet again, Mr Kennedy has the ability to read my notes through a couple of sheets of paper over my shoulder. The issue of the criminalisation of TV licence non-payment is one that I raised with the UK Government a couple of years ago and on which I have continued to correspond. Members will also be aware that, because of current arrangements and, in particular, legislation that has recently gone through the House, we no longer see people going to prison for non-payment of fines at an early stage. I trust that we will see the full decriminalisation of non-payment of TV licence fees. They will be treated just like any other utility, which is, in effect, what a TV licence is.

The reality is that problem-solving courts are not simply a justice issue. They need to involve a number of agencies and partners, and I am committed to working with other members of the Executive on the appropriate innovative options. In particular, I take the point that Danny Kennedy made earlier about the partnership that is needed between Justice and Health, particularly in dealing with alcohol and drug problems. I also noticed that Mr Kennedy managed to mention Armagh courthouse: there is a surprise. We need to take account of decreasing court business when we look at how we use the court estate, but those points will be borne in mind.

The Deputy Chair, Raymond McCartney, spoke significantly about alternative dispute resolution. There is no doubt that there is an increasing expectation that people will be able to carry out business online. We need to ensure that the justice system keeps up with that. Obviously, there will always be cases that require a

physical courtroom and our adversarial system, but there are many others for which we need to look at different ways. The recommendation in the recent access to justice report that we should look at models such as those in Holland and in parts of Canada will give us the opportunity to learn there. A pilot of online dispute resolution for low-value civil claims is under development in England and Wales. Clearly, that would be closely related to our legal arrangements, and I am keen to see how we learn from that for Northern Ireland.

That takes us into the slightly wider points raised by Sammy Douglas, in particular, on justice in the digital age and on ensuring that we make the best use of modern technology. Members are sometimes unaware of the extremely good operation that we already have across the criminal justice organisations with the Causeway digital system, which enables the sharing of information between a number of agencies involved in criminal justice, linking up the agencies' IT systems. The Causeway system is to be re-procured from 2019, and work is already under way to look at an appropriate way of doing that. There is no doubt that colleagues in other jurisdictions in these islands would be delighted to have a system like Causeway. It is, perhaps, one of the benefits of being a relatively small jurisdiction with only one of everything and only 1·8 million people. We are at the forefront of that, but I want to ensure that we stay at the forefront. The future challenge, I suspect, will be to see how we manage to get civil justice into that kind of system rather than purely Causeway's current concentration on the criminal system.

During the discussion, there were references to the proposals of Jim Gamble, particularly from Seán Lynch and Sammy Douglas, around child protection issues. This is an issue that we will need to return to to ensure that we get things right. I am glad that we did not proceed with amendments, but I will certainly see that the Department, as long as I have responsibility, continues to do the policy work so that, early in the next mandate, things can be got right. While we are talking about the IT system, although I do not think that it was specifically mentioned, Lord Justice Gillen's report will include references to work on digital courts, which will help us to move forward in that area as well.

#### 4.45 pm

Alban Maginness and Stewart Dickson spoke about youth justice. The Committee report pointed to the need to work more innovatively and collaboratively to develop solutions in the difficult financial circumstances in which we lie. That is a significant part of the work of the scoping study that Members referred to. It follows on from the work of the youth justice review and is aimed at developing radical innovative proposals for positive change. The work being done by the scoping study links directly to a number of the youth justice review recommendations, such as examining the use of PACE and remand, the provision of community alternatives and new methods of disposals. Again, that issue goes way beyond the direct operation of the justice system at the moment, with particular responsibilities for Health and Social Care and issues relating to education. Members will be aware that the recent decision on the transfer of education responsibilities in Woodlands Juvenile Justice Centre is part of that joining-up approach to better meet the needs of young people. Again, I welcome the support that we have had from the judiciary, amongst others, in reducing delay there. We have had

positive feedback from the Commissioner for Children and Young People; she has been a critical friend as that work has progressed. I now leave a teaser: as Members have said, I will announce the outcome of the scoping study next Monday, so I will say nothing further on it at this stage.

Alban Maginness referred to the issue of excessive penalisation. Clearly, that is an issue where there is a role for other Departments in setting offences and penalties in their area of responsibility. DOJ largely just provides advice to other Departments to assist them in determining what is appropriate and proportionate. We need to ensure that we always consider whether criminal sanctions are the necessary and appropriate provision as we look at new legislation. We also need to ensure that we consider whether it is appropriate to put a lot of effort into reviewing old and obsolete offences, given the potential for that to be time-consuming.

In the brief time that I have had the report, I have noted the contents with considerable sympathy. It is an excellent, in effect, end-of-term report from the Committee that brings together a number of threads that have been with us for some time. I certainly understand the Committee's wish to see the proposals that it is putting forward, particularly around problem-solving and online dispute resolution, going into the next Programme for Government. It is also very much a matter of building on both parts of the access to justice report and the work being done by Lord Justice Gillen.

I could be picky and say that I have a slight issue with technically supporting the motion, given that it invites me to do something that is actually the responsibility of a new Executive of which, as I have already announced, I do not expect to be part. Maybe it is easier for me to agree it on the basis that I will not be; I can therefore go along with colleagues on the Committee. I cannot commit a future Justice Minister, even if it were one of my party colleagues, on what the Executive as a whole will decide, but it is absolutely safe to say that I recognise the good ideas in the report, and I thank the Committee for doing it.

In that context, it is appropriate, with your discretion, Principal Deputy Speaker, for a minute or two, to thank the Committee in general not just for this but for the amount of work that has been done over the mandate. Alastair Ross has certainly been a very effective leader. Much of what is in the report and in the series of seminars is due to his work. I trust that this will not appear in an East Antrim election leaflet, but I publicly thank him for the constructive and cooperative way in which he has operated. Raymond McCartney, of course, has suffered even longer: he has been Deputy Chair of the Committee since 2010 and has also played a part in that. I will mention just one other name: we have benefited from Alban Maginness's professional background as a barrister. That sometimes means that he has been completely difficult to deal with, but a lot of the time he has brought some specialist and beneficial knowledge, which has been good for the Committee and for the Department. I thank him for his role, since he is even more certainly leaving the process than I am. When praising Committee members, it would be remiss of me to not also praise the Committee staff. I thank them for the cooperative way in which they have ensured that work has been done between the Department and the Committee with my staff.

There was the potential in 2010 for justice to be regarded as a toxic issue. There is no doubt that we have dealt with some very difficult issues. At times, it has not been easy.

However, to go back to the remarks of the president of the Supreme Court, Lord Neuberger, the Committee and Department have worked well together. The Committee has carried out its role not just by being belligerent and argumentative, which it might be tempted to be at times. In the words of the 1998 Act, it has certainly advised and assisted the Minister and the Department.

I trust that that advice and assistance will be accepted by the new Minister and new Executive and that the contents of this report will be very seriously considered after the May elections.

**Mr Principal Deputy Speaker:** I call the Chair of the Committee, Mr Alastair Ross, to conclude and wind up the debate on behalf of the Committee.

**Mr Ross:** I begin by thanking Members for their kind comments to me. It turned into a bit of a love-in at times, but I concur fully with the positive remarks about the Committee staff in particular. It is somewhat unusual to get so much praise so close to an election, but actually, as the Minister has said, it is reflective of the fact that the Committee has dealt with some very difficult issues — potentially controversial issues — in a collaborative and non-partisan way. That is not just in the work that we have done on justice innovation but in many other areas. We have sought to take a collegiate response to things, and I think that that has worked incredibly well and made the Committee, as other Members have said, probably the best-functioning Committee in the House.

I will touch on some of the comments made by Members. Mr McCartney talked about the whole rationale for delivering better outcomes, and that is exactly what this is about. He talked about the access to justice review and Lord Justice Gillen's work. Of course, Lord Justice Gillen has talked about ODR being part of his review. He came along to and participated in the seminar that we had with Maurits Barendrecht from HiIL. He talked about the online dispute resolution system being a voluntary one, of course. The advantage of that system is that it supports the citizen through their justice journey. It empowers individuals to take that responsibility themselves, but, if they require help and support during that journey from trained legal staff, that support is there.

Key to all that is judicial oversight and judicial sign-off at the end, to make sure that whatever agreement has been made is an equitable and fair one to both parties. That is part of the benefit of the system. It reduces the cost for the overall system and could reduce the cost of the legal aid budget, which is a benefit. I would say that, if we are moving this way, we want to buy in the technology rather than try to develop it ourselves. That is why, in Holland, it has such a low annual recurring cost.

The Minister paid tribute to Mr Maginness and his legal background. Perhaps unfairly, he said that Mr Maginness preferred law with a quill to some of the innovative ideas, but actually I think that he has been hugely beneficial in the role that he has played particularly in this innovation work but in all other matters as well. He quoted the president of the Supreme Court. It was great to have him over and for him to pay tribute to and take an interest in the work that we have been doing. He did not just talk to the Assembly on Thursday; he also has taken an interest in the work that we have done throughout the year, and I

think that that became evident as we spoke to him during the night.

Mr Maginness talked about being creative in the criminal justice system and looking to the next mandate. I know that he will not be here, but I am sure that he will take an interest in how we develop some of these ideas. He spoke about the support from the Lord Chief Justice for problem-solving courts, and, of course, the Chief Constable of the PSNI, when he was in front of the Committee two weeks ago, also expressed support for this. It only works when you get support from the judiciary, law enforcement and politicians. It has been so successful in the United States because it has managed to get support from all those different areas.

Mr Maginness spoke in particular about the Brooklyn Treatment Court, Red Hook and Glasgow. Of course, the impressive thing, as Mr Kennedy said as well, is the immediacy of all that: how an offender can be in front of a judge in the morning and, if found guilty, will be in a rehabilitation programme that evening or the next morning and will have to, during the process, repeatedly go in front of a judge and repeatedly take drug tests to ensure that they have stayed off the drugs. That is something that has impressed all of us. He was, of course, meant to spend his five minutes talking about excessive penalisation and spent only about 15 seconds on it; but we forgive him, given that it is towards the end of his Assembly career. The points that he made about excessive penalisation were absolutely valid.

Mr Kennedy also talked about the visits to the drugs courts and also mentioned the presentation that we had from Phil Bowen from the Centre for Justice Innovation. I think that that was a very useful presentation. Of course, anyone who has read some of the media coverage in Great Britain, over the last week, will have seen articles in 'The Times', 'The Guardian' and 'The Telegraph' on the benefits of problem-solving courts and how they can save the taxpayer money and improve outcomes as well.

Mr Kennedy talked about the holistic approach, and again that is something that impressed all of us who have looked at the drugs courts; in particular, around how social services, nurses and judges are all working in a collaborative way. Indeed, in the Glasgow experience, they had a meeting, before the defendant would appear in front of the judge, to look at progress, to see if they are turning up for their rehab, and to make sure that they are still returning negative drug tests. It was a very impressive set-up that they had in Glasgow.

He also mentioned the importance of judges looking sympathetically at that approach. Judges need to buy into it. We saw many personality-driven courts, particularly in the US. People might be encouraged to give a round of applause to those who have successfully graduated from a sentence. Then there is the example of Judge Ferdinand hugging the individual who passed a drug test. We will not see that sort of thing in our courtrooms, but we can adapt and modify it for our culture. That is what has happened successfully in Glasgow.

Mr Kennedy talked about community justice centres and made a pitch for Armagh. The Minister will know that I made a pitch for a similar idea in Ballymena. The idea is that, if you have to close traditional courts — hopefully many cases will be diverted away from them, which may well justify closing them — you can have community justice centres. Again, we saw examples of those in the United

States. Justice centres are not just courts. They are not just about sentencing or punishing people. They are a one-stop shop for advice — legal, health and housing advice — and that ensured that communities hostile to the justice system came to see it as being on their side. That is where the potential lies in developing community justice centres.

Mr Dickson said that the report will hopefully be a good legacy for the next Minister and Committee. That is absolutely right. We are keen to make sure that the next Committee, whatever its composition, picks up the work of our Committee and runs with it. There are many other areas in which it is important to investigate innovative approaches, and hopefully the next Minister will be as keen, and work as closely with us, as the current Minister.

He talked about the importance in youth justice of intervention in collaboration with family and schools. He talked about statutory time limits. That is really important. All the evidence shows that the time between the alleged offence and the individual coming into contact with a judge needs to be as short as possible. It is important to make sure that the two things are connected. That is important in all sections of the justice system but particularly in youth justice. The Member makes a very important point in that respect. There has been a learning process for many of us on the value of diversions and disposals.

He also talked about children in care. They, of course, would be keen to say that there is not a high proportion of children in care in contact with the justice system. However, it is important to recognise that a high proportion of people in the justice system come from a care background. That is something that we need to keep an eye on.

Mr Douglas said that it is an excellent report. He talked about the radical and informative work that was taken on. He mentioned the Lord Chief Justice and the role that he played. That is absolutely right. Without the support of the Lord Chief Justice, other senior members of the judiciary, barristers and solicitors, the community and voluntary sector, probation services and the police, our work would not have been accomplished. It is only through that collaborative approach that we will get concrete, evidence-based ideas that work and that people will support if we change DOJ policy.

He talked in particular about justice in the digital age — of course, there is a shift from traditional crime towards cybercrime or online crime — and the need to make sure that we are aware of our online safety. Our conference, which was hugely successful, looked at malware and spyware. There are difficulties for a justice system in a global, borderless community, as it tries to track down where cybercrime emanates from and to encourage law enforcement agencies in parts of Africa or South America to follow up on leads given to them.

Safeguarding personal data is really important as well. We had really good contributions, from not just Jim Gamble but Wayne Denner, on online reputation, and Europol. Of course, the Committee brought forward an amendment to the Justice (No. 2) Bill on revenge porn, which goes some way to addressing a modern phenomenon that was not envisaged 10 years ago when some of the legislation that has been used was drafted.

Mr Lynch talked about the conference. He also talked about restorative justice. It has worked really well in America. Someone who has wronged a community —

perhaps through graffiti — can pay back the debt to the community. Of course, it works best where the victim is very much part of the outcome and is central to whatever the restorative programme looks like. Victim Support in Northern Ireland echoes those comments.

#### 5.00 pm

Ms McGahan talked about domestic violence courts, where really important work is being done on innovative approaches involving video links, which ensure that vulnerable witnesses do not have to be in the courtroom. The problem-solving model ensures that the person who has made a complaint has a wrap-around service to make sure that they get to court and give their evidence, so that we get a greater number of convictions.

I conclude by thanking the Minister for his supportive comments. He mentioned the calibre of speaker. When we get Lord Justice Leveson, Lord Neuberger and people from Holland, London and New York involved, that shows that the Committee did credible and valuable work. I support the Minister in any of his efforts to shape the next Programme for Government and ensure that this work can be realised. Thank you very much, and I appreciate all the comments.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the report on 'Justice in the 21st Century — Innovative Approaches for the Criminal Justice System in Northern Ireland' (NIA 313/11-16) by the Committee for Justice; and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for online dispute resolution approaches and problem-solving courts.*

## River Pollution: Committee for the Environment Report

**Mr Principal Deputy 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 and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Ms Lo (The Chairperson of the Committee for the Environment):** I beg to move

*That this Assembly notes the report of the Committee for the Environment's stakeholder event on river pollution (NIA 318/11-16); and calls on the Minister of the Environment to work with his Executive colleagues and key stakeholders to take forward actions to address issues identified in the report in relation to fully implementing existing legislation, addressing the causes of pollution, monitoring pollution, and enforcement.*

On behalf of the Committee for the Environment, I am delighted to open the debate on the important issue of water pollution. Our water environment is so important to our daily lives. We use it as a source of drinking water; it is used by agriculture and industry; it sustains our precious marine life; and it is used by many of us for recreational activities. Everyone has a responsibility to ensure that our rivers and lakes are protected, and we are all affected by it.

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

The Committee first started to look at pollution incidents in April, following frequent reports of fish kill. Statistics show that, since the implementation of the water framework directive in 2009, there has not been a significant decline in the number of pollution incidents. That is surprising, as the purpose of the directive is to establish long-term objectives for water protection for our surface waters, coastal waters and groundwater.

The Committee recognised the merits of undertaking a full inquiry into the topic but agreed that it could not complete an inquiry in the remaining months of the mandate. The Committee felt, however, that it was important to highlight key issues, and, to that end, it took oral evidence from the Freshwater Taskforce and the Ulster Angling Federation. It commissioned research into causes, monitoring systems and preventative measures.

The Committee held a stakeholder event on 18 February 2016. Eighteen organisations took part, including the Northern Ireland Environment Agency (NIEA), which contributed and responded to the discussions. The event explored issues of pollution management under the following four themes: the impact of legislation, pollution causes, monitoring and enforcement.

The Committee first considered the impact of the legislation. It heard views that river basin management plans had failed to restore our lakes and rivers and that there were not sufficient resources or funding to deliver their targets. It is hoped that the restructuring of Departments will provide an opportunity to adopt a more streamlined approach to tackling pollution and reduce duplication across agencies. It was clear that there are real concerns that the fines and penalties imposed do not act as a deterrent —

**Mr McCarthy:** I am very grateful to the Member for giving way. Does she agree that the ever-increasing number of pollution incidents would be better monitored and, indeed, policed by an independent environmental agency, rather than by what we have at the moment?

**Ms Lo:** I am grateful to the Member for bringing that forward. As you know, our party, including me, is very enthusiastic about an independent environmental protection agency.

It was clear that there are real concerns that the fines and penalties imposed do not act as a deterrent and are not reflective of the severity of the crime. More work is required in that area.

The Committee heard that better interaction with the planning system and engagement with the strategic planning policy were vital. Discharge consents do not form part of the planning application, and concerns were expressed that there are occasions when there is insufficient infrastructure in place to support the planning application.

The Committee heard that there were three main sources of pollution: agriculture, industry and domestic. Stakeholders suggested that cross-compliance requirements attached to the single farm payment could prevent pollution from agrisources and that the farm advisory system could help to secure buy-in from farmers and inform them on legislative compliance. Views were expressed that more regulation was required of industry, as often the nature of the material that is polluted can be toxic.

There was recognition that government agencies had made improvements to address issues caused by underinvestment, with large improvements made in sewage collection and treatment. However, more work is required. For example, the Committee heard that funding must continue to be provided to enable the ongoing upgrade of waste water treatment works. The Committee also heard that smaller sewage treatment works still fail to meet modern standards and poorly maintained septic tanks are causing considerable damage.

Statistics show that pollution from unknown sources is increasing. Domestic pollution is also recognised as a problem. Therefore, improving education and raising awareness among the general public is considered important, as many individuals do not realise the impact of their actions. The benefits of educating children at school were acknowledged and welcomed.

The Committee also looked at how pollution was monitored. The two main avenues for detection are incidents discovered through NIEA's ongoing work and incidents reported to NIEA. The Committee heard that there was a need for higher-quality monitoring and access to better data to fully understand river systems. The reliance on the public to report incidents was huge, and the Committee heard that there should be schemes to engage and encourage the public, with warning signs in place to deter polluters. Lastly, views were expressed that the current enforcement framework was not effective and that a joined-up approach was required.

The principle that the polluter must pay was also popular. Enforcement represents a failure of the process and should be used only as a last resort. Education and behavioural change in society and across the business sector would lessen the need for enforcement and might

prevent pollution, rather than penalising those found to have polluted our waters.

The work that the Committee undertook in a short time certainly gave it food for thought and reinforced its view that analysis is required in this area. It is the Committee's intention this afternoon to highlight some of the issues. It does not wish to dissuade a future Committee from considering the matter in depth; in fact, the Committee encourages the incoming Committee to undertake a more detailed analysis of the issues.

A holistic approach is required to tackle these complex but devastating incidents. That is why the Committee has called on the Minister to work with his Executive colleagues and key stakeholders to step up efforts to deliver outcomes that will impact directly on our water quality management.

I conclude by thanking all of the stakeholders for participating in the stakeholder event and for giving evidence to the Committee. I also thank the officials from the NIEA who attended and very ably responded to the many and sometimes difficult questions. The Committee hopes that by debating these issues this afternoon it will raise the profile of this particular issue, and, as we move into the new mandate, that more can and will be done to reduce pollution in our rivers and lakes.

That concludes my remarks as Chairperson of the Environment Committee. I will now say a few words on behalf of the Alliance Party. I am glad that we managed to, at least, initiate consideration on the issue of river pollution, given the heavy workload that the Committee had in the last few months of the mandate. However, I hope that we have made a good start to raise the concerns expressed, particularly by a number of Committee members whose constituencies —

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw her remarks to a close?

**Ms Lo:** — have had frequent experiences of fish kill. Such concerns were also echoed by participants in the stakeholder event. I think that the new Department of Agriculture, Environment and Rural Affairs will have the capacity —

**Mr Deputy Speaker (Mr Beggs):** The Member's time is up.

**Ms Lo:** — to address this cross-cutting issue more comprehensively —

**Mr Deputy Speaker (Mr Beggs):** The Member's time is up.

**Ms Lo:** — than by the DOE alone.

**Mr Girvan:** I think that this was a very timely report that, to bring it back to the crux of the matter, came on the back of a number of incidents where we had major pollution incidents in our watercourses, a lot of which feed into Lough Neagh, from where a lot of us get our drinking water, never mind anything else. A consequence of any pollution that makes its way into the river is that it can ultimately make its way into what we drink.

Having attended the stakeholder event at Oxford Island, I thought that it was an extremely informative event. A number of areas came up, and I think that this is where the joined-up approach between Departments became an issue. We had some areas that the Department of Agriculture was responsible for, some where the Department of Culture, Arts and Leisure had an

involvement, and then there was the Department of the Environment. This is an opportunity for us to move forward positively, with a joined-up approach to combating pollution in our river courses.

We have a great wealth of experience in the voluntary and sporting sectors in our communities. They probably have the first line of contact in making sure that they know when pollution happens, and identifying and feeding that in. It is important to capitalise on what is a great resource. It is the angling community, in particular, that is on the rivers, probably regularly, not always fishing, but observing what is going on. They would probably be the first people to identify whenever something happens.

It was interesting to note that we have a number of sewage treatment works that are not always able to handle the volume they were designed for. As development has gone on, we have sewage treatment works run by the Department for Regional Development that are, unfortunately, sometimes the cause of pollution in some of our watercourses. As a consequence, I think it is vitally important that we now get it all under one umbrella, to deal with that approach and ensure that they do not cause a breach. I appreciate that, at times of flood, it can sometimes be difficult for the sewers to cope, and a certain amount of overflow makes its way into the river system. The only redeeming factor is probably that the river is in flood and, as a consequence, the dilution factor is quite high.

#### 5.15 pm

An area about which the group that I was involved with had concerns relates to the inconsistencies that seem to exist with prosecution. It is part of the report. There seems to be a less-than-fair approach to those who have been found guilty of being the cause of major pollution incidents. Sometimes, it depends on who is in the court at that time. If he has some involvement in fishing, he can take a very hard line and impose a harsh penalty on the individual concerned, but somebody else, who may not have the same interest, may seem to take a more lenient approach. So, there seem to be inconsistencies. Those who are perpetrating the pollution and have been involved in a number of incidents do not seem to be treated with any greater force under the law. I felt that it was vital that something should be done about that.

One of the suggestions that came forward from our group related to putting forward a three-strike rule and a fixed penalty approach towards minor incidents. They could be dealt with by a fixed penalty, with the potential for recompense or the chance to rectify the problem that had been caused by way of restocking a river or cleaning the riverbanks and suchlike.

Another area that I was concerned about involved those who have identified that a pollution incident has happened. It is more important to ensure that livestock and animals that might drink from that watercourse are held back and not allowed to drink water that is polluted, thus preventing it from being added into the food chain.

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr Girvan:** There needs to be a mechanism to do that. I think that it was a very worthwhile event and the report was timely.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Like the Members who have spoken, I acknowledge that the Committee's look at the causes of river pollution has been a short, focused exercise. In a way, it is inviting greater work and greater investigation on the part of the Statutory Committee that might take on the role in the new mandate. Obviously, we will have the reconfiguration of Departments and Statutory Committees, but, certainly, a Statutory Committee that will look at the environment, rural affairs and agriculture may wish to take a fuller look at the work of this Committee. That work came late in the day, but I must attribute it to the initiative of the Member for South Antrim Pam Cameron. It was at her suggestion and proposal that we undertook this look. As Mr Girvan said, it was a worthwhile exercise. I am happy to attribute it to the initiative of the Chair, Anna Lo, and Pam Cameron, who drove this agenda. They did us all a service by doing so.

We all have constituency interests. From a West Tyrone point of view, I am very interested in the story of the River Strule and the fish kills that have occurred in recent years. How many fish kills have there been in the last five to 10 years, for example, in the River Strule? What have been the main causes of pollution? A cursory look suggests that the main causes are agricultural, industrial and domestic, but Departments are in there too. I wonder how many of the fish kills on the River Strule might be attributable to sewage treatment works and the Department for Regional Development, NI Water etc.

Another question that I will pose is very current and relevant in the here and now and relates to the Owenkillow river in mid-Tyrone. What impact would the proposed location and development of a cyanide processing plant in that part of the world have on the special area of conservation and the freshwater-pearl mussels in the Owenkillow?

It is my understanding that there is a minimum of 10,000 freshwater pearl mussels confined to a four-kilometre stretch of undisturbed river channel in the Owenkillow River. Local people, anglers and environmentalists have raised the issue with me. That is my question to the Minister. I cannot imagine that he would have the detail to hand, although perhaps he will.

As the mandate draws towards a close, I would like to record my appreciation to the Chair of the Environment Committee, the secretariat of the Committee and, indeed, our Deputy Chair, Pam, who took this initiative. I wish Anna Lo every success in the future. She could make a late intervention yet; nominations have not yet closed. She could do a Healy-Rae on us. *[Laughter.]* I also wish another distinguished member of our Committee well in the future, namely young Alban Maginness from North Belfast. OK. That will do me.

**Mr Deputy Speaker (Mr Beggs):** I call young Alban Maginness. *[Laughter.]*

**Mr A Maginness:** Thank you very much, Mr Deputy Speaker. Thank you for those plaudits.

May I say that it is not because it is International Women's Day that I mention our esteemed Chair, Anna Lo, and our esteemed Deputy Chair, Pam Cameron? It is because they have made a very valuable contribution to the Committee, Anna in her leadership of the Committee and Pam Cameron in this particular debate, which she has raised consistently. It is as a result of her good work that we have this timely and important report, as her colleague pointed

out. It is important for us here in the North of Ireland to get our waterways and rivers clean and unpolluted, as it adds to our natural environment, to our tourism offering and simply to the well-being of our citizens.

May I make a partisan political point? A lot of the good work that has gone on in relation to river pollution is a result of the European Union. Dare I mention it?

**Mr Allister:** Oh, yes.

**Mr A Maginness:** I see that I have wakened Mr Allister; I am delighted that he is alive and well and alert. I refer of course to the water framework directive, which he may well have had a part in constructing in Europe.

**Mr Allister:** I voted against it. *[Laughter.]*

**Mr A Maginness:** He voted against it. There you are. Despite his vote against it, we have it here, and it has added to the Department of the Environment's weaponry in dealing with pollution, so there you are. Despite Mr Allister's best efforts, he was thwarted, and we now have the wonderful framework directive from which flows the great benefit of legislative control and so forth.

There is another political point that I would make: the new Department will be the Department of agriculture and the environment. I think that that is the new name, although it might be just the Department of agriculture by itself. Nonetheless, the point is that there will be a tension —

**Mr McElduff:** Will the Member give way briefly?

**Mr A Maginness:** Yes, indeed.

**Mr McElduff:** It is important for a city slicker like you to understand that rural affairs are in there as well. *[Laughter.]*

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr A Maginness:** Very good. The Member has advised, and I accept that advice from a very distinguished, long-standing member of the Committee.

There is a tension between the environment and agriculture. To wit, in Northern Ireland about 67% of failures are due to diffuse agricultural pollution. In fact, 33% is due to discharges from waste water treatment works, industry, sewerage networks etc. The important point is that there is tension between agriculture and the environment, and we have to get that right. The best way of getting that right is having an independent environment agency. That is another position that I put forward. I am not sure whether Mr Allister agrees with that one or not.

**Mr Allister:** No.

**Mr A Maginness:** He does not agree with that either. Nonetheless, I think that it would be an important thing to have, and it would help us in dealing with water pollution and the pollution of our rivers, which are so important to us.

It is important that we continue the good work that the Environment Committee has done. The Committee met stakeholders. I was unable to get to that event, but nonetheless it went ahead. Apparently it was a very successful event, despite my absence — or maybe because of my absence. It was a good event, and credit to the Committee for that. The stakeholders were delighted to have an input at that level. That is important, because

we need to build the partnership between government, the stakeholders and the Assembly. That is very important.

One final point is that, on fines and enforcement, the courts need to take pollution incidents much more seriously. I know that we can advise people and we can prevent pollution, but there is a deterrent effect if there are high monetary penalties. I encourage the Committee and the Department to say to —

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr A Maginness:** — the judiciary that it is important that those offences are marked out for what they are and that the polluter truly pays in monetary terms.

**Mr Patterson:** I welcome the opportunity to speak on the report. I was not a Member of the House, never mind a member of the Environment Committee, in November, when the discussions on these issues began. Unfortunately, I was unable to attend the stakeholder event in February. However, having read the report, I see that it was wide-ranging, covering all the issues ranging from the causes of pollution to the legislation surrounding it.

A substantial proportion of Northern Ireland's water bodies in each of the river basin districts are already classed as being in relatively good status. However, there are a couple of areas, such as Lough Neagh and the tributaries that surround it, that are among the most polluted waterways in Europe. That is deeply worrying. Therefore, it is an obvious area that the Department, as well as the Committee, needs to focus on. In addition, there are too many reports of rivers, often the same ones, being polluted and resulting in all levels of fish kills. The ecological damage of those incidents can be devastating and can leave a lasting legacy. It is frustrating to hear about certain rivers being repeatedly polluted when it is obvious that a single site or business is responsible. We need to remember that most pollution incidents are avoidable. Careful planning to prevent pollution costs little. However, the costs of cleaning up pollution incidents can be significant.

The sources of river pollution, as the Committee heard, are varied, and I know that other Members have referred to sewage treatment plants. I would like to mention one that is particularly relevant in Northern Ireland. There are, I believe, approximately 16,000 un-consented septic tanks here, and there are many thousands more across our countryside that have the right permissions but are no longer near the required standards. Indeed, it was found that 12% of phosphate pollution reaching Lough Erne came from septic tanks. As the issue paper says, there was consensus that more work was required to better understand and reduce the impact of pollution from septic tanks, as it is a much larger problem than is currently thought.

The Republic of Ireland introduced a replacement scheme for older or defective tanks in 2012, so I ask the Minister for an update on what work is going on in the background to address the problem in Northern Ireland.

### 5.30 pm

Although I have been on the Committee for only five weeks, I want to join other members in paying tribute to our Chair, Anna Lo, our Deputy Chair, Pam Cameron, and also our Clerk, Ciara. It is an all-woman set-up today on International Women's Day. I want to pay tribute to them for

the work that they have done in the five weeks that I have witnessed it. Well done.

I want to finish by commending the report and all those involved in looking into the serious and important issue. We all have a duty of care to prevent pollution and must do everything that is reasonably practicable to do so.

**Mr Durkan (The Minister of the Environment):** First of all, I would like to thank Anna Lo and her colleagues on the Environment Committee for the work that they have done in relation to water quality and examining the topic of river pollution. I also acknowledge the success — a few Members have alluded to it — of the stakeholder event that was held at Oxford Island last month. By all accounts — and by all accounts again today — it was a very positive and productive day, and I am delighted to be able to respond to a number of issues that were raised at that event.

Our water environment is of key importance to us all. Our economy, our health and our enjoyment of the environment depends on the way that we maintain our rivers, lakes, groundwaters and coastal waters. Mr Maginness, who was described as both young and a city slicker today, quite rightly pointed out that the biggest driver for improvement of the aquatic environment was the introduction of the water framework directive (WFD), which was adopted in 2000 by all member states of the EU and was established in law here in 2003. That legislation introduced a new legislative imperative together with new mechanisms for the protection and improvement of all aspects of the water environment, including rivers, lakes, groundwaters, estuaries, coastal waters and loughs.

The water framework directive has a very clear link to rivers and river water quality. The directive requires plans to be put in place to cover a six-year period and for those to be updated every six years. In Northern Ireland, each river basin management plan includes a programme of measures, including a range of coordinated actions to be implemented by contributing Departments and public agencies here. However, we cannot expect dramatic improvements in surface and groundwater quality overnight.

The WFD recognises that early and sustained action and stable long-term planning is needed due to the natural time lags involved in making water quality and ecological improvements. I know that such time lags can be frustrating for stakeholders and the public, but, particularly after a pollution event, it takes time for ecosystems to recover and any such recovery is often a long-term process. In December 2009, my Department published the first river basin management plans as required by the WFD. The second cycle management plans were published in December past.

We have made progress in recent years. The Northern Ireland figures for the status of our waterbodies show that 37% currently meet good ecological status as required under the directive. That is considerably better than in England, comparable to Wales, but still well behind Scotland, which rates at 65%. The real extent of our progress, however, is somewhat masked due to the "one out all out" rule for classification of waterbodies as required by the directive, which is particularly stringent. Each waterbody can fail for not meeting the standard in just one of up to 40 elements. For individual elements in Northern Ireland, over 80% are now achieving good status out of almost 5,000 assessments. In many cases, it is only

one element that leads to failure. That situation occurs in nearly 20% of our waterbodies overall. Therefore, 56% of waterbodies are either at good status or require improvements in only one element to reach good status.

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

In some cases, signs of improvement are delayed owing to the natural recovery times of aquatic animals and plants. In others, it may be factors outside the catchment. For example, in cases in which fish populations are poor but all other water quality and biology assessments are good, further investigations have already been initiated with fisheries bodies in DCAL, Loughs Agency and DARD.

An example of that is in the Moyola catchment, where an inter-agency catchment project has been set up by the NIEA, Rivers Agency, DCAL and DARD's countryside management branch to investigate common issues in the catchment related to fisheries, the WFD and flood-risk management. The aim is to develop a multi-agency data map so that common issues and activities can be coordinated to address a range of problems affecting water quality, habitat and flow regimes.

As part of the development of the river basin management plans, the main pressures in failing waterbodies have been identified. For Northern Ireland, around 68% of failures are due to diffuse agricultural pollution, with the remainder due to point source discharges from waste water treatment works, industry, sewerage networks, urban run-off and other non-sewered discharges.

NIEA regulates point sources under the Water Order 1999 and the Pollution Prevention and Control (Industrial Emissions) Regulations 2013, setting conditions and standards within consents and permits that take account of the risk to the receiving water. Those standards are set to ensure that there is no deterioration in the receiving waterway. The NIEA applies a robust regulatory approach to ensure that the requirements of consents and permits are met. If the non-compliance is minor, we will concentrate on fixing the problem to prevent further impacts to the waterbody. In more serious cases, however, the NIEA will move to gather the evidence, which can lead, and has led, to prosecution.

Diffuse agricultural pollution remains the most significant pressure affecting our waterbodies, leading to failures of good status across the North. Although levels of phosphorus have declined significantly in the last 20 to 30 years, the rate of change has now reduced, and may be reversing. DOE and DARD are already working closely to address nutrient levels. A joint workshop on 5 November last year initiated discussions with the farming sector on how to reduce phosphorus inputs to the environment from animal feed.

My Department works closely with stakeholders and local groups at catchment level to identify and tackle sources of pollution. Examples of successful partnership-working include the Water Catchment Partnership (WCP) project on the River Derg. Northern Ireland Water, DARD, the Ulster Farmers' Union and the NIEA have worked together to promote and raise awareness of best practice when using pesticides in gardens or on farms in catchments supplying drinking water. That has been achieved through events and through farm and home visits. The project is ongoing.

Other projects involve working with anglers and other water users through Riverfly partnerships, a community-led initiative to monitor river stretches to identify pollution. Those involved are trained in simple river-monitoring techniques using aquatic invertebrates, which can be checked on a regular basis. Any significant changes can be quickly identified and investigated. Groups are active on the Enler, Lagan, Sixmilewater, Faughan, Derg and Roe rivers.

Other measures in the second-cycle river basin management plans include the extension of a number of key programmes from the first cycle, including a revised nitrates action programme, ongoing investment in water infrastructure, and a new environmental farming scheme under the rural development programme. All of those have been developed to protect waterbodies and to help deliver good status. Full implementation of the second-cycle river basin management plans could see up to 70% of our waterbodies at that good status by 2021.

All those measures and initiatives are dependent on funding. An economic assessment has been undertaken. Some of that funding will be sourced from Europe through INTERREG and the rural development programme contributions, and most of the remaining costs will be funded primarily through Northern Ireland Water's infrastructure improvement programme. The remaining costs relating to measures for ongoing and new departmental activities will have to be taken forward and funded by the implementing Departments. However, we are all acutely aware that securing funding is difficult in the current financial climate and, furthermore, delivering the targets of the water framework directive has become even more challenging given reduced staffing levels and the need to deal with ongoing reactive workloads.

Before I finish, I need to touch on responding to incidents of water pollution and, indeed, enforcement action. I understand that the Committee's interest was prompted by a number of high-profile fish kills that occurred during 2015 and the years before that. These incidents impacted on the Enler river, the Ballymartin river, Three Mile Water and the Glenavy river. Following my discussions with anglers and stakeholders, I asked my officials to draft a fish kill protocol. My idea was to have a document setting out how we would communicate better with stakeholders as well as setting a standard methodology for the investigation of such incidents. I am delighted by the level of engagement that has been shown by stakeholders in the development of the protocol and, indeed, their willingness to get involved in assisting us to investigate such incidents. I believe that there is the potential to go further, and I know that my officials will continue to build constructive and positive relationships with stakeholders. At the end of the day, we all have a common interest in improving water quality, and, by working together collaboratively, we can put our efforts into preventing and catching those who pollute our waters.

Effective enforcement is an important tool in tackling pollution. I am aware that there was a lot of discussion regarding the levels of fines at the Committee's stakeholder event, and Members have mentioned that today. The levels of fines are imposed by courts. That is the responsibility of the judiciary, and rightly so. However, I make the observation that dealing with polluters rigorously in court would greatly assist my officials when they are trying to encourage industry to put measures in place to prevent pollution. To me, that is much more positive and

effective than having to take individuals to court, which does not actually result in any environmental improvement. Court should be seen as the ultimate deterrent, and I would be happy to see a reduction in cases going to court because the better financial choice for businesses is to invest in pollution prevention rather than risk a very high fine in court, along with the associated bad publicity and potential clean-up costs. The standard scale and statutory maximum levels of fines set out in legislation perhaps should be considered further during the next mandate.

Mr McElduff raised a couple of specific questions regarding the River Strule. He was quite right; I do not have the detail to hand. However, I can furnish him with the details required in the coming days. His echoing of the concerns of residents around the River Owenkillaw is something that I have heard before. I can assure the Member and, indeed, the concerned residents that any potential impact of any potential development in that area on the pearl mussels will be taken into consideration.

Every one of us needs to take responsibility for our water environment and the quality of our rivers. The best way to protect and improve the environment is through everyone being actively involved. I remain totally committed to working in partnership with local stakeholders and, during my time as Minister, I have worked hard to develop initiatives to encourage partnership working. I think that I have been more of a fisher of men than a fisherman. I have very much enjoyed meeting a wide range of stakeholders, hearing their views and ensuring that we capture the enthusiasm and drive that exists in the voluntary and government sectors to make a difference and to improve this very important resource that we should never take for granted.

5.45 pm

**Mrs Cameron (The Deputy Chairperson of the Committee for the Environment):** I welcome the opportunity to conclude this evening's debate on behalf of the Committee for the Environment. I thank everyone for contributing. There is no doubt that river pollution generates passionate views, and we are all united in the need for a more coordinated and holistic approach to tackling the problem.

Before I sum up, I reiterate the need for the Executive to work together to implement measures to address all the issues that were discussed this evening. The restructuring of our Departments must serve as an opportunity for a cross-departmental approach to the management of our freshwater environment. Evidence was presented to the Committee that the various agencies responsible for aspects of our water environment should deliver better joined-up approaches. It is evident from the work of the Committee that managing pollution is a complex system and cannot be delivered successfully by piecemeal solutions. The Committee also recognised the role that stakeholders must play in addressing the issue. That means all of us, given that we all benefit from and enjoy what our rivers and lakes have to offer. It is all our responsibility to report incidents of pollution and to be careful not to pollute our waters. However, government must lead by example.

The Committee recognises that more work is required in the following areas: implementing the measures in the river basin management plans in a timely manner; understanding the opportunities from cross-departmental

working; understanding effective measures in pollution prevention, for example, greater understanding of schemes to replace septic tanks and sustainable drainage systems; improving education and raising awareness, locally and nationally; developing partnership approaches to improve monitoring efforts and testing new technologies; and liaising with the Department of Justice to discuss how fines and penalties can be used to act as a deterrent and to reflect the severity of the crime. There are many innovative approaches that the Executive can adopt to further reduce pollution, and the Committee urges the Minister to engage with his Executive colleagues to establish and agree how better that might be achieved.

I will now refer to Members' contributions. Paul Girvan talked about how this had come on the back of a number of pollution incidents in rivers that feed into Lough Neagh. He talked about the opportunity to move forward with a joined-up approach to tackling pollution. He said that there was a wealth of experience in the voluntary community that we should all capitalise on. He said that a number of sewage treatment works cannot handle the day-to-day task they were created for. He had concerns about the inconsistencies in prosecution and said that those involved in a number of incidents were treated differently. He also suggested a three-strike rule.

Mr Barry McElduff said that the new Committee should take a fuller look at river pollution. He raised fish kills in his local river, Strule, and asked how many of them could be attributed to government agencies.

Young Alban Maginness said that a lot of the good work done on river pollution could be attributed to the European Union. He talked about the possibilities of what the new Department of Agriculture, Environment and Rural Affairs could do. He said that around 68% of failures are due to agricultural pollution. He proposed that an independent environment agency would be a good idea. He praised the Committee event in February, which he did not make it to. He also stated that, on fines and enforcement, courts need to take pollution incidents more seriously and that polluters need to pay. I think that is a very important point.

Mr Alastair Patterson said that there are rivers that are very polluted and that there were too many pollution incidents. He referred to certain rivers being polluted repeatedly by single offenders, and we all know some of those. He said that most pollution incidents are avoidable and that more work is required to understand and tackle pollution from septic tanks — and we have touched on that already. He asked the Minister to look at the work being done to address that and commended the report.

I will move on to some of my comments. Environmental issues are often on the periphery of what we deem to be important in the matters discussed in the House. Whilst we focus on other essential topics, the importance of our environment all too often falls between the cracks — we know that. One such environmental issue that I have spoken about at length during the mandate, particularly during my tenure on the Environment Committee, has been the problem of river pollution. Due to time constraints, it became clear that we would be unable to hold a full inquiry into the matter, but I was pleased that the Committee agreed to give greater consideration to the area and attempted to come to some workable solution in the limited time frame. The stakeholder event held on 18 February sought to hear views on issues, including

monitoring, pollution causes and, most importantly, fines and penalties.

By now, you will be aware of the work that I have done in my constituency of South Antrim, which has suffered the greatest incidences of fish kills in Northern Ireland. As we have heard, during the last five years, 20 incidents have occurred, six of which happened in 2015 alone. Those incidents have devastating effects on local angling groups, many of whom have worked tirelessly to restock the rivers following previous pollution incidents and to ensure that the environment is conducive to aquatic life.

Given that the Glenavy, Sixmilewater and Three Mile Water rivers are important tributaries to Lough Neagh, the pollution of the river systems has huge implications for the whole of Northern Ireland. As we all know, Lough Neagh is a vastly significant ecosystem and the wider implications of fish kills and pollution incidents cannot be underestimated. Lough Neagh is a significant breeding and spawning ground for fish such as pollan, Atlantic salmon and European eels and is home to kingfishers, sand martins, otters and bats among other species of flora and fauna.

Pollution on the scale seen in South Antrim is sure to affect the delicate environmental balance of the area for many months or even years to come. It is clear that the key to helping to prevent those environmental crimes is to impose swift and stringent deterrents on offenders. As Departments restructure in the next mandate, we must ensure that there is greater interdepartmental working, particularly with Justice, to make sure that the appropriate penalties are put in place and efficiently enforced. It is also vital that we quickly identify the causes of pollution, whether they are from agricultural, industrial or individual sources. Whilst businesses are required to keep inventories of harmful chemicals, a possible solution might be to require them to report their chemical inventories to the NIEA. This might assist in speeding up the identification of the source and the composition of pollution incidents.

In conclusion, I would like to thank everybody for their contributions. I hope that the incoming Committee builds on the preliminary work that has been undertaken by this Committee on this important topic. I urge the Minister to engage with officials — I know that he has done — and stakeholders to address other measures that can be taken to tackle the issue. Whilst much good work is already being done, we cannot be complacent. To do so would risk the vital ecosystems of our rivers and lakes.

In case I do not get another opportunity to do so, I want to wish Alban Maginness and our Chair, Anna Lo, all the best in their retirement from the House. We have worked very well as a Committee and a lot of that is down to the terrific Committee staff that we have had. I know that we have certainly burdened them with more than their fair share, particularly during the last lot of months of the mandate; so they have to be commended for the terrific work they have done. I also thank the Minister and the departmental officials who have worked with us on all the issues and have been most helpful and engaging throughout. That is recognised and appreciated. Most importantly, I thank the stakeholders who contributed so well to our review of river pollution.

*Question put and agreed to.*

**Resolved:**

*That this Assembly notes the report of the Committee for the Environment's stakeholder event on river pollution (NIA 318/11-16); and calls on the Minister of the Environment to work with his Executive colleagues and key stakeholders to take forward actions to address issues identified in the report in relation to fully implementing existing legislation, addressing the causes of pollution, monitoring pollution, and enforcement.*

## Private Members' Business

### Licensing Bill: Further Consideration Stage

**Mr Principal Deputy Speaker:** I call Mrs Judith Cochrane to move the Bill.

*Moved.—[Mrs Cochrane.]*

**Mr Principal Deputy Speaker:** Members will have a copy of the Marshallled list of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments, which deal with the attachment of conditions to licences for outdoor stadia and minor technical changes. The debate will be on amendment Nos 1 to 4 inclusive.

I remind Members who intend to speak that, during the debate on the group of amendments, they should address all the amendments on which they wish to comment. Once the debate on the group is completed, further amendments will be moved formally as we go through the Bill. The Question on each will be put without further debate. If that is clear, we shall proceed.

#### Clause 1 (Interpretation)

**Mr Principal Deputy Speaker:** We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4. These amendments deal with the attachment of conditions to licences for outdoor stadia and minor technical changes.

**Mrs Cochrane:** I beg to move amendment No 1: In page 1, leave out line 3.

*The following amendments stood on the Marshallled List:*

No 2: In clause 2, page 1, line 17, leave out "other".— *[Mrs Cochrane.]*

No 3: In clause 4, page 2, line 27, at end insert "(b) after paragraph (2) there shall be inserted—

*'(2A) In exercising a power under paragraph (2) in the case of a licence for an outdoor stadium, the court shall consider whether there should be attached to the licence conditions which would be appropriate in circumstances in which the outdoor stadium was being used primarily for events designed to appeal to persons under the age of 18 (regardless of whether the application relates to that matter).'*— *[Mr Allister.]*

No 4: In clause 8, page 3, line 11, leave out subsection (2).— *[Mrs Cochrane.]*

**Mrs Cochrane:** I welcome the opportunity to move these amendments and speak on them today at Further Consideration Stage of the Licensing Bill. Three of the amendments have been tabled by me and are technical in nature. Amendment No 1 removes the reference to "the Department" in clause 1 and is consequential to amendment No 4, which removes subsection 2 of clause 8. This subsection is no longer required because of the amendment made at Consideration Stage that put in place a commencement date and therefore no transitional provision is required.

Amendment No 2 removes the word "other" from the definition of an outdoor stadium and is really a tidying-up amendment, as the word "primarily" already makes it

clear that events other than those of a sporting nature may occur in a stadium.

Amendment No 3, which is Mr Allister's amendment, asks the court to consider whether any conditions should be put on a licence for an outdoor stadium when an event geared towards under-18s is being held. I have said, in previous debates and when I was in front of Committee, that I do not think this amendment is necessary, but it does not go against the policy intent of the Bill, so I will leave it to the House to decide whether it needs to be included.

The reason why I do not think it is necessary is that, first, if we take the Kingspan Stadium and Ulster Rugby as an example, they do not have a condition put on the occasional licences that they have, yet at events such as the Schools' Cup final, they do not open the main kiosk bars through which schoolchildren might access the stands. Instead, they limit the use of their licence to their corporate area. I think that that is evidence that our sporting bodies can operate in a responsible manner.

The second, and perhaps more important, reason why I do not feel it needs to go in the Bill, relates to the explanatory and financial memorandum (EFM), which already makes very clear the type of conditions that the Bill expects a court to consider. Paragraph 11 of the EFM states:

*"As an additional safeguard, a court would be given the power to attach any conditions it considers appropriate to a licence for an outdoor stadium. This would, for example, allow the court to respond to concerns about the sale of alcohol at certain types of events, particularly those aimed at a young audience. The court could use this power when granting or renewing such a licence and at any time during the course of a licence."*

The EFM, in describing clause 4 and the attachment of conditions to licences, also mentions courts having a similar power to that of an indoor stadium or arena, with respect to licences and says:

*"For example, it will have the discretion to react to concerns about the sale of alcohol at certain events particularly those aimed at young people."*

Perhaps Mr Allister does not have as much confidence in his colleagues in the legal profession as I do, but I think it is made quite clear in the explanatory memorandum. That said, I do not think the amendment would make the legislation any better, and I would not feel strongly about it being left out either. So I will leave the House to decide the matter.

I will bring my comments to a close and ask Members to support amendments Nos 1, 2 and 4 and to do as they feel necessary with amendment No 3.

#### 6.00 pm

**Mr Beggs:** I am happy to support all the amendments. Amendment Nos 1 and 2 are technical, tidying amendments and, with regard to amendment No 4, there has been an indication that the interim arrangement is no longer needed, so I am happy to support it.

Amendment No 3, in the name of Mr Jim Allister, should be in the Bill; I can see the benefit of it being there. It enables very clearly that the court shall consider whether additional

conditions have to be attached to a licence when there are events that would appeal primarily to those under the age of 18. We have to remember that regional outdoor stadia will undoubtedly attract a number of youth events. I am thinking of Ravenhill hosting the Schools Cup final, but it could equally apply to soccer at the new Windsor Park stadium or, potentially, a youth GAA match at a new GAA stadium.

Particularly when we have what is known as a mixed-retailing option, potentially involving the sale of alcohol along with other goods that those under 18 would be queuing to purchase, it is much better that this provision is in the Bill and that it is very clear that the court would have those powers to remove any doubt about it. It is important that we put it up front and that there is clarity rather than having it hidden away in some other parts of the documentation. What we have done to date is good, and I commend the Member for her hard work in bringing the Bill to this stage. We should do this final bit of refinement and, hopefully, see the Bill brought into being during the course of this Assembly.

It is important that we look after our young people and afford them protection and do not simply rely on the goodwill of those who are organising events. We should make it very clear that courts would have powers to scrutinise licensing conditions for events that are primarily designed for young people.

**Mr Douglas:** I will be very brief. First, I thank Judith Cochrane for the work that she has done on the Bill. It has been a long, drawn-out process at times, and we have had a fair bit of scrutiny of the Bill and a fair number of discussions about it. I pay tribute to her for the work that she has done, just as my colleague Roy Beggs has done. I support all the amendments and look forward to the next stage of the Bill.

**Mr Dickson:** First, I apologise for not being here for the commencement of the debate. The timings have moved quickly today, and that is good for the Assembly. I, too, congratulate my colleague Judith Cochrane for the work that she has done. Indeed, looking first-hand at how an individual Member has worked to plan and guide a piece of legislation through the Assembly has been something that I have appreciated. For me, it has provided a learning opportunity as well and, perhaps if I am returned in the next mandate, it will give me the opportunity to consider how one might also bring a private Member's Bill to the Assembly.

Apart from the congratulations that I want to offer my colleague for the work that she has done, I have discussed with her all the amendments being debated at this point — those of a technical nature and that of Mr Allister. I understand that she is content with that and, as Mr Beggs said, it adds the additional reassurance that when licensing premises where there is the involvement of young people, that is an issue that the court has to take into consideration.

On that note, I will finish. I thank my colleague and indicate our support for all the amendments.

**Mr Allister:** As has already been alluded to, the purpose of amendment No 3 is to put it beyond doubt that there is an obligation on any court granting a stadium licence to consider whether, in circumstances where the primary function involved at any occasion involves minors, any special conditions are necessary for that licence. The amendment does not compel the court to impose any conditions, it simply makes it clear that the court, in considering a licence, must give due consideration to whether it needs any extra conditions for occasions such

as the Schools' Cup final or whatever other function there might be. It also alerts those who have the obligation to bring either applications or objections to the fact that those are matters that they should equally be considering.

It is modest in its terms. It is not prescriptive. It does not require the court to do anything other than to rationally and reasonably consider whether, in the circumstances, such a condition on a licence is appropriate. It leaves it to the court to decide one way or the other, but it avoids the possibility of something slipping through without ever being thought about. That is the purpose of putting it in the Bill, and I respectfully suggest that it is necessary. Whatever might be in the explanatory and financial memorandum, it is not part of the legislation, so, if you want to be sure that those matters will be duly considered, it is necessary for it to go into the legislation. On that basis, I will move the amendment.

**Mrs Cochrane:** I thank the Members who contributed to the short debate today. The measures that Mr Allister has proposed are quite measured. During Committee Stage, I considered bringing forward a similar amendment. It became quite difficult to word it if I was going to specifically put something in it. The way in which he has approached it does not actually place a condition immediately on the Bill. Therefore, if there were a GAA event and there were a junior match before the senior match, there would be flexibility operationally as to how that condition might be placed. I think it is appropriate. I said at the outset that it is within my policy intent. I made it very clear in my explanatory memorandum that those are my views. I am a mother; I want to protect children. I want to be able to provide a family environment at the same time as being able to sell alcohol in a controlled manner at our stadiums.

As I said, I thank the Members who have contributed. I am happy to support the amendments.

*Amendment No 1 agreed to.*

#### **Clause 2 (Meaning of "outdoor stadium")**

*Amendment No 2 made:*

In page 1, line 17, leave out "other".— [Mrs Cochrane.]

#### **Clause 4 (Attachment of conditions to licences)**

*Amendment No 3 made:*

In page 2, line 27, at end insert "(b) after paragraph (2) there shall be inserted—

*'(2A) In exercising a power under paragraph (2) in the case of a licence for an outdoor stadium, the court shall consider whether there should be attached to the licence conditions which would be appropriate in circumstances in which the outdoor stadium was being used primarily for events designed to appeal to persons under the age of 18 (regardless of whether the application relates to that matter).'*— [Mr Allister.]

#### **Clause 8 (Commencement and short title)**

*Amendment No 4 made:*

In page 3, line 11, leave out subsection (2).— [Mrs Cochrane.]

**Mr Principal Deputy Speaker:** That concludes the Further Consideration Stage of the Licensing Bill. The Bill stands referred to the Speaker.

## **Licensing Bill: Suspension of Standing Order 42(1)**

**Mrs Cochrane:** I beg to move

*That Standing Order 42(1) be suspended in respect of the Final Stage of the Licensing Bill [NIA 69/11-16].*

This motion is necessary to allow the Final Stage of the Licensing Bill to be taken on 15 March, as this is less than the five working days required under Standing Orders between Further Consideration Stage and Final Stage. The alternative to this motion would have been to request that the Business Committee schedule an additional sitting on 16 March. I hope that Members agree that, in the context of this short, focused piece of legislation, the approach that I propose, of suspending the Standing Order, is preferable. I thank the Business Committee for agreeing to the scheduling of the motion and ask Members to support it.

**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 Order 42(1) be suspended in respect of the Final Stage of the Licensing Bill [NIA 69/11-16].*

**Mr Principal Deputy Speaker:** The Final Stage of the Licensing Bill will proceed on Tuesday 15 March.

*Adjourned at 6.12 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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## Office of the First Minister and deputy First Minister

### Economic Pact: Building a Prosperous and United Community

*Published at 10.00 am on Thursday 3 March 2016*

**Mrs Foster and Mr McGuinness:** (The First Minister and the deputy First Minister):

We are today announcing the publication of the second progress report on the implementation of the Economic Pact document, *Building a Prosperous and United Community*.

The pact was published by the Government and the Executive in June 2013 and sets out a series of measures consistent with rebalancing the economy and building a shared future, as well as unlocking projects to boost growth.

The measures set out in the pact included a mechanism for taking forward the devolution of corporation tax, as well as £100 million in additional borrowing for shared future projects. It was also confirmed that Northern Ireland would continue to benefit from 100% Assisted Area Status to drive investment and business expansion.

In July 2014 we published *Building a Prosperous and United Community: One Year On* reflecting on the progress made after one year. Whilst this set out the significant progress that had been made over the previous 12 months, for example in enhancing access to finance, it was also recognised that further action was necessary.

This 2016 Progress Report reflects on the progress that has since been made across all areas.

In respect of the economic outlook the local economy continues to grow. Employment has **increased by 46,000 since 2010. Our private sector has been driving these improvements, growing by 6% since the end of 2012 and adding 12,000 jobs in the last year alone.** A major contribution has been made by Invest NI which in 2014-15 supported 14,000 new promoted jobs, created 9,410 jobs and £1.4 billion investment in the economy.

Since the One Year On update was published the legislation has been enacted to allow the devolution of corporation tax rate-setting powers to the Assembly. Through the Fresh Start Agreement in November 2015 the Executive committed to a commencement date of April 2018, and a devolved rate of 12.5 per cent. This will enable the rebalancing of the economy towards greater private

sector led and value added growth more quickly than would otherwise be possible.

The Executive also recognises the need not to add unnecessarily to the cost of doing business. Informed by the findings from the Review of Business Red Tape the Executive has agreed a 5 year programme of regulatory reform designed to reduce the burden on business and support economic growth, while continuing to provide necessary protections for workers, citizens and the environment.

However, sustainable improvements in economic growth can only be achieved if progress is also made in terms of a shared society. In this respect, work continues on the projects under Together: *Building a United Community (TBUC)*. This is an ambitious framework that includes commitments on education, housing, regeneration, sports, youth development, community interaction and interfaces.

There has been continued progress on the projects to be funded from the additional borrowing facility, including integrated primary schools and further education facilities. In addition, Ravenhill Road was the first shared neighbourhood scheme completed and others are now underway.

The other TBUC measures are also proceeding such as the summer camps pilot programme where the feedback has been positive from the 101 camps held in 2015 by the 4,200 participants. As a consequence we have approved the proposals for a further series of summer camps this year.

Together these projects will help increase the availability and quality of shared education places and increase the opportunities for people across different communities to live together.

Moving forward, the Executive remains committed to working together to continue to rebalance the economy and build a shared future.

We will continue to work on the ongoing economic pact measures and on the commitments set out in the Stormont House and Fresh Start agreements so that these agreements are implemented in full.

# Building a Prosperous and United Community: 2016 Progress Report

March 2016

## Building a Prosperous and United Community: 2016 Progress Report

The Northern Ireland economic pact, *Building a Prosperous and United Community*, was published in June 2013 in advance of the UK hosted G8 summit held at Lough Erne. The economic pact set out a series of measures consistent with the Executive's Economic Strategy and the joint Government and Executive aims to rebalance the Northern Ireland economy and build a shared future.

This document seeks to update on progress made across the economic pact since it was signed in 2013 with a focus on the work since the *One Year On* update published in July 2014.

Since the *One Year On* update was published Parliament has passed legislation to allow the devolution of corporation tax rate-setting powers to the Northern Ireland Assembly. This could bring benefits for an estimated 34,000 companies of all sizes in Northern Ireland. The legislation includes a commencement clause and devolution of the powers remains subject to the conditions set out in the Stormont House Agreement. Through the Fresh Start Agreement in November 2015 the Executive set out its intention to have a Northern Ireland rate of 12.5 per cent from April 2018.

The British-Irish Visa Scheme launched for China in October 2014 and was expanded to India in February 2015. By allowing Chinese and Indian nationals to visit both the UK and Ireland on a single visa the scheme assists tourists and business visitors who wish to visit both Ireland and Northern Ireland.

In November 2015 the Government announced two Northern Ireland routes were amongst those to benefit from start-up support from the Regional Air Connectivity Fund. The Executive is currently exploring ways to support air route development in Northern Ireland and is expecting to make an announcement before the end of the financial year.

In 2013-14 the Executive commissioned a Review of Business Red Tape to put forward recommendations for reducing the regulatory burden on business and support economic growth, while continuing to provide necessary protections for workers, citizens and the environment. The Executive has agreed a five year programme of regulatory reform designed to support growth of the Northern Ireland economy and contribute to its overall competitiveness.

The MoD announced in February 2016 that it would be gifting 59 surplus properties in Lisburn to the Executive. These properties will be used to increase the provision of shared housing. The MoD will continue to explore whether it might be possible to transfer further surplus military assets in the future on a case by case basis.

The Green Investment Bank has now committed to invest over £70 million to projects in Northern Ireland.

The Joint Ministerial Taskforce on Banking and Access to Finance has made good progress on its priorities,

including promoting the effectiveness of national finance initiatives including through the British Business Bank (BBB). This has helped deliver approximately £60 million in finance to businesses in Northern Ireland. The Taskforce also worked to successfully secure local bank lending data for Northern Ireland which was published for the first time in July 2014. Recent data has shown that new quarterly lending to SMEs in Northern Ireland has increased from £300 million in Q3 2010 to £355 million in Q3 2015 and that the third quarter of 2015 saw a similar number of SME loans approved as in the corresponding period the year before with 9 in 10 applications approved.

The Government and Executive remain committed to working together to continue to rebalance the economy and build a shared future. These objectives are further supported by the Stormont House and Fresh Start agreements.

## Rebalancing the economy and building a shared future

### Economic outlook

1. The Northern Ireland economy continues to grow, though this growth is not as strong as has been the case in recent years. There has been some mixed performance across sectors and it is clear that the local economy will remain exposed to both the benefits and headwinds which the global economy continues to grapple with. Growth in Northern Ireland exports of 4 per cent in the last year shows that Northern Ireland is well positioned to take advantage of opportunities on the global stage.
2. The labour market continues to perform consistently well. Importantly for the Government and Executive's joint aim of rebalancing the local economy the number of people in employment has increased by 46,000 since 2010 and the number of private sector jobs has increased by 12,000 in the last year alone. An added boost is that the wages people are taking home are also increasing – up over 5 per cent in the last year – with increases driven by the private sector. This week three hundred manufacturing jobs and a supply chain stretching across Northern Ireland and the wider UK have been safeguarded by a multimillion pound deal between Transport for London and Wrightbus for nearly 200 New Routemaster buses.
3. While business and consumer confidence remains high in Northern Ireland, many commentators expect the economic challenges to remain for the global and local economies alike. The Government and the Executive will continue to work together to help rebalance the local economy and build on the foundations of recovery to support further growth and jobs in the years to come.

### Investment to build a shared future and support jobs

4. The economic pact, *Building a Prosperous and United Community*, included a number of measures aimed at contributing to the Executive's strategy to improve good relations, Together: *Building a United Community (TBUC)*, which was published by the Executive in May 2013.
5. These measures included the Government making additional borrowing of up to £50 million in both 2014-15

and 2015-16 available to the Executive to provide support for specific shared housing and education projects.

6. The *Building a Prosperous and United Community: One Year On* report set out that the Government had agreed to an Executive request to reprofile the borrowing available to cover an additional year to 2016-17. The report also set out that the Executive would commit additional capital funding from 2017-18 onwards to ensure the successful completion of projects.

7. There has been continued progress against the *TBUC* headline actions, including the Shared Neighbourhoods Programme which mainly uses the additional borrowing and other funding provided through the economic pact:

- 7.1 **Shared Neighbourhoods:** The first social housing development at Ballynafoy Close on the Ravenhill Road has completed and houses have been allocated. A further four schemes have commenced; Ravenhill Avenue, Belfast; Felden Mill, Newtownabbey; Crossgar Road, Saintfield; and Burn Road, Cookstown. A further five schemes are planned for 2016: Embankment Ballynafeigh, Belfast; Dromore Street, Banbridge; Main Street, Dundrum; Market Road, Ballymena; and Antrim Road, Ballynahinch.

The Northern Ireland Department for Social Development (DSD), in conjunction with the Northern Ireland Housing Executive and Housing Associations, are seeking to identify additional schemes for inclusion to the programme.

A number of these schemes are making use of the additional borrowing provided as part of the economic pact (Ballynafoy Close, Ravenhill Avenue, Felden Mill and Crossgar Road); with £7.7 million being used to contribute to the creation of up to an additional 600 properties in a shared environment.

- 7.2 **Shared education campuses:** The shared campuses programme is aimed at providing support for the delivery of shared education of children and young people through shared facilities, enhanced facilities and shared campuses where schools are co-located or share infrastructure.

The Northern Ireland Department of Education (DE) announced the first three successful projects to progress in planning under the Shared Education Campuses Programme in July 2014, a shared STEM and sixth form facilities in Limavady and two shared education campuses, a primary one in Moy and a post primary one in Ballycastle. Economic Appraisals are being progressed and arrangements for ownership, governance and management are being developed. Following a second call for applications, six proposals covering over 20 schools were submitted and are currently being considered by the Minister for Education.

The Strule shared Education campus site (recently rebranded, formerly Lisanelly), which is additional to the ten shared sites committed to in *TBUC*, is being progressed using £40 million from the shared future borrowing facility. Over the last year steady progress has been made on phase one with site wide demolition nearing completion and construction of the first premises on site, Arvalee School and Resource Centre, underway. A design team has been

appointed to take forward plans for future phases of construction. Procurement of the main works contractor will follow later in 2016-17. As a result of the commitments made in the pact, borrowing of £15 million will be made available in the 2016-17 financial year to fund further stages of development.

- 7.3 **United Youth Programme/Youth Initiative:** The Government transferred €50 million from its territorial cooperation budget to PEACE IV. The European Commission formally adopted the PEACE IV programme on 30 November 2015 and calls for proposals for projects will begin in 2016. The intention is that this additional funding will have a focus on young people, shared space and civic leadership.

The PEACE IV programme will complement work being taken forward under *TBUC*, however, further work on the detail of the Youth Initiative proposal is required. This initiative will support the roll out of the full United Youth Programme. United Youth will offer young people, primarily those not in education, employment or training, the opportunity to participate in structured activity, volunteering and leisure opportunities, along with a dedicated programme designed to foster good relations and build a united and reconciled society.

A pilot project to test elements of the United Youth Programme ran from February to August 2014. The Executive has funded a further 13 pilots, from the summer of 2015 until March 2016, involving 12 lead organisations, 17 partner organisations, and over 300 young people. The purpose of these pilots is to test a range of approaches with a view to developing a service design framework for the United Youth Programme post 2015/16, and to test an Outcomes and Principles Framework.

- 7.4 **Interface barrier removal:** Work to date has reduced 59 barriers to 52 with parts of three other structures removed. Engagement has been initiated on 40 of the remaining 52 structures. Specific action plans have been developed covering 24 structures.

- 7.5 **Summer schools and camps:** One of the four key priorities set out in *TBUC* is 'Our Children and Young People' and a headline action under this priority was to develop a Summer Camps Pilot Programme consisting of 100 summer camp projects to be run throughout summer 2015. This Programme is about building positive relations among young people across all parts of our community with the Camps operating on both a local and regional level and open to young people aged 11 to 19 years. A budget of £1.2 million was made available for the 2015 Programme.

101 camps have been progressed since the start of summer 2015 with approximately 4,200 young people taking part. Feedback received has been positive and indicates that the camps have provided opportunities for young people to have in-depth and meaningful engagement with people from a different community in a safe and fun environment.

The interim evaluation report of the 2015 pilot was completed in November 2015 with the final report due in early March 2016. Ministers have approved proposals for a 2016 programme, which has been informed by the interim evaluation and extensive

engagement with stakeholders including young people who participated in the 2015 summer camps. It is anticipated that the application process for the 2016 programme will start in early March 2016 and be completed by 30 April 2016.

**Urban Villages:** The first two Urban Village locations were announced in March 2014 as Colin Town Centre, Lisburn and Lower Newtownards Road, now known as Eastside in Belfast. Three further locations were announced in 2015 - Markets/Donagall Pass/Sandy Row and, Ardoyne/Ballysillan in Belfast together with Bogside/Fountain in Derry/Londonderry. Engagement is ongoing with local communities, Government Departments and local Councils to inform the development frameworks for each Urban Village.

- 7.6 **Cross community sports programme:** The Northern Ireland Department of Culture, Arts and Leisure (DCAL) has completed a 12 week pilot youth sports programme in two areas of Belfast involving young people engaged in a range of sporting and creative activity with a strong good relations focus. A second phase of activity is underway in both areas.

Community engagement has commenced on scoping the potential of extending the programme in the Lisnaskea area. DCAL is also considering the potential to run a sports programme in an Urban Village area. The revised cross community youth sports programme will be informed by lessons learned from the pilot.

8. There are also a number of other projects that will use the additional borrowing made available through the economic pact:
- 8.1 **Southern Regional College - Craigavon Further Education College:** This will be a completely new further education campus for the Southern Regional College which will replace two existing campuses in Portadown and Lurgan.

A site has been secured for the new campus and the Integrated Consultancy Team was appointed in August 2015 to take the project through the detailed design and planning processes.

Some £22.5 million of the borrowing has been allocated to support the development of the campus.

- 8.2 **Integrated Primary Schools:** The business case is now approved for the new build, seven class base school and nursery for Corran Integrated Primary School in Larne. The design of the new school is ongoing and it is anticipated that the project will start construction in 2016-17 with completion before the end of 2017.

The project for the new seven class base school and nursery for Omagh Integrated Primary School is shortly to commence the procurement phase for the build. Site work is anticipated to start early in 2016-17 and be completed in 2017.

The Education Minister has approved a development proposal for the expansion of Portadown Integrated Primary School from seven class to 14 class. The project also includes the provision of a double nursery unit.

These projects will deliver new, state of the art facilities for these integrated schools at a total estimated cost of some £13.5 million, including £8

million of the borrowing made available for shared future projects.

- 8.3 **Shared mixed tenure housing scheme:** DSD is working with Housing Associations and the Regional Development Office to advance the necessary business cases for two new developments that will include shared social housing, privately owned and privately rented accommodation. These sites are being facilitated by £15 million borrowing provided under the economic pact.
- 8.4 **Housing, environmental improvement:** In Portadown £300,000 of borrowing will finance the improvement of shared space between existing estates which is due to commence on early in the new financial year.
9. In total this brings the additional capital borrowing requested by the Executive and provided by the Government to £100 million. The Executive has committed additional capital to ensure the successful completion of these projects.

### Structural funds

10. *Building a Prosperous and United Community* indicated that the Government was committed to revising the allocations of Structural Funds envisaged by the EU criteria. The Government confirmed the allocations to each part of the United Kingdom in 2014. The allocation to Northern Ireland was €513 million (current prices).
11. The purpose of EU Structural and Investment Funds include promoting competitiveness. Two Investment for Growth and Jobs Operational Programmes using the Northern Ireland allocation were adopted in December 2014. In addition a further €552 million of funding is also available through the European Territorial Co-operation objective to support further PEACE IV and INTERREG VA Programmes in the 2014-2020 period.

### Boosting growth

#### Corporation Tax

12. The Government remains committed to making the UK one of the best places in the world to do business. Since 2010, the Government has cut the main rate of corporation tax from 28 per cent to 20 per cent giving the UK the joint lowest rate of corporation tax in the G20. The Summer Budget 2015 announced that the main rate of corporation tax will fall further, to 19 per cent in 2017, and then to 18 per cent in 2020.
13. Through *Building a Prosperous and United Community* the Government committed to continue work on corporation tax devolution. Following the Stormont House Agreement, Parliament passed the Corporation Tax (Northern Ireland) Act 2015, which provides the legislation to devolve the power to set a rate of corporation tax in Northern Ireland to the Northern Ireland Assembly. The Stormont House Agreement also set out that the powers will be commenced subject to the Executive demonstrating that its finances are on a sustainable footing for the long term.
14. The Fresh Start Agreement, published in November 2015, paves the way for the completion of the devolution of corporation tax powers. Through the

agreement the Executive set out its intention to have a Northern Ireland rate of 12.5 per cent from April 2018.

15. HMRC is continuing work on preparations for the implementation of the Northern Ireland corporation tax regime. In December 2015 a Memorandum of Understanding (MoU) was signed with DFP. The MoU includes provisions on developing IT and administrative systems as well as on recharging costs incurred by HMRC on implementation.

### **Fiscal Powers**

16. The economic pact also recognised a need to examine the potential to devolve additional fiscal powers and increase the financial accountability of the Executive. The Government remains willing to consider any proposals the Executive might come forward with for additional fiscal powers.

### **Providing targeted support to the private sector**

#### **Assisted Area Status**

17. *Building a Prosperous and United Community* set out that the Government will ensure that Northern Ireland continues to benefit from 100 per cent Assisted Area Status for at least the medium term.
18. The Government published the UK Assisted Areas Map for 2014-2020 in April 2014. This included 100 per cent Assisted Areas Status for Northern Ireland and came into force on 1 July 2014.
19. The Executive, through Invest NI, will continue to use the Selective Financial Assistance (SFA) Programme post 2015 to drive investment, business expansion and job creation, with SFA increasingly used to secure new first time investments and follow-on expansions from SMEs. In the period 2013/14-2014/15 Invest NI provided almost £140 million of assistance through SFA towards a total planned investment of over £1.5 billion which supported 18,215 new jobs through 835 projects delivered across Northern Ireland.

#### **Enterprise Zone**

20. The economic pact set out that the Government would be willing to consider designating a range of sites in Northern Ireland as Enterprise Zones with access to Enhanced Capital Allowances (ECAs), should the Executive propose them. ECAs support investment and expansion by offering 100 per cent relief on expenditure on qualifying plant and machinery in the first year of business.
21. The Chancellor's 2014 Budget announced that businesses located within the Executive's proposed pilot Enterprise Zone near Coleraine will benefit from ECAs until 2020. The Executive has now determined the location of the pilot Enterprise Zone near Coleraine which will benefit from ECAs. The Government intends to introduce the necessary legislation in the coming weeks and is working closely with the Executive to finalise the administrative steps required to ensure the ECA offer becomes operational in the coming months.
22. As set out in the *One Year On* publication, the Government remains willing to discuss funding further proposals for ECAs within Enterprise Zones with the

Executive. The Government also remains willing to permit the Executive to increase the number of areas which benefit from ECAs even further, should they agree to meet the incremental costs and proposals are compliant with state aid considerations.

23. It remains for the Executive to bring forward any broader proposals for Enterprise Zones recognising that other benefits associated with Enterprise Zones in England, such as business (non-domestic) rates, are the responsibility of the Executive.

### **Reducing business red tape**

24. The Executive has carried out its own Red Tape Review and in November 2014 DETI published *Making Life Simpler: Improving Business Regulation in NI*.
25. The review made 44 recommendations, including the adoption of a regulatory budget scheme and appointing an independent Northern Ireland better regulation champion.
26. Building on the recommendations in the Review report, along with other key factors, the Executive has agreed to a five year Action Plan of regulatory reform. It is currently being finalised, with the intention of the DETI Minister publishing it in the near future.

### **Research and Development (R&D)**

27. Through the economic pact the Government committed to provide up to £3 million of funding to support the building of a facility to test space propulsion systems in Northern Ireland, subject to agreeing the business case for investment. In February 2016, the UK Space Agency approved a funding proposal from European Space Propulsion (ESP) to part-fund a Mono-Propellant Chemical Propulsion Test Facility as part of the overall UK Government commitment. The project is scheduled to commence in 2016.
28. The UK Space Agency has also committed funding of €5.5 million through the European Space Agency to adapt an electric propulsion engine designed by Aerojet to fit European satellites. ESP, which is owned by Aerojet Rocketdyne, will undertake to increase its industrial footprint in Northern Ireland, maximising the value of these Government investments.
29. The economic pact also recognised the importance of Bombardier as one of Northern Ireland's largest private sector employers. The October 2013 update highlighted that the Government and the Executive had approved the business case for an engine nacelle R&D project at Bombardier Aerospace in Belfast.
30. Since the *One Year On* report, Invest NI and BIS have worked with the European Commission regarding state aid requirements. Following this work Invest NI and BIS have committed to provide £6.57 million and £4.38 million respectively towards the £110 million project, which aims to directly create over 230 jobs in Northern Ireland.
31. Aerospace companies based in Northern Ireland, as with those in other parts of the UK, are permitted to bid for funding committed to support collaborative aerospace R&D, supported by the Aerospace Technology Institute. The Government funding is matched by industry and in

total, around £1.1 billion has already been committed to aerospace research work (c. £550 million Government grant). The 2015 Spending Review protected and extended this funding by six years to 2025-26, with an additional £900 million of Government investment. Taken with the previous commitment and industry match funding, this represents a joint funding commitment worth £3.9 billion over 13 years from 2013.

32. Examples of companies based in Northern Ireland which have benefitted from this funding include:

32.1 Bombardier, which is contracted to receive approximately £9.5 million funding for six projects looking into engine nacelle technology and the development of wing technologies.

32.2 Datum Tool Design Ltd, Event Map, and Queens University Belfast, are receiving £121,700, £140,000 and £1 million respectively for the Airbus-led Factory of the Future for Aircraft Wing Manufacture and Assembly project.

### **Promoting Northern Ireland as a great place to invest**

33. Over the course of 2014-15, Invest Northern Ireland support has delivered 13,785 new promoted jobs; created 9,410 jobs and £1.4 billion investment in the economy.
34. Northern Ireland's standing as a great place to do business has continued to grow and in 2014-15 there were a record 25 new investors in Northern Ireland securing over 1,000 new jobs and over £63 million investment.
35. There has been a number of notable successes for our local companies including: 540 new jobs by Radox over four years following a £29 million capital investment; 403 new jobs in Belfast and Londonderry by Kainos; 484 new jobs in Newry by First Derivatives Group; 348 high quality jobs in the Almac Group over the next 5 years following a £54 million investment; £27 million investment and 209 new Jobs in Dungannon by Dunbia NI; 130 new jobs and £14 million investment in five R&D projects by Ballymena Company Wrights Group; and 80 new jobs by Lisburn company Decora Blinds.
36. 2014-15 was also a successful year in terms of externally owned companies: PricewaterhouseCoopers (PwC) are set to create 807 new jobs with over £40 million investment; Moy Park have announced a £170 million expansion that will provide 628 new jobs across Dungannon, Craigavon and Ballymena; Ernst and Young are to create 486 jobs in a major development in Belfast; Deloitte are set to further expand in Belfast creating 338 high quality jobs; and Baker & McKenzie have chosen Northern Ireland as the location for its new Global Services centre creating 256 quality jobs.
37. Additionally, in December 2014 it was announced that Citi would be creating 600 new jobs in Belfast. Citigroup was one of the companies which met with the Prime Minister during the investment conference hosted in Belfast in 2013.

38. Following an Investment Seminar, which was co-hosted by the Secretary of State for Northern Ireland, for High Commissioners and Ambassadors in November 2013, a number of Ambassadors have visited Northern Ireland. The Swedish Ambassador visited in October 2014 and both the Turkish and Latvian Ambassadors have now also visited. The Government continues to explore other opportunities for promoting investment and trade through London-based Ambassadors. Additionally last year the Secretary of State spoke alongside the Northern Ireland Minister of Enterprise, Trade and Investment, at an investment meeting at the Japanese Embassy.
39. UK Trade & Investment (UKTI) part funds the British Film Commission (BFC) to enable its activity to promote overseas film coming to the UK; and Northern Ireland is a key territory for their film and high-end television remit.
40. Along with the BFC's other regional and national screen agency partners, NI Screen take part in all key BFC inward investment focussed events. Additionally the BFC supports NI Screen in attracting and supporting major film and television projects in Northern Ireland.
41. The Government has also cooperated with the Executive through Innovate UK to stimulate businesses across Northern Ireland. For example the Knowledge Transfer Partnerships (KTP) programme aims to improve the competitiveness of businesses through an innovation project managed by a recently qualified individual working within a business with support provided from academia. Currently almost 8 per cent of all KTP projects are with companies operating in Northern Ireland.
42. Innovate UK is also a major funding partner of the Centre for Secure Information Technology (CSIT) based at The Institute of Electronics, Communications and Information Technology at Queen's University. This is a world class facility, which has adopted an entrepreneurial approach in the area of cyber security.

### **Trade Cooperation**

43. The Government is considering possible further joint trade activity following the success of the first ever UK-Ireland joint trade mission in February 2014 to the Singapore Airshow. This involved Ministers from London, Belfast and Dublin.

#### **Defra – DARD cooperation**

The UK Department for Environment, Food and Rural Affairs (Defra) works in close partnership with the Northern Ireland Department of Agriculture and Rural Development (DARD) to continue opening more markets for animals and animal products and help to build resilience in the agri-food sector. This partnership approach is embedded in strategic groups covering the main agri-food sectors, and through regular engagement between respective Chief Veterinary Officers.

For example, extending UK access to China for pork products has been a shared priority, jointly agreed and discussed in these forums. Joint working groups were established between Defra and DARD colleagues. These groups were supported by industry, to push this objective forward and complete the complex processes required to secure approval for Northern Ireland pork processing establishments to export to China and to extend the scope of UK market access.

This close collaboration was supported by Foreign and Commonwealth Office colleagues in Beijing, with the UK Agricultural Counsellor working closely with the Northern Ireland Bureau Director to progress negotiations. This work laid the foundation to enable ministers to conclude negotiations over terms for pork products in November 2015, with current work ongoing to finalise the technical processes that will enable Northern Irish pork to be exported to the growing Chinese market.

44. Invest NI has appointed a Relationship Manager tasked with driving UKTI / Invest NI engagement to mutual benefit. Recent successes include a UKTI ExploreExport event which took place in November 2015 at Titanic, Belfast. The event presented 225 Northern Ireland business delegates with the opportunity to meet on a one-to-one basis with UKTI Commercial Officers from 39 international markets and benefit from their experience and knowledge of market opportunities.
45. Invest NI hosted a UKTI 'Doing Business in' Mexico Seminar and 'Meet the Buyer' event in October 2015. In total, 48 NI companies had 70 one-to-one meetings with Mexican buyers over the course of the three days. A second multi-sector trade mission to Mexico is planned for March 2016 and recruitment is underway. This mission will offer Northern Ireland companies the opportunity to exhibit as part of the UKTI's pavilion at ANTAD EXPO 2016.
46. UKTI, Enterprise Ireland and Invest NI have built a strong working relationship over the last three years, encouraging greater collaboration and partnership between the UK and Ireland. A UK-Ireland trade networking event took place at Arab Health, Dubai, in January 2015. This was followed by a networking reception at GITEX (Dubai) in October 2015 for the ICT sector. Work continues on a range of initiatives, sharing knowledge and information and organising joint trade activity. Organisations such as the Enterprise Europe Network have been approached to build on brokerage events already in place and to widen our scope for collaboration. It is expected that this ongoing activity will strengthen the economic ties between our countries, and support high-value jobs and sustainable growth.
47. Invest NI's aerospace and trade teams worked with UKTI to bring a senior delegation of the UK-China Aviation Working Group to Northern Ireland as part of the Group's UK programme in October 2015.
48. As part of the Exporting is GREAT (EiG) campaign, the EiG truck will be visiting Northern Ireland between 16-20 May 2016; with the focus on attracting more new SMEs to export. The operational elements of the campaign will be co-ordinated by Invest NI, in collaboration with Government departments.

### ***International relations strategy***

49. The Executive Bureau in Beijing has been developing representative ties between the Executive and the Chinese Government, identifying new markets for programme work, establishing contacts for products and services and securing Chinese Government support for collaborative projects involving Ulster University and Queen's University Belfast.
50. The Bureau also facilitated the signing of a number of business and educational agreements between Chinese Provinces and the Executive. Additionally, it managed visits to China for the Agriculture and Economy Ministers and secured meetings with leaders in the central and provincial governments. In response, the Chinese Foreign Minister formally launched the Chinese Consulate in Belfast. It is the third Chinese Consulate in the United Kingdom, alongside Edinburgh and Manchester, and it is hoped that it will be delivering Consular services later in 2016. The Confucius teaching centres across Northern Ireland schools continue to develop with many children of primary and secondary school age receiving tuition in the Mandarin language and on Chinese history and culture.

### ***Export Finance***

51. UK Export Finance (UKEF) offers a range of products and services to support UK exporters. Since introducing new products aimed at the needs of the smaller exporters in 2011 (for example the Bond Support and Export Working Capital products, which increase access to finance by releasing cash flow for exporters) UKEF has seen increasing numbers of exporters making use of its services.
52. UKEF is also working closely with UKTI, the British Business Bank and private sector financial intermediaries to ensure that market gaps in the provision of finance for SME exporters can be filled in a simple, easy to access way, including by making use of digital processes wherever possible. UKEF is working closely with the banks to pilot simplified working arrangements that would also speed up turnaround times for smaller exporters and has consulted on simplifying its anti-corruption requirements to make them easier to understand for smaller companies.
53. In September 2015 UKEF and General Electric (GE) signed a memorandum of understanding with UKEF confirming its appetite to consider providing financing support for nearly £8 billion of projects, and GE (with a site in Lisburn) pledging ongoing support for, and agreeing to promote UKEF's products to, its UK supply chain.
54. UKEF and the Canadian Export Credit Agency (EDC) will consider joint support for customers who buy the Bombardier C-Series aircraft. The UK share in

initial deliveries will be 32 per cent as the wings and some fuselages will be manufactured in Belfast. This support will flow from Bombardier to its supply chain as each delivery takes place.

55. UKEF continue to provide an adviser to the Executive. Located within Invest NI the advisor works to:
- 55.1 Encourage greater promotion and utilisation of UKEF schemes with banks that have signed up;
- 55.2 Encourage those banks who have not signed up to UKEF schemes to sign up, promote and utilise the schemes; and
- 55.3 Promote UKEF in Northern Ireland to ensure products are widely known and available to eligible exporters.
56. UKEF is working closely with Bank of Ireland and First Trust Bank as they both make progress towards signing up to participate in UKEF schemes. The UKEF list of participating banks includes local Northern Ireland banks, with Ulster Bank participating in the Bond Support Scheme and Danske Bank NI having recently signed up to be a participating lender for the Export Working Capital Scheme.

#### ***Providing a boost to tourism in Northern Ireland***

57. The British-Irish Visa Scheme was launched in China in October 2014 and extended to India in February last year. The scheme allows Chinese and Indian nationals to visit both the UK and Ireland on a single visa. By doing so the scheme assists tourists and business visitors who wish to visit both Ireland and Northern Ireland.
58. The Government continues to work closely with the Republic of Ireland to identify further opportunities to expand the joint visa work and thus encourage tourists to visit both nations.
59. Northern Ireland has exceeded the Executive's 2014 aims of increasing tourism revenues to £676 million and visitor numbers to 4.2 million, by achieving £751 million in tourism revenue and 4.5 million in visitor numbers. Latest published figures report that for the first nine months of 2015, there were 3.5 million overnight visits in Northern Ireland and expenditure associated with these visitors stood at £599 million. These figures keep Northern Ireland on track towards reaching the longer term goal to make local tourism a £1 billion industry by 2020.

### **Unlocking projects to boost the Northern Ireland economy**

#### **Pushing forward with infrastructure projects**

#### ***Using UK Government guarantees as a means to unlock key projects***

60. Through the economic pact the Government will, where possible, apply its Infrastructure Guarantee Scheme flexibly to ensure that locally or regionally significant projects in Northern Ireland will be eligible.
61. Two projects from Northern Ireland have prequalified under the UK Guarantees Scheme: the Islandmagee

Gas Storage Facility in County Antrim and the arc21 Residual Waste Project.

#### ***Planning Reform***

62. The economic pact recognised the need for reform in the Northern Ireland planning system so it does more to support economic development. Some helpful progress on this has been made in delivering reform.
63. A major element of the reform programme was successfully completed in April 2015 when responsibility for operational planning transferred to the newly formed 11 district councils. The Northern Ireland Department of the Environment (DoE) has retained responsibility for strategic planning and for planning policy including primary and subordinate legislation and the formulation and circulation of authoritative guidance on planning.
64. A number of specific initiatives were pursued in support of the transfer of operational planning responsibilities to councils. These aimed to improve the policy, operational, procedural and legislative framework within which the planning system operates and impact on how the councils operate their new planning powers. These included initiatives to improve and shorten the response times for planning consultees, preparing a new simplified single planning policy statement, and introducing new guidelines to facilitate pre application discussions, especially for major projects.
65. During 2015-16, a key focus was to consolidate the new planning system and support the new councils in their new decision making role as well as providing a fit for purpose policy and legislative framework for the planning system. In September 2015 DoE published the *Strategic Planning Policy Statement for Northern Ireland* (SPPS) in final form following a period of extensive engagement with key planning stakeholders. This publication sets out the Department's regional planning policies for securing the orderly and consistent development of land in Northern Ireland under the reformed two-tier planning system. The provisions of the SPPS must be taken into account by councils in the preparation of Local Development Plans, and are also material to all decisions on individual planning applications and appeals.

#### ***Maximising the potential of Belfast Port***

66. Belfast Port continues to make a significant contribution to the local economy, directly as a source of employment and income and indirectly as an enabler of trade, investment and tourism.
67. The Executive aims to maximise the contribution Belfast Port makes to the Northern Ireland economy and will continue to work constructively with the Harbour Commissioners to explore how best to achieve this. The Department for Regional Development (DRD) is working to bring forward a Strategic Framework for the ports of Northern Ireland. The Framework will encourage competitive, market leading performance that facilitates economic growth and prosperity while supporting the Executive's strategic priorities.
68. The Government has continued to support the Executive. In October 2014 Government Ministers

met with the Northern Ireland Minister for Regional Development to discuss the Port of Dover reforms and the Government has shared details of the reform plan with DRD.

### ***Unlocking revenue from the Executive's assets***

69. The Executive has continued to implement the Asset Management Strategy through a number of implementation workstreams. As noted in the Fresh Start Agreement these include the Reform of Property Management, interventions to deliver savings through improved asset management and the realisation of capital receipts and re-financing.
70. During the financial year 2014-15 a total of £28.1 million capital receipts were achieved, bringing the total for the 2011-12 to 2014-15 budget period to £76.6 million, against a target of £71.8 million. In the current financial year £24.3 million (capital) was realised up to February 2016. The target for 2015-16 is £25 million, with a number of property asset disposals still in the pipeline for the remainder of the financial year.

### ***Building on Northern Ireland's strong communications infrastructure***

71. The Government and Executive have taken forward a successful programme of work to create a high quality communications infrastructure.
72. Phase 1 – a £23.6 million contract for delivery of Broadband Improvement Project was signed with BT in February 2014. The contract is supported by public investment of £19.3 million comprising £4.4 million allocated from the Government under the Broadband Delivery UK's Superfast Rollout Programme; £7.75 million from the Executive; £7.15 million from the European Union; and supplier investment of £4.3 million.
73. Phase 2 – a £16.1 million contract for extended delivery of Superfast Rollout Project was signed with BT in February 2015. The Government allocated an additional £7.05 million under Phase 2 which is matched with £7.05 million from the Executive; and supplier investment of £3 million.
74. Over 24,000 premises under Phase 1 will gain access to superfast broadband (at speeds of greater than 24 megabytes per second) by March 2016. By the end of Phase 2, a further 39,000 premises will gain access to superfast broadband by December 2017.
75. In December 2015, the Government introduced a Basic Broadband Scheme to meet the Universal Service Commitment providing homes and businesses with at least 2 megabits per second.
76. Belfast and Derry/Londonderry were successful in their bids for superconnected city status, and from April 2015 the Connection Voucher Scheme Challenge Fund was extended to cover SMEs in all 11 Supercouncil areas. Over 24,000 vouchers were issued to SMEs before the challenge fund was exhausted in October 2015.
77. The Government has secured a legally binding landmark agreement with the four mobile network operators to guarantee mobile voice and SMS text coverage to 90 per cent of the UK's landmass by

December 2017. In Northern Ireland some of the key expected benefits will be:

- 77.1 Coverage access to all four operators (in one location) to increase from 79 per cent to 89 per cent of landmass;
  - 77.2 Partial not-spots to be almost halved, reducing from 19 per cent to 10 per cent of Northern Ireland landmass; and
  - 77.3 The total number of mobile not-spots to be reduced by two-thirds, so that 99.7 per cent of the Northern Ireland landmass will have coverage from at least one operator.
78. The Mobile Infrastructure Project (MIP) is also being delivered in Northern Ireland. The Government is investing in building mobile masts in remote rural locations that have no coverage and where it has not proved economic for the private sector to roll-out. Once built, MIP masts will provide 3G and 4G coverage by all four mobile operators. MIP is finishing at its scheduled end date of March 2016 and it is expected that nine masts will have been built by the end of the project in Derry City and Strabane; Fermanagh and Omagh (two masts); Mid-Ulster District (four masts); Lisburn City and; Castlereagh District and Armagh City, Banbridge and Craigavon District.

### ***Air Travel***

79. Budget 2014 announced that Start-up support will be added to the scope of the Regional Air Connectivity Fund and will encourage airlines to set up new routes from regional airports. In November 2015 the Department for Transport announced 11 routes that would receive Start-up support. These included a route from City of Derry Airport to Dublin. A route based in Carlisle flying to Belfast City Airport was also included.
80. DETI is exploring ways to support air route development in Northern Ireland designed to encourage the introduction of new routes which would support inbound tourism and economic development. It is anticipated that there will be an announcement by the DETI Minister on the way forward before the end of the financial year.

### ***The provision of surplus MoD assets to boost growth and build a shared future***

81. The *One Year On* report set out that the MoD had identified properties from surplus accommodation that could be used to increase the provision of shared housing. DSD has since developed proposals for the use of 59 surplus properties in Lisburn which will now be gifted to the Executive. The MoD will continue to explore whether it might be possible to transfer further surplus military assets in the future on a case by case basis.
82. Work continues regarding military assets already gifted to the Executive; OFMDFM is working through the sale process for the Shackleton site; DSD is leading on the redevelopment of the St Patrick's Barracks site in Ballymena; the Stakeholder Liaison Group for the former St Lucia Barracks in Omagh continues to discuss interests in the site. OFMDFM has initiated a Public Sector Interest Trawl for its holding in St Lucia and DSD plans to update the draft

master plan for St Lucia which will take account of the outcome of the trawl.

Helping business to access the finance they need to thrive

83. The Joint Ministerial Taskforce on Banking and Access to Finance was established and met during the last Parliament. Good progress was made on Taskforce priorities, including promoting the effectiveness of national finance initiatives; including British Business Bank (BBB) programmes. The BBB's programmes available to Northern Ireland's SMEs provide additional sources of finance to the range of funds already provided by Invest NI. In that regard, Invest NI has put in place a £170 million Access to Finance Initiative to ensure that companies with high growth potential are not constrained through lack of access to finance. Through the suite of funds, Invest NI is able to offer a continuum of funding for businesses seeking between £1,000 and £3 million over a series of funding rounds.
84. The Taskforce also worked to successfully secure local bank lending data for Northern Ireland which was published for the first time in July 2014. The data reveals that the lending environment in Northern Ireland has improved since the aftermath of the economic downturn. Data published by the British Bankers' Association shows that new quarterly lending to SMEs in Northern Ireland has increased from £300 million in Q3 2010 to £355 million in Q3 2015, having peaked at £462 million in Q1 2015, the highest quarterly amount recorded in the five year series. The data also highlighted that the third quarter of 2015 saw a similar number of SME loans approved as in the corresponding period the year before with 9 in 10 applications approved.
85. In addition to securing detailed sectoral information on bank lending to SMEs, and the success rate of SMEs applications for bank finance, household borrowing data is now produced. In April 2015 borrowing by individuals and businesses in Northern Ireland across more than 200 postcode sectors was released for the first time. This data has been developed further and in July local banks published their own data for the first time, with GB banks publishing their Northern Ireland lending profile alongside their GB lending. This provides significant breadth and depth to the bank lending data now available in Northern Ireland, which can help stimulate increased local lending.
86. The Executive's independent Economic Advisory Group (EAG) has produced an Access to Finance Update Report which sets out the current situation around access to finance for SMEs in Northern Ireland. It considers progress against each of the 13 recommendations made in the original EAG Report, along with a broader review of new evidence available in relation to both bank finance and other types of finance for early stage and growth businesses.
87. The report states that SMEs are in much better shape financially than even a couple of years ago and that bank lending has largely returned to its pre-downturn level, with almost all viable businesses who seek finance able to access it.
88. Whilst the availability of finance for SMEs is now clearly in a much better position than it has been for

some time, the report concludes that there are still some areas where further activity is needed.

89. The Green Investment Bank (GIB) has invested in a number of projects in Northern Ireland, including committing in November 2015 £47 million of equity to a new £107 million energy from waste plant in Belfast, adjacent to Bombardier Aerospace's wing production facility in the city's Harbour Estate.
90. The Bank also invested £20 million in a £81 million project to construct a now completed combined heat and power plant in Derry/Londonderry. As set out in the *One Year On* report other investments have included two anaerobic digestion projects in Cookstown and Banbridge where GIB's investment totalled £1.5 million and £1.7 million in projects worth £3 million and £3.5 million respectively.
91. The Green Investment Bank will continue to support viable projects in Northern Ireland and is currently considering a number of other investment opportunities.
92. The British Business Bank (BBB) is a Government owned economic development bank that makes business finance markets for smaller businesses work more effectively and dynamically, allowing them to prosper, grow and build UK economic activity, including in Northern Ireland. BBB manages Government business finance programmes (loans and equity investments) for smaller businesses within a single commercially-minded institution
93. The BBB has been working closely with the Ministerial Taskforce on Banking and Access to Finance and making significant progress in increasing its activity in Northern Ireland. New finance facilitated increasing from £8 million in 2013-14 to £13 million in 2014-15 and in the six months to September 2015 £9 million of finance was facilitated.
94. The BBB hosted an event in Belfast on 26 February 2015 to discuss the variety of funding options available for smaller businesses in Northern Ireland. The Secretary of State was the keynote speaker at the event, held in collaboration with DETI and Invest NI, and brought together over 150 members of the business community and both the traditional and alternative finance sectors.
95. The BBB's Enterprise Finance Guarantee Scheme delivered £4.65 million during 2014-15 and £3.79 million so far in 2015-16, bringing the total Northern Ireland funding from this scheme to nearly £39 million.
96. The BBB's Investment Programme facilitated delivery of £7.3 million in 2014-15 to 111 businesses; and £7.9 million to 86 businesses so far in 2015-16. This brings the total Northern Ireland funding from this scheme to £18.2 million.
97. The Start-Up Loans programme has a number of delivery partners in Northern Ireland which include The Prince's Trust, Enterprise Northern Ireland, GLE and X-Forces. The programme has issued 463 loans worth over £2.4 million to businesses in Northern Ireland.
98. The BBB has now closed three transactions under its new ENABLE programme, (two ENABLE Funding and one ENABLE Guarantee) which are designed

to incentivise both bank and non-bank financial institutions to lend more to smaller firms. Although it is still early stages, the ENABLE funding programme has already started facilitating financing Northern Ireland SMEs.

99. At the Chancellor's March 2015 Budget, the BBB released a Request for Proposal (RFP) for the £100 million pilot of the new 'Help to Grow' programme, which will support the provision of growth loans to established smaller businesses wishing to scale up. The pilot is open to finance providers across the UK, including those in Northern Ireland. The BBB is currently seeking delivery partners for the pilot, and is talking to a number of financial organisations. Proposals are now being assessed to make sure the pilot identifies scalable solutions that meet the needs of growth businesses. The first loans will be made in the first half of 2016 and, subject to a successful pilot, full delivery will follow, helping to leverage new lending to address a funding gap of up to £1 billion for high growth businesses.
100. At the recent Autumn Statement the Government announced plans to designate Experian, Equifax and CreditSafe under the Small and Medium Sized Business (Credit Information) Regulations 2015. These Credit Reference Agencies will receive SME credit information from designated banks, which includes the major lenders in Northern Ireland, and provide equal access to this information. This is a key part of the implementation strategy for the Government's reforms to improve competition in finance markets for smaller businesses across the UK.

### Broader context and next steps

101. The Government and Executive remain committed to working together to continue to rebalance the economy and build a shared future. An Executive announcement on additional ways to support air route development is expected in the coming weeks and the Executive will publish an agreed way forward on tackling red tape.
102. The aims of rebalancing the economy and building a shared future are also supported by the Stormont House and Fresh Start agreements. Through the Stormont House Agreement the Government made available additional spending power of almost £2 billion whilst the Executive committed to a series of medium and longer term reforms.
103. The Government and Executive will continue to work on the ongoing economic pact measures and on the commitments set out in the Stormont House and Fresh Start agreements so that these agreements are implemented in full.

## Enterprise, Trade and Investment

### Closure of the Northern Ireland Renewables Obligation to Onshore Wind

*Published on Friday 4 March 2016*

#### **Mr Bell (The Minister of Enterprise, Trade and Investment):**

From the outset, it has been my desire to bring the Northern Ireland Renewables Obligation (NIRO) to a controlled and managed end that strikes a balance between three important matters:

- protecting the interests of Northern Ireland consumers;
- protecting investments already made, and securing the investment that is already planned and associated economic benefits; and
- contributing to the Northern Ireland Executive's target on renewable energy.

Whilst renewable energy in Northern Ireland is a devolved matter, it is clear from discussions with the Department of Energy and Climate Change (DECC) that should we maintain a different policy on NIRO closure to new onshore wind than in GB, there could be serious implications for consumers and the renewables industry.

I am keen to optimise the contribution which the renewables sector can make but I am also very well aware of the impact of costs on domestic and industrial energy users and the need to balance the two.

Onshore wind is an important part of Northern Ireland's energy mix and by far our leading renewable technology. The NIRO provides a 20 year commitment of support so existing renewable generation will continue to be supported until 2037. This is likely to further increase the level of renewable electricity from the current 25% to around 30% by 2020. It may also be the case that investment in key infrastructure and market changes can enable Northern Ireland to make the most of the renewable energy that already exists.

On 30 September last year I launched a two week consultation on the proposed closure of the Northern Ireland Renewables Obligation (NIRO) to onshore wind projects of all sizes from 1 April 2016. The consultation proposed exceptions to closure in the form of grace periods for onshore wind projects that were able to meet specific criteria. I successfully negotiated a later eligibility date for wind projects connecting to clusters given that this connection policy is unique to Northern Ireland.

I received some 477 responses from a range of stakeholders including members of the public, independent generators, developers, trade associations, energy suppliers, and Non Government Organisations (NGOs). I have heard from people in rural areas, and those in towns and cities. I have heard from developers of wind farms, farmers and individual householders both in favour of, and against, wind energy deployment.

I am grateful to all those who took the time to respond. The consultation has made it clear that the small scale wind sector objected to the closure of the NIRO in 2016. At the same time I have heard a very clear message from the large scale wind sector which, whilst unhappy with

the closure proposals, needs certainty in order to secure financial close and protect investor confidence.

In the period since the consultation closed, I have sought to secure a more favourable outcome for Northern Ireland. I wrote in November 2015 to the DECC Secretary of State (DECC SoS) specifically seeking further flexibility on the closure of the NIRO to small scale wind generators.

The DECC SoS reconfirmed her position that where there is not an equivalent approach to GB closure in Northern Ireland then DECC will seek to protect GB consumers by de-socialising the costs of Northern Ireland projects that do not meet the eligibility criteria that were consulted on. Indeed DECC has already tabled provisions on 18 January in the Energy Bill to allow them to do this.

However, the DECC SoS also confirmed that the cost of projects that do meet the approved development eligibility criteria as set out in the 30 September consultation would continue to be socialised. The vast majority of the existing Northern Ireland pipeline of onshore wind projects are likely to meet these criteria.

In paying for the NIRO, via their electricity bills, Northern Ireland consumers will continue to benefit from the socialisation of these costs across the UK. This benefit is enhanced because of the favourable obligation level which Northern Ireland enjoys compared to the rest of the UK.

Now that DECC has confirmed that costs of eligible projects will continue to be socialised at UK level this enables me to adopt a dual approach to NIRO closure. I have decided that the NIRO will close to new large scale (i.e. above 5MW installed capacity) onshore wind generating stations and existing large scale generating stations adding additional capacity from 1 April 2016 in line with the 30 September consultation proposals. I will consult further on closure arrangements for new small scale (i.e. up to and including 5MW installed capacity) onshore wind and existing small scale generating stations adding additional capacity.

The NIRO will therefore remain open for the time being for small scale projects until further consultation is completed.

Large scale onshore wind projects seeking to accredit after 1 April 2016 will be required to meet the eligibility requirements set out in the consultation (planning permission in place, a grid connection offer and acceptance in place, and evidence of land rights for the site on which their project will be built). This will provide certainty on NIRO closure for these projects as soon as possible.

By closing the NIRO to large scale on wind by 1 April 2016 and consulting again on closure for small scale wind I am ensuring that we meet our renewable electricity objectives while managing the impact on consumer bills and protecting investor confidence.

## Regional Development

### A6 Londonderry to Dungiven Dualling — Publication of Notice of Intention to Proceed and Making of the Direction Order

*Published at 11.15 am on Wednesday 24 February 2016*

**Miss M McIlveen (The Minister for Regional Development):** I wish to inform Members of my decision to accept the outcomes of the Public Inquiry for the £400million, A6 Londonderry to Dungiven Dualling Scheme and to proceed with the scheme, subject to the availability of funding.

The scheme involves the construction of 18.6 miles of new dual carriageway from Londonderry to Dungiven, including a dual carriageway bypass of Dungiven.

The indicative allocations for 2017/18 – 2020/21 period will fund construction of part of the A6 Londonderry to Dungiven dualling scheme. My Department is currently considering the extent of the scheme, including a bypass of Dungiven, that could be delivered. It is envisaged that priority will be given to construction from Dungiven towards Londonderry.

This is further good news for the North West as it follows my announcement in January that work on the £130 million dual carriageway from Randalstown to Castledawson on this strategic route is expected to start later this year.

In relation to the Londonderry to Dungiven scheme, the Inspector, appointed to chair the inquiries to examine the case for and against the scheme, recommended that the proposed dual carriageway should be constructed in accordance with the published route.

In considering the Inspector's Report, my Department carried out a thorough examination of the Inspector's recommendations and concluded that the scheme should proceed with amendments.

Two partial alternative routes were presented at the Public Inquiry. These have been assessed along with one section of the route that the Inspector asked my Department to review. My Department's assessment concluded that in each case the published route should be taken forward.

Part V of the Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of environmental impacts of road schemes. I can confirm that an Appropriate Assessment has been carried out and I have considered the Environmental Statement and the consultation responses. It is, therefore, my view that the likely significant environmental effects have been properly assessed and have been sufficient to inform judgements on the scheme.

Accordingly, in light of the assessment undertaken and information presented within the Statement to Inform the Appropriate Assessment and the Environmental Statement, I accept my Department's conclusion (as the Competent Authority) that construction and operation of the A6 Londonderry to Dungiven Dualling Scheme would not by itself, or in combination with other known plans or projects, adversely affect the integrity of the River Faughan and Tributaries Special Area of Conservation and River Roe and Tributaries Special Area of Conservation.

I have carefully considered my Department's Statement and agree with its conclusions. I have therefore decided to proceed with the scheme. In doing so, I commit my Department to carrying out the necessary works to facilitate the Inspector's recommendations and the environmental design measures, as well as the mitigation measures described in the A6 Londonderry to Dungiven Departmental Statement and Environmental Statement.

As the scheme progresses towards construction I also commit my Department to review its Environmental Statement and Habitats Regulations Assessment, as necessary at the time and before making any Vesting Order.

The scheme has been structured to permit construction in parts, thus allowing potential for construction of Dungiven Bypass ahead of the remainder of the scheme.

The proposed road is a high standard dual carriageway. It has no private accesses, no central reserve crossovers, junctions are grade-separated or left-in/left-out and side roads are either stopped-up, diverted or linked to minimise the number of junctions. This standard of dual carriageway has considerable safety benefits for the road user.

I have asked my Department to publish the formal Notice of its intention to Proceed and to make the Direction Order for the scheme. The associated Stopping-Up of Private Accesses Order and the Vesting Orders will remain in draft (until indicative allocations are confirmed and a final business case is approved).

Please note the above statement is embargoed until 11.15 on 24 February 2016.



# 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 February 2016

## Written Answers to Questions

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

**Mr Allister** asked the First Minister and deputy First Minister to detail (i) how much funding their Department has given to the Equality Commission in each of the last five years; and (ii) how its funding has been impacted by austerity measures.  
(AQW 53874/11-16)

**Mrs Foster and Mr M McGuinness (The First Minister and deputy First Minister):**

#### Table of Funding

Financial Year	Funding
2011/2012	£6,525,000
2012/2013	£6,200,000
2013/2014	£6,246,000
2014/2015	£6,216,000
2015/2016	£5,762,000

**NB:** Financial Years 2011/2012 to 2014/2015 sourced from ECNI Annual Reports and Accounts published on the ECNI website.

Financial Year 2015/2016: as amended in Spring Supplementary Estimates Debate.

(ii) ECNI has contributed to meeting the budget reductions experienced by OFMDFM itself and its associated ALBs.

**Ms Sugden** asked the First Minister and deputy First Minister for an update on the work of the Ministerial Sub-Group on Regional Opportunities with regards to the North West area.  
(AQW 53959/11-16)

**Mrs Foster and Mr M McGuinness:** The Ministerial Sub-Group on Regional Opportunities held two meetings which focused on the North West and considered the work being taken forward by departments and other agencies to promote investment and economic development in the area. The statement released following the second meeting advised of the Sub-Group's consensus on the importance of investment in road infrastructure to improve access to and from the area and thereby enhance economic growth. Future meetings of the Sub-Group will seek to consider similar issues in relation to other areas, but the work of departments in promoting inward investment and in the implementation of major projects, including the A5 road, to benefit the North West will continue.

**Mr Weir** asked the First Minister and deputy First Minister to detail the loans advanced by their Department through the Financial Transactions Capital Scheme in North Down since 1 April 2013.  
(AQW 54021/11-16)

**Mrs Foster and Mr M McGuinness:** OFMDFM has not advanced any loans through the Financial Transactions Capital Scheme in North Down since 1 April 2013.

**Ms McGahan** asked the First Minister and deputy First Minister to detail the investment their Department has made in Fermanagh and South Tyrone since 2011.  
(AQW 54128/11-16)

**Mrs Foster and Mr M McGuinness:** Details of investment in capital projects in Fermanagh and South Tyrone since 2011 are provided in the table below. Please note that the Executive's Delivering Social Change fund is governed centrally by

OFMDFM, however, responsibility for specific allocation/distribution of funding under each Signature Programme rests with individual lead departments.

	Committed	Spent
2011/12	-	-
2012/13	-	-
2013/14	-	-
2014/15	-	-
2015 to date	£581,208.64	£104,506.40

**Mrs D Kelly** asked the First Minister and deputy First Minister for an update on what they are doing to maintain funding for childcare projects within the remit of the Childcare Strategy.

**(AQO 9649/11-16)**

**Mrs Foster and Mr M McGuinness:** Responsibility for the actions being taken forward under the first phase of the Strategy has been allocated to a number of departments.

OFMDFM is responsible for the School Age Childcare Grant Scheme, which has to date assisted 79 projects worth around £3 million. A further round of awards will be made shortly. The Grant Scheme funds projects for up to three years. Budgetary provision has been made to ensure that all current and forthcoming commitments under the School Age Childcare Grant Scheme will be funded.

Other actions under the first phase are being taken forward by the relevant Government departments. We liaise regularly with these departments, via the Childcare Strategy Programme Board, to ensure that these actions can proceed.

## Department of Agriculture and Rural Development

**Mrs D Kelly** asked the Minister of Agriculture and Rural Development (i) what information is being collated on businesses adversely affected by the recent flooding; (ii) whether fisherman's jetties are included; and (iii) how the information is being collated.

**(AQW 54089/11-16)**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** An initial assessment of the flooding on the farming community was undertaken in mid January by Service Delivery Group using Rivers Agency's flood map data and a telephone survey of farmers within the affected Lough Erne and Lough Neagh areas.

At that stage the assessment from flood map data indicated that approx 1270 farm businesses lay in flooded areas, and that approximately 30 of these farm businesses may have experienced sustained flooding for at least 14 days or more on 10% of their grassland. CAFRE Development Advisers carried out a telephone survey of 126 farmers in the affected areas to identify the nature and severity of damage caused to farm businesses by the sustained flooding. The main impacts reported by farmers were potential long term damage to swards, ingress of water to slurry tanks and the need to house or move livestock. Some reported difficulties getting feed delivered, disruption to milk collection and flood debris deposited on grassland. No one reported damage to farm buildings but a few, indicated damage was caused to fences and lanes, and that some fodder was lost.

The Department is undertaking a review of the recent flooding. Business owners will be given an opportunity to provide written evidence on the affects of flooding to the review. A report will be completed by early summer.

**Mr Allister** asked the Minister of Agriculture and Rural Development what is the impact on a balanced market within the agri-food sector of consolidation within the food wholesale and food processing sectors, with particular reference to the impact on the individual farmer.

**(AQW 54105/11-16)**

**Mrs O'Neill:** Structural consolidation within the agri-food sector is a commercial matter and it is not within my remit. It is a matter for individual companies to assess the requirements for, and make decisions on, potential consolidation and/or mergers.

You will, of course, be aware that in Britain and the north of Ireland the Competition & Markets Authority (CMA) is responsible for ensuring markets work for consumers, businesses and the economy as a whole, investigating in particular complaints about price-fixing, bid-rigging or market-sharing arrangements. Producers and processors who feel that they are being negatively impacted upon by market practices can notify the CMA, or make formal complaints to other relevant bodies such as Trading Standards, or the Groceries Code Adjudicator, where appropriate. The CMA representative in the north of Ireland is Marian Cree ([marian.cree@cma.gsi.gov.uk](mailto:marian.cree@cma.gsi.gov.uk)).

Since I cannot intervene in the operation of markets, my focus is on supporting strong, integrated agri-food supply chains in the north. I therefore asked the Agri-Food Strategy Board to establish a Supply Chain Forum to encourage all elements of

the supply chain to work together in a more open and transparent manner. That work began at the initial Supply Chain Forum event in October 2015, and has continued via the AFSB. A further Supply Chain Forum event will take place in the near future.

Within an improved supply chain, I would expect to see improved collaboration and co-operation at all levels, and fair financial rewards being delivered for those responsible for producing our high quality food.

**Mr Hazzard** asked the Minister of Agriculture and Rural Development, pursuant to AQW 53195/11-16, to detail (i) the findings of Rivers Agency investigations into the ownership of the grille on the undesignated watercourse; and (ii) the maintenance that will be required to remedy the situation in Annsborough.

**(AQW 54113/11-16)**

**Mrs O'Neill:** Rivers Agency have met with and advised the owner of their responsibilities in relation to management and maintenance of this and other grilles located on the mill race. The owner is aware of the problems associated with overtopping of the grille due to blockages and has agreed to inspect and maintain on a weekly basis and at times of inclement weather, and record details of such inspections.

**Mr McAleer** asked the Minister of Agriculture and Rural Development (i) how many projects in West Tyrone have benefited from the Rural Development Programme (RDP) since 2007; (ii) how many jobs have been created by the RDP since 2007; and (iii) to detail the RDP resource and capital investment in West Tyrone since 2007.

**(AQW 54124/11-16)**

**Mrs O'Neill:** In the West Tyrone Constituency, since 2007, the EU Rural Development Programme:

- (i) Financially supported 2,374 projects;
- (ii) Created 109 jobs under the Axis 3 'Quality of Life' priority; and,
- (iii) Provided £53.2m resource and £10.9m capital investment.

**Ms McGahan** asked the Minister of Agriculture and Rural Development to detail the investment her Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54127/11-16)**

**Mrs O'Neill:** The Department of Agriculture and Rural Development invested a total of £218,074,000 in Fermanagh and South Tyrone from 2011/12 to 2014/15. This is broken down in the following table.

**DARD Fermanagh & South Tyrone Constituency Investment**

Programme / Scheme	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
Single Farm Payment	38,248	37,155	38,062	36,874	150,339
Axis 1 NI Rural Development Programme 2007-13	3658	1849	4198	2414	12,119
Axis 3 NI Rural Development Programme 2007-13	1,207	1,771	3,449	2,217	8,644
Tackling Rural Poverty & Social Isolation	398	308	422	324	1,452
NI Regional Food Programme	3			1	4
Drainage and Flood Alleviation	288	807	1,174	256	2,525
Agri-environment Scheme payments	3,676	2,775	2,478	2,348	11,277
Rural Development Programme - New Entrants Scheme	65	36	22	15	138
Forestry Grant Schemes	213	192	199	149	753
Forestry Capital	27	0	291	323	641
NI Countryside Management Scheme	1,200	1,252	1,689	1,721	5,862
Less Favoured Area Compensatory Allowance (LFA)	5,771	6,138	4,888	5,920	22,717
Estate Expenditure	394	369	273	240	1,276
Biomass Processing Challenge				327	327
<b>Total</b>	<b>55,148</b>	<b>52,652</b>	<b>57,145</b>	<b>53,129</b>	<b>218,074</b>

**Mr Campbell** asked the Minister of Agriculture and Rural Development for an estimate of the number of staff who will commence work in the relocated departmental Headquarters in Ballykelly by (i) 2017; and (ii) 2020.

**(AQW 54147/11-16)**

**Mrs O'Neill:** It is planned to relocate approximately 600 posts in total to Ballykelly. The plan will see 250 posts relocated by December 2017 and this will increase to 340 posts by 2020.

**Ms Maeve McLaughlin** asked the Minister of Agriculture and Rural Development (i) how much Rural Development Programme funding her Department has provided to the Foyle constituency since 2011; (ii) what types of schemes and programmes have benefited; and (iii) how many jobs have been created in the constituency through the Rural Development Programme. (AQW 54238/11-16)

**Mrs O'Neill:** In Foyle constituency since 2011, the EU Rural Development Programme:

- (i) Provided £4.86m investment funding;
- (ii) Supported the following schemes -

**Axis 1 NI Rural Development Programme 2007-13**

- Vocational Training
- Processing and Marketing Grant (PMG)
- Farm Modernisation Programme (FMP) and Manure
- Efficiency
- Technology Scheme (METS)

**Axis 2 NI Rural Development Programme 2007-13**

- Less Favoured Areas Compensatory Allowance Scheme (LFACA)
- Agri-Environment Schemes
- Forestry Schemes

**Axis 3 NI Rural Development Programme 2007-13**

- Farm Diversification
- Business Creation and Development
- Rural Tourism
- Basic Services
- Village Renewal
- Conservation of Rural Heritage

- (iii) Created 17 jobs through the Axis 3 'Quality of Life' priority.

**Mr McNarry** asked the Minister of Agriculture and Rural Development to detail the fish stock levels of all types of fish in the (i) Irish Sea; and (ii) North Atlantic areas adjacent to the Northern Ireland coast. (AQW 54282/11-16)

**Mrs O'Neill:** Fish stock assessments are carried out by the International Council for the Exploration of the Seas (ICES) by species and ICES assessment area. The Irish Sea is ICES area VIIa. The north coast lies in the West of Scotland, area VIa. Some stocks around our coast are widely dispersed and are assessed on a larger area VII basis which includes the Irish Sea, Celtic Sea, and West of Scotland.

ICES publishes these stock assessments annually, normally in June and October. The latest assessments may be viewed at the link below.

<http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

**Mr Campbell** asked the Minister of Agriculture and Rural Development to list the appointments she has made to outside bodies since May 2011, broken down by community background. (AQW 54290/11-16)

**Mrs O'Neill:** A breakdown of the appointments, including re-appointments, by community background that I have made to outside bodies since May 2011, is set out below.

No of Appointments	Community Background		
	Protestant	Roman Catholic	Neither/Not Known
110	58	32	20

**Ms Sugden** asked the Minister of Agriculture and Rural Development for an update on work to relocate her Department's Headquarters to Ballykelly in 2017, including progress on the decentralisation of jobs to the area.

**(AQW 54292/11-16)**

**Mrs O'Neill:** The project to relocate my departmental headquarters to Ballykelly remains on target to complete the first phase of construction by the end of 2017.

Planning permission was granted by Causeway Coast and Glens Borough Council at their meeting on 24th February 2016. The approved design included the construction of a new access road.

The tender evaluation process has been completed and now that planning permission has been secured my officials will work with Central Procurement Directorate to award the contract to the successful contractor.

NICS accommodation in the northwest (Orchard House, Derry and County Hall, Coleraine) is already being utilised to allow for up to 100 posts to move to the northwest in advance of the new headquarters being ready in December 2017.

I am grateful to you for taking the time to write to me on this important issue.

**Ms Sugden** asked the Minister of Agriculture and Rural Development to detail the eligibility criteria for applying to the broadband voucher scheme.

**(AQW 54293/11-16)**

**Mrs O'Neill:** There is no further funding for new calls or applications to the Broadband voucher Scheme. This scheme is delivered through Belfast City Council on behalf of all council areas and is to assist with broadband installation costs for businesses. The scheme ran out of money before Christmas leaving some 170 rural business applicants unable to benefit from a voucher for up to £3,000 towards the cost of installation of a broadband service.

The funding of £0.5m I announced on 12th February 2016 will allow the rural businesses that had applied to the scheme but missed out due to lack of funding to receive their vouchers.

**Ms Sugden** asked the Minister of Agriculture and Rural Development whether priority will be given to applications to the broadband voucher scheme from rural businesses who did not receive a voucher in 2015, due to a lack of funding.

**(AQW 54294/11-16)**

**Mrs O'Neill:** The funding of £0.5m I announced on 12th February 2016 will only be used to facilitate the rural businesses that had previously applied to the Broadband Voucher Scheme, but missed out due to lack of funding to receive their vouchers. This equates to some 170 rural business applicants unable to benefit from a voucher for up to £3,000 towards the cost of installation of a broadband service. The scheme will not actually re-open for applications.

While responsibility for broadband provision falls under the remit of DETI, I've been delighted to be able to assist so many rural businesses by committing this £0.5m to the broadband voucher scheme.

I've also been pleased to support domestic provision of broadband through the previous and new Rural Development Programme.

**Ms Sugden** asked the Minister of Agriculture and Rural Development, in light of her announcement of funding for the broadband voucher scheme, to detail the communication her Department has had with rural businesses who applied to the scheme in 2015 but did not receive a voucher.

**(AQW 54295/11-16)**

**Mrs O'Neill:** All communications to rural businesses under the Broadband Voucher Scheme are dealt with by Belfast City Council on behalf of all council areas as they deliver the scheme on the ground.

**Ms Sugden** asked the Minister of Agriculture and Rural Development when the broadband voucher scheme will open for applications.

**(AQW 54296/11-16)**

**Mrs O'Neill:** The broadband Voucher Scheme will not open for further applications. The scheme ran out of money before Christmas leaving some 170 rural business applicants unable to benefit from a voucher for up to £3,000 towards the cost of installation of a broadband service. The funding of £0.5m I announced on 12th February 2016 will allow the rural businesses that had applied to the scheme but missed out due to lack of funding to receive their vouchers.

**Mr Hazzard** asked the Minister of Agriculture and Rural Development what steps her Department has taken to alleviate flooding in South Down since 2007.

**(AQW 54347/11-16)**

**Mrs O'Neill:** Since 2007 the Department has undertaken flood alleviation schemes in the following areas of South Down; Rostrevor, Cranfield, Kilkeel, Maghera, Annesborough and Annaclone. Feasibility studies to consider measures to mitigate flooding in Newcastle, Mayobridge and Newry area are currently being carried out.

In addition, DARD Rivers Agency has a rolling programme of inspection and maintenance of all watercourses in the Area which are designated under the Drainage (NI) Order 1973 including a programme of inspection and prioritising upgrading of culverted water courses and grided inlets.

**Mr McGlone** asked the Minister of Agriculture and Rural Development how much money has been drawn down by her Department from EU funding streams; and how this has been spent in (i) 2013-14; and (ii) 2014-2015  
(AQW 54455/11-16)

**Mrs O'Neill:** The Department for Agriculture and Rural Development has drawn down £635m from EU funding streams in 2013-14 and 2014-15.

Information showing how this funding was spent is broken down in the table below.

**DARD - Details of Where EU Funding was Spent**

Programme /Area	2013/14 £m	2014/15 £m	Total £m
European Fisheries Fund	1	2	3
Interreg IVA	1	2	3
European Agricultural Guarantee Fund	270	256	526
Rural Development Programme	44	45	89
Tuberculosis & Other testing	8	5	13
Other	1	0	1
<b>Total</b>	<b>325</b>	<b>310</b>	<b>635</b>

**Ms Lo** asked the Minister of Agriculture and Rural Development to outline the stock management plans in place to ensure fish stocks remain at sustainable levels.

(AQO 9711/11-16)

**Mrs O'Neill:** Management of commercial sea fish stocks is achieved through the framework of the Common Fisheries Policy. The reformed CFP contains an objective which states that "the maximum sustainable yield, or MSY, exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks."

Integral to achieving this are multiannual plans that the CFP states "shall be adopted as a priority, based on scientific, technical and economic advice, and shall contain conservation measures to restore and maintain fish stocks above levels capable of producing maximum sustainable yield."

The process for multiannual plans generally involves plan development by regional groups of Member States with input from stakeholder Advisory Councils, leading to formal proposals from the Commission which must be agreed by co-decision between the European Council of Ministers and The European Parliament.

A number of these multiannual plans are currently under development, and a plan for the Baltic Sea, is expected to be adopted in 2016. Plans for the North Sea, and the North Western Waters that include the waters around the island of Ireland, will follow in due course.

The only stock management plan, currently in place that affects our waters is the Cod Recovery Plan.

**Mr Campbell** asked the Minister of Agriculture and Rural Development to outline any recent discussions she has had with large supermarkets regarding increasing opportunities to purchase local farm produce.

(AQO 9714/11-16)

**Mrs O'Neill:** I have a key role in helping to maximise opportunities for our local farm produce, both at home with local buyers and in the global marketplace. There is a significant amount of local produce already sourced by supermarkets for both their stores here in the north and further afield and I am committed to developing this further.

I have met with the NI Retail Consortium and NI Independent Retailers Trade Association to discuss issues including milk prices and other supply chain challenges. In addition I met with the NI Retail Consortium to discuss beef labelling in the context of mixed origin cattle. I have also written to the major retailers to highlight the difficulties faced by vegetable growers and packers here in the north.

I plan to visit another of the major supermarkets where I will again press for increased sourcing from local suppliers. While the price suppliers receive for their produce is a commercial matter and is not within my remit, I will again be highlighting the need for a fair and equitable distribution of profits throughout the supply chain. I will also use this visit to discuss ways in which the supply chain could be improved and initiatives to promote local produce during the Year of Food and Drink 2016. I will also impress upon them the difficult trading conditions suppliers are facing at present and the need for an adequate financial reward to secure the sustainability of their businesses.

**Mr Hussey** asked the Minister of Agriculture and Rural Development to outline the action her Department has taken to rectify the difficulties experienced by applicants to the Young Farmers' Scheme that submitted partnership agreements.  
(AQO 9713/11-16)

**Mrs O'Neill:** The principles behind the YFP and the RR is to provide assistance to young farmers and new entrants in their initial years of business to help them get established and that they should be the person exercising effective and long term control in terms of decisions related to management, benefits and financial risks for the business i.e Head of Holding requirement for young Farmers. This can be either solely or jointly with other farmers.

The Department sought evidence to support the applicant's claim that they are Head of Holding.

It is the responsibility of the applicant to ensure that all evidence submitted is consistent and that it shows that they are Head of Holding. All applications were assessed to determine whether or not the applicant met scheme requirements and in the vast majority of cases they were successful in doing so. Assessment included consideration of all supporting evidence available to DARD, including partnership agreements/documents where provided. Conditions in partnership agreements which limit the amount of expenditure, the voting rights or the management authority of the applicant would not enable them to comply with the Head of Holding requirement and in these circumstances the application will have been rejected. Legal advice from the Departmental Solicitor's Office (DSO) supports this view.

To date 82 of the 2,086 applications from young farmers have been rejected on the basis of conditions set out in partnerships agreements. Each of these applicants has been advised that they may seek recourse to this decision through the review of decision procedures.

If the applicant wishes to change their partnership agreement in time for the 2016 application period, it would be possible for them to submit a new application in 2016 provided they can meet all the scheme requirements.

**Mr Buchanan** asked the Minister of Agriculture and Rural Development how many farm businesses are still awaiting their 2015 Basic Payment Scheme.  
(AQO 9717/11-16)

**Mrs O'Neill:** With your permission Mr Speaker, I will answer Questions 10 and 12 together.

My Department has delivered on its promise to make 95% of payments to eligible applicants under the new Common Agricultural Policy (CAP) schemes by the end of December. To date, 22,224 applicants have been paid, almost 97% of applicants which have been determined as eligible. These payments amount to £213m. This includes over 2,100 inspected cases, the largest number ever processed by this time of year. My Department has delivered a significantly better payment performance than any other region of Britain and the north of Ireland.

A total of 789 applicants determined as eligible remain to be paid and my Department are working through outstanding controls and queries on these cases to release payments as quickly as possible. I can assure farmers that every effort is being made to pay all remaining farmers and to have all the inspection cases cleared by the end of March 2016.

**Mr Anderson** asked the Minister of Agriculture and Rural Development for an update on the steps being taken following the recent flooding across Northern Ireland.  
(AQO 9718/11-16)

**Mrs O'Neill:** Following the recent flooding Rivers Agency has been undertaking post flood investigations on its infrastructure. Any repairs or defects identified, which are considered to be urgent, have been carried out while other defects will be prioritised and undertaken subject to availability of resources.

The Department as the Lead Government Department for the Co-ordination of Flooding Emergencies will be undertaking a review of the multi- agency response to the flooding emergency. I have decided that an independent chair would add value to the process and I have asked Alan Strong to chair this review. Alan is the current Chairman of the Drainage Council, a senior lecturer in environmental Engineering with the University of Ulster and a respected civil engineering professional. A report on the handling of the flood emergency will be completed by early summer.

In addition, my Department will be undertaking an assessment of the recent floods, including surveys, maintenance works and feasibility studies of the areas affected as well as undertaking a review of the management and operating regime of the water levels of Lough Neagh.

**Mr Frew** asked the Minister of Agriculture and Rural Development for an update on the payment of the Basic Payment Scheme.  
(AQO 9719/11-16)

**Mrs O'Neill:** With your permission Mr Speaker, I will answer Questions 10 and 12 together.

My Department has delivered on its promise to make 95% of payments to eligible applicants under the new Common Agricultural Policy (CAP) schemes by the end of December. To date, 22,224 applicants have been paid, almost 97% of applicants which have been determined as eligible. These payments amount to £213m. This includes over 2,100 inspected cases, the largest number ever processed by this time of year. My Department has delivered a significantly better payment performance than any other region of Britain and the north of Ireland.

A total of 789 applicants determined as eligible remain to be paid and my Department are working through outstanding controls and queries on these cases to release payments as quickly as possible. I can assure farmers that every effort is being made to pay all remaining farmers and to have all the inspection cases cleared by the end of March 2016.

**Mrs Dobson** asked the Minister of Agriculture and Rural Development when she will announce the final list of approved items for both tranches of the Farm Business Improvement Scheme.

**(AQO 9720/11-16)**

**Mrs O'Neill:** The Farm Business Improvement Scheme is the key action for my Department in delivering the agreed actions outlined in the Executive Response to Going for Growth. The scheme is a package of measures aimed at knowledge transfer, co-operation, innovation and capital investment in order to improve competitiveness and productivity in farming.

The full details of the capital investment element of the Farm Business Investment Scheme are subject to progress on the business case approval process. The capital scheme will be launched as soon as possible once the business case has been approved, and full details, such as eligible types of investment, will be made available to potential applicants in advance of the scheme opening.

Subject to business case approval, it is anticipated that the capital investment scheme will be managed as 2 tiers. Tier 1 will include on-farm investment projects from £5,000 to a maximum of £30,000 project costs. Tier 2 will provide for on-farm investment projects in excess of £30,000 project costs. It is proposed that both tiers will open in a number of phased tranches over the lifetime of the RDP 2014 – 2020.

It is proposed that Tier 1 will provide support which will encourage farmers to invest more in equipment and machinery that will help realise the external benefits associated with modern farming practices. The focus of Tier 2 is more likely to be on larger scale investment to encourage transformational change in the agriculture sector.

Both tiers, as well as improving on-farm efficiency, will be aimed at supporting investments to help overcome challenges relating to the environment and weather resilience, on farm health and safety, and animal health, welfare and disease prevention.

## Department of Culture, Arts and Leisure

**Mr McKinney** asked the Minister of Culture, Arts and Leisure (i) to detail the (a) matched; and (b) unmatched European Union funding her Department has sourced in each of the last ten years; and (ii) where this money was spent.

**(AQW 53840/11-16)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** The information you have asked for is set out in the attached table.

The Department is required only to maintain financial records for the previous 7 years and this constraint is reflected in the information provided in the answer table.

Year	Funder	Name / Nature of Project	Amount of Matched Funding	Amount of Unmatched Funding	Location of Spend
2013/14	Arts Council NI	Building Peace through the Arts - Reimaging Communities	£293,000	£0	Across Northern Ireland
2014/15	Arts Council NI	Building Peace through the Arts - Reimaging Communities	£895,000	£0	Across Northern Ireland
2014/15	Arts Council NI	Creative Europe	£17,000	£0	Across Northern Ireland
2015/16	Arts Council NI	Corners	£50,000	£0	Across Northern Ireland
2015/16	Arts Council NI	Creative Europe	£20,000	£0	Across Northern Ireland
2009/10	AOP	European Commission FP7 EuroPlaNet project	£0	£9,800	Facilities used in Austria and Greece
2010/11	AOP	European Commission FP7 EuroPlaNet project	£0	£5,200	Facilities used in Northern Ireland and Greece
2010/11	AOP	Over us All is the Selfsame Sky (OASES)- European Union PEACE III Small Grants Programme	£0	£11,600	Across Northern Ireland

Year	Funder	Name / Nature of Project	Amount of Matched Funding	Amount of Unmatched Funding	Location of Spend
2010/11	AOP	EU-UNAWAWE - innovative programme of primary-sector teacher training courses	£0	£82,400	Northern Ireland
2010/11	AOP	European Space Agency Educational Resource Organisation (ESERO-UK)	£0	£8,300	Facilities used in UK and Ireland
2011/12	AOP	European Commission FP7 EuroPlaNet project	£0	£1,200	Facilities used in UK and Ireland
2012/13	AOP	EU-UNAWAWE - innovative programme of primary-sector teacher training courses	£0	£41,200	Northern Ireland
2012/13	AOP	European Commission FP7 EuroPlaNet project	£0	£9,100	Facilities used in Northern Ireland and Spain
2013/14	AOP	EU-UNAWAWE - innovative programme of primary-sector teacher training courses	£0	£42,500	Northern Ireland
2014/15	AOP	European Commission FP7 EuroPlaNet project - final payment	£0	£1,200	Northern Ireland
2015/16	AOP	COST - administering Action MP1104 - 'Polarisation as a Tool to Study the Solar System and Beyond' for the last year of the project.	£0	£13,500	Northern Ireland
2015	Foras na Gaeilge	Other Words - Literary circuit of Minority language writers	€7,415	€0	Ireland
2016	Foras na Gaeilge	Other Words - Literary circuit of Minority language writers	€7,215	€0	Ireland
2017-2019	Foras na Gaeilge	Other Words - Literary circuit of Minority language writers	€14,230	€0	Ireland
2016-2019	Foras na Gaeilge	Other Words - Literary circuit of Minority language writers	€0	€33,440	Cooperative project across Ireland, Spain, Slovenia, Macedonia and Sweden
2013/14	Sport NI	Grundtvig funding for attendance at Euro'meet 2013 and study visit to Tatras National Park	£0	£1,235	Slovakia
2015/16	Sport NI	Costs for speaking at European Week of Sport	£0	£113	Brussels
2010/11	Waterways Ireland	Waterways Forward Interreg 4C Programme	£10,647	£0	Ireland
2011/12	Waterways Ireland	Waterways Forward Interreg 4C Programme	£19,329	£0	Ireland
2012/13	Waterways Ireland	Waterways Forward Interreg 4C Programme	£38,890	£0	Ireland
2013/14	Waterways Ireland	Waterways Forward Interreg 4C Programme	£15,944	£0	Ireland

**Mr Agnew** asked the Minister of Culture, Arts and Leisure to detail the number of (i) full time; and (ii) part time staff in (a) her Department; and (b) each of its arm's-length bodies that have availed of each tranche of the voluntary exit scheme, broken down by grade.

(AQW 53985/11-16)

**Ms Ní Chuilín:**

- a The number of staff in my Department that have availed of each tranche of the voluntary exit scheme is detailed in table 1. For data protection reasons it is not possible to provide a breakdown by individual grade and full time / part time status as the numbers are either too small to publish, or would disclose another number that is too small to publish.
- b The number of staff in my Department's arm's-length bodies that have availed of the voluntary exit scheme, by date is detailed in table 2. For data protection reasons it is not possible to provide the information by grade or full time / part time status as the numbers are either too small to publish, or would disclose another number that is too small to publish.

The information provided includes staff who have left up until 31 January 2016 and those who have accepted offers to exit by 31 March 2016. It does not include Departmental staff who have received offers to exit in a fifth and final tranche at the end of May as the staff will have until 29 February to decide if they wish to accept the offers.

**Table 1 - DCAL**

Grade	Headcount by Tranche and Date				Total
	1	2	3	4	
	30/9/15	30/11/15	29/1/16	30/3/16	
Administrative Assistant	*	*	*	*	5
Administrative Officer	*	*	*	*	9
Executive Officer 1/2	*	*	*	*	5
Staff Officer	*	*	*	*	8
Deputy Principal/Principal	*	*	*	*	9
SCS	*	*	*	*	3
<b>Total</b>	<b>9</b>	<b>10</b>	<b>13</b>	<b>7</b>	<b>39</b>

**Notes**

Of the 39 exits 23 staff were full time and 16 were part time.

\* Number not given, either because it is too small to publish, or it would disclose another number that is too small to publish

**Table 2 – Arms Length Bodies**

ALB	Date						Total
	30/9/15	31/10/15	30/11/15	31/12/15	23/1/16	29/2/16	
Arts Council NI (ACNI)			*				*
Sport NI (SNI)				*	*		9
NI Screen (NIS)			*				*
Libraries NI (LNI)	13	*				*	19
<b>Total</b>	<b>13</b>	<b>*</b>	<b>*</b>	<b>8</b>	<b>*</b>	<b>*</b>	<b>32</b>

**Notes**

Of the 32 exits 22 staff are full time and 10 staff are part time

\* Number not given, either because it is too small to publish, or it would disclose another number that is too small to publish

The grades of staff ranged from Administrative entry level to Deputy Principal equivalent in ACNI, SNI and NIS and up to Senior Executive Officer level in LNI which operates a different grade structure.

**Mr Easton** asked the Minister of Culture, Arts and Leisure what funding opportunities are available to help clubs buy equipment for children's football.

**(AQW 54265/11-16)**

**Ms Ní Chuilín:** Sport NI, an arm's length body of my Department, can provide funding to sports clubs through specific sport programmes.

Sport NI's Small Grants Programme will consider funding the costs of new additional equipment so more people can take part in sports however, equipment should not be the sole focus of any funding application but as a means to help increase participation. This programme is currently closed for applications but clubs can register to be informed of future funding opportunities on Sport NI's website at: <http://www.sportni.net/funding/funding-registrations/>.

In addition, alternative funding opportunities can be found through the Sport NI web-site at:  
<http://www.sportni.net/sportni/wp-content/uploads/2013/03/OtherFunding1.pdf>

Clubs may also wish to contact their local councils to see if grant aid for equipment is available through a small grants programme.

**Mr Campbell** asked the Minister of Culture, Arts and Leisure, pursuant to AQW 53615/11-16, how many of the projects received funding of (i) between £100,000 and £150,000; (ii) between £150,001 and £300,000; (iii) between £300,001 - £450,000; (iv) between £450,001 and £600,000; and (v) over £600,000.

**(AQW 54291/11-16)**

**Ms Ní Chuilín:** Further to AQW 53615/11-16, the information you require for Capital Projects over £100,000 in 2013/14 and 2014/15 is shown in the attached table.

The 67 projects detailed in AQW 53615/11-16 have been listed as per the funding categories given.

Capital Project Funding	Number of Projects funded in 2013/14 and 2014/15
between £100,000 and £150,000	17
between £150,001 and £300,000	35
between £300,001 and £450,000	6
between £450,001 and £600,000	2
over £600,000	7
<b>Total</b>	<b>67</b>

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure how much has been paid in professional fees to (i) architects; (ii) structural engineers; (iii) construction companies; and (iv) other professionals, for the construction of the Mac.

**(AQW 54312/11-16)**

**Ms Ní Chuilín:** The Architects responsible for the construction of the MAC received payments totalling £1.928m (including VAT). The MAC were contracted solely to the Architect and the other professionals were contracted to the Architect. This figure covers all of the professional fees and it is not possible to provide a more detailed breakdown.

The Contractor received payments totalling £15.603m (including VAT) and the Project Sponsor received payments totalling just under £250k.

## Department of Education

**Mr Ó hOisín** asked the Minister of Education to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 53977/11-16)**

**Mr O'Dowd (The Minister of Education):** The following table provides details of funding provided by my Department for the East Derry constituency in each of the last five years:

Funding	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Recurrent	78,614	80,303	77,677	80,938	81,772
Capital	2,569	1,313	2,285	4,479	8,415
<b>Total</b>	<b>81,183</b>	<b>81,616</b>	<b>79,962</b>	<b>85,417</b>	<b>90,187</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a constituency basis.

**Mr Hazzard** asked the Minister of Education to outline how much his Department has invested in South Down since 2011.

**(AQW 54005/11-16)**

**Mr O'Dowd:** The following table provides details of funding provided by my Department for the South Down constituency in each complete financial year since 2011:

	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Resource	79,970	79,666	79,790	80,613
Capital	7,551	9,486	6,030	7,976
<b>Total</b>	<b>87,521</b>	<b>89,152</b>	<b>85,820</b>	<b>88,589</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a constituency basis.

**Mr McMullan** asked the Minister of Education for a breakdown of his Department's spend in East Antrim in each year since 2010. (AQW 54018/11-16)

**Mr O'Dowd:** The following table provides details of funding provided by my Department for the East Antrim constituency in each complete financial year since 2010:

	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Resource	64,665	65,726	65,340	65,556	65,109
Capital	706	2,517	2,621	2,139	4,817
<b>Total</b>	<b>65,371</b>	<b>68,243</b>	<b>67,961</b>	<b>67,695</b>	<b>69,926</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a constituency basis.

**Mr Murphy** asked the Minister of Education to detail how much her (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

(AQW 54028/11-16)

**Mr O'Dowd:** My Department and its arms-length bodies has spent the following on energy bills in each of the last five years:

	2010-11 £000	2011-12 £000	2012-13 £000	2013-14 £000	2014-15 £000
Department	44	18	21	27	23
Arm's-length bodies	31,125	32,817	34,718	32,398	27,561
<b>Total</b>	<b>31,129</b>	<b>32,835</b>	<b>34,739</b>	<b>32,425</b>	<b>27,584</b>

**Mr Agnew** asked the Minister of Education to detail the number of agency staff in full time equivalents (a) employed by his Department (b) employed by each of its arm's-length bodies; and (c) their grade, in each week since June 2015.

(AQW 54047/11-16)

**Mr O'Dowd:**

- (a) My Department engages agency workers through the appropriate Civil Service (NICS) contract. Agency workers are not employees of the Department of Education. The number of agency staff, full-time equivalent (FTE), engaged by my Department, by grade, in each week since June 2015 is as follows:

**Number (FTE) of agency staff engaged since June 2015 to date**

Grade	FTE	In post from 01/06/15	Start date after 01/06/15	End of Placement Date
AA	2	√		20/11/15
	1	√		27/11/15
	1	√		To date
	2		29/12/15	To date
AO	1	√		19/06/15
	1	√		26/06/15
	2	√		30/06/15
	4	√		20/11/15
	1	√		30/09/15
	1		27/07/15	15/01/16
EOI (Irish Language Officer)	0.6		01/09/2015	To date
SO Accountant	1	√		08/01/16
	1		02/11/2015	To date
DP Accountant	1		26/09/2015	To date

- (b) The number of agency staff, full-time equivalent (FTE), employed by my Department's arm's-length bodies, by grade, in each week since June 2015 is as follows:

**The Education Authority:**

Grade	Week commencing							
	01/06	08/06	15/06	22/06	29/06	06/07	13/07	20/07
Building Maintenance Officer	2	2	2	1.6	1.6	2	0	1
Quantity Surveyor	2	3	3	3	3	1.94	1	1.96
Transport Officer	1	1	1	1	1	1	1	1
Education Welfare Officer	2	2	2	2	2	0	0	0
Clerk of Works	0	0	0	0	0	1.07	0.67	0.14
Administrative Officer	1	1	1	1	1	1	1	1
Senior Executive Officer	2	2	2	2	2	2	2	2
Executive Officer	1	1	1	1	0	0	0	0
Senior Clerical Officer	10.68	9.88	9.82	9.88	9.88	10.88	9.11	9.82
Clerical Officer	46.22	44.9	46.11	45.06	43.41	44.57	37.74	42.74
Cleaner	0	0	0	0	0	0.06	0.22	0.42

Grade	Week commencing							
	27/07	03/08	10/08	17/08	24/08	31/08	07/09	14/09
Building Maintenance Officer	1	1	1	1	1	1	1	1
Quantity Surveyor	2	2	2	2	2	1.8	2	1.2
Transport Officer	1	1	1	1	1	1	1	1
Education Welfare Officer	0	0	0	0	0	0	0	0
Clerk of Works	0	0.44	1.08	2.14	2.04	1.6	2	2
Administrative Officer	1	1	1	1	1	1	1	1
Senior Executive Officer	2	2	2	2	2	2	2	2

Grade	Week commencing							
	27/07	03/08	10/08	17/08	24/08	31/08	07/09	14/09
Executive Officer	0	0	0	0	0	0	0	0
Senior Clerical Officer	8.68	9.28	8.28	8.48	8.79	8.43	5.97	9.82
Clerical Officer	41.82	42.93	44.47	44.19	40.62	36.68	37.72	35.49
Cleaner	0.42	0.42	0.42	0.42	0.92	0.58	0.67	0.67

Grade	Week commencing							
	21/09	28/09	05/10	12/10	19/10	26/10	02/11	09/11
Building Maintenance Officer	1	1	1	1	1	1.6	1.79	1.88
Quantity Surveyor	1.58	1.6	2	2	2	2	2	2
Transport Officer	1	1	1	1	1	1	1	1
Education Welfare Officer	0	0	0	0	0	0	0	0
Clerk of Works	1.8	2	2.03	2	2	2	1.6	2.03
Administrative Officer	1	1	1	1	1	1	1	1
Senior Executive Officer	2	2	2	2	2	2	2	2
Executive Officer	0	0	0	0	0	0	0	0
Senior Clerical Officer	2.98	3.8	3.97	5.02	4.82	4.88	4.08	3.77
Clerical Officer	37.91	33.34	34.7	31.32	29.54	30.01	25.81	24.51
Cleaner	0.67	0.67	0.5	0.67	0.67	0.67	0.67	0.67

Grade	Week commencing							
	16/11	23/11	30/11	07/12	14/12	21/12	28/12	04/01
Building Maintenance Officer	2	1.96	1.94	1.87	1.94	1.81	1.4	1.97
Quantity Surveyor	2	3	3	3	3	2.81	1.4	3
Transport Officer	1	1	1	1	1	1	1	1
Education Welfare Officer	0	0	0	0	0	0	0	2
Clerk of Works	2	1.4	2	2	1.8	0.6	0	2
Administrative Officer	1	1	1	1	1	1	1	1
Senior Executive Officer	2	2	2	2	2	2	2	3
Executive Officer	0	0	0	0	0	0	0	0
Senior Clerical Officer	3.85	3.85	4.25	3.85	3	2.92	2.11	4.08
Clerical Officer	24.01	25.3	24.13	21.32	23.96	18.31	12.97	22.52
Cleaner	0.67	0.67	0.67	0.67	0	0	0	0

Grade	Week commencing				
	11/01	18/01	25/01	01/02	08/02
Building Maintenance Officer	1	1	1	0	0
Quantity Surveyor	2	2	2	0	0
Transport Officer	1	1	1	0	0
Education Welfare Officer	3	8	9	9	9
Clerk of Works	1.07	1.07	1.07	1.07	1.07
Administrative Officer	1	1	1	1	1

Grade	Week commencing				
	11/01	18/01	25/01	01/02	08/02
Senior Executive Officer	3	3	3	3	3
Executive Officer	0	0	0	0	0
Senior Clerical Officer	2	2	2	0	0
Clerical Officer	12.6	9.6	9.6	5.6	4.6
Cleaner	0	0	0	0	0

**The Council for the Curriculum, Examinations and Assessment (CCEA):**

Number (FTE) of agency staff employed since June 2015	
Week(s) commencing	Grade
	Senior Executive Officer
01/06/15 - 15/06/15	0
22/06/15 - 27/07/15	1
03/08/15 - 31/08/15	0
07/09/15 ( 2 days)	0.4
14/09/15 -12/10/15	1
19/10/15	1.6
26/10/15 - 14/12/15	2
21/12/15	1.6
28/12/15	0
04/01/16 - 01/02/16	2
08/02/16	2.2
At 15/02/16	3

- The General Teaching Council (GTCNI) has employed 0.06 (FTE) Senior Executive Officer and 1 full-time Clerical Officer since June 2015.
- Middletown Centre for Autism has employed 1 full-time Senior Executive Officer since June 2015.
- The Council for Integrated Education (NICIE) has employed 1 full-time Executive Officer from September 2015 to December 2015.
- The Council for Catholic Maintained Schools (CCMS), Comhairle na Gaelscolaíochta (CNaG) and the Youth Council have employed no agency staff since June 2015.

**Mr McKay** asked the Minister of Education what investment his Department has made in North Antrim since he came to office. (AQW 54066/11-16)

**Mr O'Dowd:** The following table provides details of funding provided by my Department for the North Antrim Constituency in each complete financial year since 2011:

	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Resource	87,513	91,624	87,995	89,635
Capital	2,536	3,242	1,699	7,193
<b>Total</b>	<b>90,049</b>	<b>94,866</b>	<b>89,694</b>	<b>96,828</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a constituency basis.

**Mr Weir** asked the Minister of Education to detail the number of primary schools that were over subscribed in each of the last three years, broken down by constituency.

**(AQW 54094/11-16)**

**Mr O'Dowd:** The number of primary schools that were oversubscribed in their admissions is set out below for each of the last three years, broken down by constituency:

**2015/16 School Year**

<b>Constituency</b>	<b>Number of primary schools oversubscribed at first preference</b>
East Belfast	6
West Belfast	4
North Belfast	10
South Belfast	12
Foyle	7
East Derry	8
Fermanagh and South Tyrone	10
West Tyrone	7
South Down	20
East Antrim	5
Mid Ulster	23
Upper Bann	13
North Antrim	8
South Antrim	8
North Down	10
Lagan Valley	12
Strangford	6
Newry and Armagh	18

**2014/15 School Year**

<b>Constituency</b>	<b>Number of primary schools oversubscribed at first preference</b>
East Belfast	4
North Belfast	10
South Belfast	13
West Belfast	5
East Antrim	3
East Derry	5
Fermanagh and South Tyrone	16
Foyle	4
Lagan Valley	11
Mid Ulster	19
Newry and Armagh	14
North Antrim	13
North Down	8
South Antrim	8

Constituency	Number of primary schools oversubscribed at first preference
South Down	23
Strangford	7
Upper Bann	15
West Tyrone	16

**2013/14 School Year**

Constituency	Number of primary schools oversubscribed at first preference
East Belfast	5
North Belfast	10
South Belfast	12
West Belfast	5
East Antrim	5
East Derry	10
Fermanagh and South Tyrone	19
Foyle	8
Lagan Valley	10
Mid Ulster	13
Newry and Armagh	17
North Antrim	10
North Down	11
South Antrim	11
South Down	21
Strangford	9
Upper Bann	15
West Tyrone	17

**Ms McGahan** asked the Minister of Education to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54126/11-16)**

**Mr O'Dowd:** The following table provides details of funding provided by my Department for the Fermanagh and South Tyrone constituency in each complete financial year since 2011:

	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Resource	94,337	94,686	91,451	100,699
Capital	3,430	2,902	4,311	10,004
<b>Total</b>	<b>97,767</b>	<b>97,588</b>	<b>95,762</b>	<b>110,703</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a constituency basis.

**Mr Agnew** asked the Minister of Education whether money will be made available within the funding for the Strule campus to help those schools that will not be on the site support their students attending classes on the site.

**(AQW 54185/11-16)**

**Mr O'Dowd:** The Strule Shared Education Campus, Omagh will become operational in September 2020. It is too early at present to determine future budget allocations for that period.

Schools within the Strule campus, however, are members of the Omagh Area Learning Community (ALC). It is anticipated that all schools that are members of the learning community will continue to avail of a range of collaborative and sharing arrangements when the shared campus becomes operational.

I encourage all schools within the Omagh ALC to continue to work collaboratively to build on existing good practice for the benefit of all pupils in the area.

**Mr Buchanan** asked the Minister of Education whether all vacant teaching posts are advertised on both his Department's and the Council for Catholic Maintained Schools' websites.

**(AQW 54191/11-16)**

**Mr O'Dowd:** All teaching vacancies in Catholic Maintained schools are currently advertised in national newspaper(s), and where required by schools, in local newspapers.

From April 2016, CCMS will cease advertising teaching vacancies in print media and will instead use its own online recruitment portal and the Job Centre online service to notify vacancies. This move will bring CCMS practice into line with that of the Education Authority; streamline the administration of recruitment and effect immediate savings that will be passed back to school budgets.

As the Department of Education is not the employer of teachers, there are no plans to advertise teaching vacancies on the Department's website.

**Mr Allister** asked the Minister of Education how much his Department has spent on producing material in Irish in each of the last three years.

**(AQW 54231/11-16)**

**Mr O'Dowd:** The cost to my Department to produce material in Irish was as follows:

Financial Year	Cost of producing material in Irish
2012/13	£77,385
2013/14	£68,180
2014/15	£65,106

**Mr Weir** asked the Minister of Education to detail how the criteria targeting the Early Years Pathways Fund to children in the top 25 per cent of socially deprived areas will be monitored.

**(AQW 54275/11-16)**

**Mr O'Dowd:** A key criterion of the Pathway Fund (the Fund) is the provision of "quality services in areas of social disadvantage".

Applicants for funding will be required to demonstrate whether they provide services in the top 25% most disadvantaged areas here - i.e. in the top 25% most disadvantaged (Super Output) areas, as defined by the NI Multiple Deprivation Measure 2010.

Guidance provided by Early Years – the Organisation for Young Children (EYO), which is administering the Fund for the Department, assists applicants to identify the Super Output areas and rankings of the area in which their setting resides.

Applications will be assessed by the Fund administration team and reviewed by an independent panel to confirm if criteria, including the criterion regarding provision in a disadvantaged area, is met.

Objectives, reflecting the Fund criteria, will be set for all Fund recipients on allocation of funding. Recipients will be required to report on achievement against the objectives at mid and end year, commensurate with the Department of Finance and Personnel's recently published Code of Practice for Reducing Bureaucracy in Grant Funding to the Voluntary and Community Sector.

**Mr Weir** asked the Minister of Education, given the IT problems with applications for the Early Years Pathway Fund, to detail how he will ensure that new applicants are not disadvantaged.

**(AQW 54276/11-16)**

**Mr O'Dowd:** The Pathway Fund (the Fund) opened for applications on 10th February and closes at noon on 2nd March, with the aim of announcing allocations on 1st April 2016.

To assist applicants Early Years – the Organisation for Young Children (EYO), which is administering the Fund on behalf of the Department, has made electronic application forms available on the EYO website (other formats are also available). Unfortunately on the day of the launch a service outage (affecting several thousand UK websites) resulted in initial disruption to EYO's company website. This technical problem initially affected access to electronic application forms by those applicants wishing to use this application method.

EYO has advised that the problems were fully resolved by 5pm the following day (11th February) and that to avoid any disadvantage to applicants, alternative application methods were made available in the interim, with documentation sent out via post and email. EYO advises that IT availability is checked on a daily basis and this will continue until the end of the application process on 2nd March.

All methods of application will continue to be available throughout the application process.

EYO are providing support and guidance to applicants throughout the application process and a dedicated support desk is available via telephone and email. In addition EYO corresponded with all potential applicants (for which contact details are available) advising of the Fund in January and held five interactive information sessions for potential applicants during February 2016.

**Mr Weir** asked the Minister of Education why the timeframe for applications for the new Early Years Pathways Fund is limited to two weeks.

**(AQW 54277/11-16)**

**Mr O'Dowd:** The Pathway Fund will replace the Early Years Fund from 1st April 2016. The Department is working with the Fund Administrator (Early Years – the Organisation for Young Children (EYO)) to ensure as priority, that there is no break in funding between the Early Years Fund ending on 31 March 2016 and the Pathway Fund commencing on 1 April 2016.

There is an application period of three weeks between the Pathway Fund launch on 10th February 2016, when applications opened and the closing date for applications of 2nd March 2016.

EYO has provided and continues to provide support to applicants prior to and during the application period.

**Mrs D Kelly** asked the Minister of Education to detail what action he has taken to address the issue of young males and specifically young catholic males not achieving five or more GCSE's at grades A\*-C, in each of the last three years.

**(AQW 54301/11-16)**

**Mr O'Dowd:** Young people who see their time in education as relevant to their aspirations and interests are more likely to remain engaged with their education and achieve their full potential. The full implementation of the Entitlement Framework is about broadening access to economically relevant and individually engaging courses with clear progression pathways for all pupils in Key Stage 4 and post-16. This can make an important contribution to increasing the proportion of pupils who achieve at least five GCSEs at A\*-C grades (or equivalent).

Between 2011/12 and 2013/14, the proportion of male school leavers not achieving five or more GCSEs (or equivalent) at grades A\*-C decreased by 3.1 percentage points (from 29.0% to 25.9%); over the same period the proportion of Catholic male school leavers not achieving at this level decreased by 3.3 percentage points (from 27.6% to 24.3%);

Evidence shows that pupils from disadvantaged backgrounds, with greater obstacles to overcome, make up a significant proportion of those who do not achieve at this level. Therefore, I have redistributed school funding to target those schools with high numbers of pupils from socially disadvantaged backgrounds. I have also funded and implemented interventions to improve outcomes in literacy and numeracy

The Delivering Social Change Literacy and Numeracy Signature Programme has made a significant contribution to the improved attainment levels in literacy and numeracy. A Legacy Programme is currently being delivered to ensure that the best practice and learning developed through the Programme can be disseminated across all schools.

I have also provided funding to support programmes aimed at improving school-parent and school-community links such as the Community Education Initiatives Programme and the West Belfast Community Project. In addition, the focus of the Education Works advertising campaign in 2014/15 was on parents of post-primary school age pupils and sought to encourage parents to take steps to support their child in making subject choices and planning for their future education, training and career. The second phase of this year's campaign, which is about to conclude, also focuses on parents of post-primary school age pupils.

However, to raise standards across our education system we need to remove the inequalities within the system, and that means removing academic selection. The continued use of academic selection is a barrier to addressing underachievement in disadvantaged communities. It damages children's confidence, their motivation to learn, and lowers their expectations of themselves, all of which contributes to the high levels of underachievement we are seeking to tackle.

**Mr Dallat** asked the Minister of Education for a breakdown of the (i) primary; and (ii) post-primary schools that had a deficit as of 31 March 2015, including the value of the deficit.

**(AQW 54322/11-16)**

**Mr O'Dowd:** The tables below provide a breakdown of (i) primary; and (ii) post primaries that had a deficit at 31 March 2015, including the value of the deficit:

(i)

<b>Primary Schools</b>	<b>Opening Deficit £</b>
All Children's Integrated Primary	53,940
Altayeskey Primary	6,986
Ampertaine Primary	9,270
Anahilt Primary	1,820
Andrews Memorial Primary	63,944
Annalong Primary	45,824
Ardstraw Jubilee Primary	5,551
Ballinamallard Primary	7,241
Ballyclare Primary	12,661
Ballydown PRIMARY	7,854
Ballyholland Primary	56,024
Ballynahinch Primary	7,197
Ballysillan Primary	184,735
Ballywalter Primary	5,653
Birches Primary	2,396
Blythefield Primary	135,194
Brackenagh West Primary	45,917
Bronte Primary	24,198
Brooklands Primary	35,313
Buick Memorial Primary	18,766
Bunscoil Bheann Mhadagain	41,186
Bunscoil Bheanna Boirche	8,750
Bunscoil Mhic Reachtain	46,558
Bunscoil Phobal Feirste	51,978
Bush Primary	8,595
Bushmills Primary	15,803
Bushvalley Primary	8,878
Carnaghts Primary	44,627
Carnalridge Primary	4,633
Carrick Primary, Lurgan	88,931
Carrickmannon Primary	4,129
Carrowdore Primary	2,790
Castle Gardens Primary	95,517
Cookstown Primary	39,493
Crawfordsburn Primary	12,762
Creavery Primary	4,910
Cregagh Primary	12,022
Crievagh Primary	13,721

<b>Primary Schools</b>	<b>Opening Deficit £</b>
Culcrow Primary	313
Derrylatinee Primary	31,106
Desertmartin Primary	18,329
Dromore Central Primary	12,626
Dromore Primary, Omagh	7,664
Drumachose Primary	25,226
Drumahoe Primary	25,326
Dunclug Primary	14,258
Dunseverick Primary	9,154
Edenderry Primary, Portadown	44,117
Edwards Primary	15,317
Enniskillen Model Primary	5,152
Envagh Primary	56,081
Evish Primary	773
Florencecourt Primary	5,026
Foley Primary	21,213
Gaelscoil Aodha Rua	8,713
Gaelscoil Eanna	592
Gaelscoil Ghleann Darach	21,068
Gaelscoil Na Mona	11,413
Gilnahirk Primary	17,212
Glengormley Integrated Primary	135,454
Glenravel Primary	1,716
Gorran Primary	3,760
Grange Primary	4,492
Hamiltonsbawn Primary	12,543
Hardy Memorial Primary	12,081
Harryville Primary	3,889
Hezlett Primary	43,966
Hollybank Primary	20,342
Holy Family Primary, Omagh	80,508
Holy Trinity Primary, Cookstown	45,988
Jones Memorial Primary	2,425
Jonesborough Primary	15,527
Kilbride Central Primary	2,645
Killeen Primary	1,448
Killowen Primary, Rostrevor	17,220
Killyman Primary	19,423
Kilmaine Primary	87,767
Kilmoyle Primary	6,828

<b>Primary Schools</b>	<b>Opening Deficit £</b>
Kirkinriola Primary	2,929
Kirkistown Primary	24,679
Knocknagin Primary	12,523
Lissan Primary	40,267
Longstone Primary	1,908
Magherafelt Primary	43,938
Malvern Primary	263,529
Maralin Village Primary	2,692
Mckinney Primary	5,523
Meadow Bridge Primary	67,672
Millquarter Primary	1,730
Moneydarragh Primary	37,293
Moorfields Primary	14,959
Mossgrove Primary	874
Moyallon Primary	14,252
Moyle Primary	934
Newbuildings Primary	14,195
Oakfield Primary	24,648
Orangefield Primary	23,680
Our Lady & St Patrick Primary	11,370
Our Lady Queen Of Peace Primary	75,841
Our Lady's Primary, Tullysaran	13,017
Poyntzpass Primary	42,193
Randalstown Central Primary	18,683
Rathcoole Primary	54,668
Recarson Primary	2,847
Scoil An Droichid	20,565
Scoil Na Fuisioige	12,962
Seaview Primary	6,254
Spa Primary	5,829
Springhill Primary	220,687
St Anthony's Primary (Roe)	32,799
St Bernard's Primary	37,786
St Brigid's Primary, Altamuskin	2,675
St Caireall's Primary, Castlederg	13,202
St Colman's Primary Lisburn	55,149
St Columba's Primary, Clady	1,067
St Columbkille's Primary Carrickmore	7,556
St Eugene's Primary, Tyrcur	24,540
St Finlough's Primary, Sistrakeel	2,432

<b>Primary Schools</b>	<b>Opening Deficit £</b>
St Francis Of Assisi, Drumnabey Primary	8,020
St Francis' Primary, Aghaderg	16,498
St James' Primary, Drumatee	136,417
St John's Primary, Middletown	12,847
St Joseph's Primary, Ballymartin	23,831
St Joseph's Primary, Lisnaskea	1,315
St Joseph's Primary, Madden	4,964
St Luke's Primary	2,620
St Mary's Primary, Banbridge	75,724
St Mary's Primary, Barr	11,378
St Mary's Primary, Derrymore	33,393
St Mary's Primary, Glassdrumman	48,118
St Mary's Primary, Granemore	50,245
St Mary's Primary, Killyclogher	13,190
St Matthew's Primary, Garvaghey	10,072
St Michael's Primary, Clady	12,154
St Oliver Plunkett Primary, Beragh	2,559
St Patrick's Primary	21,461
St Patrick's Primary Ballynahinch	14,587
St Patrick's Primary Castlewellan (Burrenreagh)	27,380
St Patrick's Primary, Crossmaglen	12,560
St Patrick's Primary, Dungannon	3,041
St Patrick's Primary, Eskra	30,779
St Patrick's Primary, Mayobridge	20,773
St Patrick's Primary, Mullinahoe	21,108
St Paul's Primary, Belfast	16,339
St Peter's Primary, Cloughreagh	102,484
St Peter's Primary, Collegelands	24,674
St Peters' Primary, Moortown	16,121
St Teresa's Primary, Lurgan	12,919
St Therese Of Lisieux Primary	24,264
St Tierney's Primary, Roslea	5,682
St. Anthony's Primary	11,718
St. Colmcille's Primary	19,949
St. James' Primary	13,958
St. John's Primary Coleraine	50,928
St. Macnissi's Primary Newtownabbey	6,989
St. Macnissi's Primary, Larne	10,058
St. Macnissius' Primary	14,722
St. Malachy's Primary	5,038

<b>Primary Schools</b>	<b>Opening Deficit £</b>
St. Mary's Primary Cargan	882
St. Mary's Primary Greenlough	12,235
St. Mary's Primary Rathlin	232
St. Oliver Plunkett Primary	11,458
St. Patrick's & St. Brigid's Primary	44,359
Stewartstown Primary	11,845
Straid Primary	13,504
Strandtown Primary	18,952
Stranmillis Primary	2,237
Tannaghmore Primary	52,721
Templepatrick Primary	32,675
The Diamond Primary	6,197
The Dreincourt Primary	69,197
The Irish Society's Primary	24,502
The Thompson Primary	13,289
Tir-Na-Nog Primary	288
Upper Ballyboley Primary	28,154
Victoria Primary	6,935
Waringstown Primary	145,217
Whiteabbey Primary	23,379
<b>Total Primary</b>	<b>4,833,950</b>

(ii)

<b>Post Primary Schools</b>	<b>Opening Deficit £</b>
Ballymoney High School	46,282
Carrickfergus College	22,882
Dunluce School	103,466
Glengormley High School	122,728
Larne High School	53,386
Coleraine College	813,293
St. Patrick's College Ballymena	302,258
St. Paul's College	33,987
St. Benedict's College	59,153
Crumlin Integrated College	613,482
Cambridge House Grammar	184,712
Omagh High School	75,252
St Aidan's High School	253,600
Immaculate Conception College	320,594
St Eugene's College, Roslea	491,662
St Mary's High School, Brollagh	547,648

<b>Post Primary Schools</b>	<b>Opening Deficit £</b>
St Mary's High School, Limavady	54,906
Enniskillen Collegiate	76,974
Strabane Academy	881,269
Ashfield Boys' High School	75,528
Corpus Christi College	526,424
Mercy College	570,867
St Patrick's College, Belfast	26,848
Bloomfield Collegiate, Belfast	185,346
Kilkeel High	673,830
Newtownhamilton High	11,089
Banbridge High	266,254
Markethill High	21,074
Fivemiletown College	202,079
City Of Armagh High	956,780
Aughnacloy College	28,248
Lurgan Junior High	18,997
Craigavon Senior High	358,552
St Columban's College	550,380
St Mary's Girls' High, Lurgan	290,032
St Mark's High, Warrenpoint	140,397
St Paul's High, Bessbrook	321,330
St Brigid's Boys' High	652,258
St Patrick's High, Keady	123,922
Lismore Comprehensive	179,338
St Catherine's College	102,422
Drumcree College	1,106,494
Brownlow College	406,892
Banbridge Academy	15,910
Knockbreda High School	26,556
St Colmcille's High School	105,691
St Columba's College	269,597
<b>Total Post Primary</b>	<b>13,270,669</b>

**Mr Dallat** asked the Minister of Education, pursuant to AQW 53788/11-16, for a breakdown of the (i) primary; and (ii) post-primary schools with schools' surpluses as of 31 March 2015, including the value of the surplus.  
(AQW 54323/11-16)

**Mr O'Dowd:** The tables below provide a breakdown of (i) primary; and (ii) post-primaries that had a surplus at 31 March 2015, including the value of the surplus:

(i)

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Millington Primary	82,450

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Abbey Primary	73,263
Abbots Cross Primary	46,865
Abercorn Primary	23,090
Academy Primary	32,154
Aghadrumsee Primary	5,520
Alexander Dickson Primary	20,092
All Saints Primary, Tattysallagh	56,618
Altishane Primary	2,107
Anahorish Primary	40,804
Anamar Primary	9,489
Annsborough Integrated Primary	5,191
Antrim Primary	120,863
Armagh Christian Brothers Primary	57,762
Armoy Primary	34,259
Artigarvan Primary	24,744
Ashgrove Primary	33,171
Ashlea Primary	10,060
Aughamullan Primary	34,304
Augher Central Primary	29,614
Aughlisnafin Primary	29,575
Aughnacloy Regional Primary	112,316
Avoniel Primary	114,440
Ballinderry Primary Lisburn	29,908
Ballougry Primary	23,843
Ballycarrickmaddy Primary	2,153
Ballycarry Primary	7,470
Ballycastle Integrated Primary	58,787
Ballycraig Primary	70,241
Ballyhackett Primary	16,424
Ballyhenry Primary	27,417
Ballyholme Primary	82,546
Ballykeel Primary	107,795
Ballykelly Primary	45,756
Ballylifford Primary	19,951
Ballymacash Primary	62,801
Ballymacrickett Primary	1,691
Ballymacward Primary	42,120
Ballymagee Primary	105,207
Ballymena Primary	43,522
Ballymoney Model Integrated Primary	63,825

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Ballynure Primary	19,253
Ballyoran Primary	6,309
Ballysally Primary	56,119
Ballytober Primary	41,758
Ballytrea Primary	5,862
Ballyvester Primary	54,348
Balnamore Primary	73,748
Bangor Central Primary	128,888
Barnish Primary	19,252
Bellaghy Primary	24,163
Bellarena Primary	70,015
Belleek No 2 Primary	51,635
Belmont Primary	48,559
Belvoir Park Primary	77,387
Bessbrook Primary	13,532
Black Mountain Primary	90,988
Bleary Primary	727
Blessed Patrick O'loughran Primary	1,831
Bloomfield Primary	137,560
Bocombra Primary	33,935
Botanic Primary	35,654
Branial Primary	51,890
Bready Jubilee Primary	613
Broadbridge Primary	68,274
Brookeborough Primary	14,882
Broughshane Primary	32,622
Brownlee Primary	20,002
Bunscoil An Iuir	69,351
Bunscoil An Tsleibhe Dhuibh	13,353
Bunscoil Cholmcille Primary	59,357
Cairncastle Primary	126,363
Cairnshill Primary	17,536
Camphill Primary	54,465
Carhill Integrated Primary	18,709
Carnalbanagh Primary	25,474
Carniny Primary	106,134
Carnlough Integrated Primary	21,285
Carnmoney Primary	20,325
Carntall Primary	7,307
Carr Primary	19,178

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Carrick Primary, Warenpoint	27,201
Carrickfergus Central Primary	22,896
Carrickfergus Model Primary	22,554
Carrowreagh Primary	9,224
Carryduff Primary	32,173
Castledawson Primary	44,457
Castleroe Primary	21,156
Castlewellan Primary	19,491
Cavehill Primary	147,743
Chapel Road Primary	9,158
Christ The King Primary, Ballynahinch	29,277
Christ The King Primary, Omagh	86,705
Christ The Redeemer Primary	375,514
Churchill Primary	73,790
Churchtown Primary	14,830
Clandeboy Primary	24,926
Clare Primary	71,426
Clea Primary	61,584
Cliftonville Integrated Primary	38,965
Clintyclay Primary	7,584
Cloghogue Primary	48,438
Clonalig Primary	40,450
Clough Primary	11,337
Cloughmills Primary	39,285
Coagh Primary	7,920
Comber Primary	62,748
Cooley Primary	10,426
Cortamlet Primary	69,641
Craigbrack Primary	27,880
Creggan Primary	33,383
Crossroads Primary	10,416
Crumlin Integrated Primary	95,937
Culmore Primary	34,758
Culnady Primary	18,966
Cumber Claudy Primary	25,561
Cumran Primary	292,605
Currie Primary	79,489
D. H. Christie Memorial Primary	29,245
Damhead Primary	45,932
Darkley Primary	65,478

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Denamona Primary	10,537
Derryboy Primary	101
Derrychrin Primary	52,905
Derrygonnelly Primary	20,421
Derryhale Primary	62,874
Dickson Primary	43,154
Doagh Primary	35,905
Donacloney Primary	2,797
Donaghadee Primary	41,496
Donaghey Primary	21,367
Donaghmore Primary	52,728
Donegall Road Primary	67,454
Donemana Primary	136,713
Downpatrick Primary	88,325
Downshire Primary, Hillsborough	38,985
Dromara Primary	75,517
Dromintee Primary	3,869
Dromore Road Primary	84,727
Drumadonnell Primary	116,360
Drumroad Primary	19,072
Drumduff Primary	5,146
Drumgor Primary	102,703
Drumhillery Primary	45,477
Drumlish Primary	60,356
Drumrane Primary	249
Drumsallen Primary	14,414
Dundela Infants' Primary	106,247
Dundonald Primary	188,454
Duneane Primary	27,070
Dungannon Primary	90,487
Dunmullan Primary	11,137
Dunmurry Primary	47,695
Earlview Primary	82,023
Ebrington Primary	118,882
Eden Primary Ballymoney	1,352
Eden Primary Carrickfergus	44,184
Edenbrooke Primary	43,480
Edenderry Primary, Banbridge	18,309
Edendork Primary	15,349
Eglinton Primary	37,346

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Elmgrove Primary	217,509
Erganagh Primary	57,173
Euston Street Primary	89,738
Fair Hill Primary	89,143
Fairview Primary	164,769
Fane Street Primary	36,763
Faughanvale Primary	26,973
Finaghy Primary	87,441
Fivemiletown Primary	36,386
Fort Hill Integrated Primary	96,728
Forth River Primary	82,434
Fountain Primary	67,293
Fourtowns Primary	60,597
Gaelscoil An Chastil	33,540
Gaelscoil An Lonnain	26,442
Gaelscoil An Traonaigh	49,857
Gaelscoil An Tseanchaí	81,415
Gaelscoil Eadain Mhoir	35,720
Gaelscoil Léim An Mhadaidh	37,706
Gaelscoil Na Bhfal	173,733
Gaelscoil Na Daróige	1,468
Gaelscoil Na Gcrann	144,112
Gaelscoil Na Speirini	13,580
Gaelscoil Neachtain	36,794
Gaelscoil Uí Dhochartaigh	185,901
Gaelscoil Uí Neill	44,831
Gaelscoil Eoghain	8,343
Gaelscoil Na Mbeann	29,677
Garryduff Primary	41,828
Garvagh Primary	45,721
Gibson Primary	102,700
Gilford Primary	93
Gillygooley Primary	62,155
Glasswater Primary	25,573
Glen Primary	18,888
Glenann Primary	24,066
Glencraig Integrated Primary	87,538
Glendermott Primary	10,859
Glenwood Primary	60,720
Glynn Primary	34,099

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Good Shepherd Primary, Belfast	80,225
Good Shepherd Primary, Dungiven Road	22,051
Gortin Primary	18,398
Gortnagarn Primary	135
Gracehill Primary	17,868
Grange Park Primary	310,684
Greenhaw Primary	130,202
Greenisland Primary	11,777
Greenwood Infants' Primary	42,463
Greyabbey Primary	31,724
Greystone Primary	15,168
Groarty Integrated Primary	62,591
Groggan Primary	40,442
Harding Memorial Primary	49,253
Harmony Hill Primary	88,466
Harmony Primary	142,127
Harpur's Hill Primary	77,804
Hart Memorial Primary	1,623
Hazelbank Primary	52,647
Hollybush Primary	48,617
Holy Child Primary, Belfast	3,014
Holy Child Primary, Derry	81,652
Holy Cross Boys' Primary, Belfast	78,892
Holy Cross Girls' Primary, Belfast	26,013
Holy Cross Primary, Kilkeel	6,513
Holy Family Primary Magherafelt	136,893
Holy Family Primary, Ballymagroarty	83,354
Holy Family Primary, Belfast	67,947
Holy Family Primary, Downpatrick	67,927
Holy Rosary Primary	42,632
Holy Trinity Primary, Belfast	307,103
Holy Trinity Primary, Enniskillen	3,987
Hollywood Primary	24,094
Howard Primary	68,551
Irvinestown Primary	23,401
Iveagh Primary	27,777
John Paul II Primary	150,741
Kells & Connor Primary	36,510
Kesh Primary	24,678
Kilbroney Integrated Primary	21,480

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Kilcoan Primary	13,420
Kilcooley Primary	99,421
Kilkeel Primary	96,026
Killen Primary	43,153
Killinchy Primary	14,425
Killowen Primary	96,972
Killowen Primary, Lisburn	92,946
Killyhommon Primary	30,651
Killylea Primary	41,411
Killyleagh Primary	37,860
Kilrea Primary	24,740
Kilross Primary	49,274
Kings Park Primary	15,892
King's Park Primary, Lurgan	32,188
Kingsmills Primary	8,145
Kircubbin Primary	198,856
Knockahollet Primary	18,301
Knockbreda Primary	33,530
Knockloughrim Primary	24,050
Knockmore Primary	207,406
Knocknagoney Primary	62,925
Knocknagor Primary	15,088
Lack Primary	45,579
Laghey Primary	10,425
Landhead Primary	33,214
Langfield Primary	27,988
Largymore Primary	4,511
Larne & Inver Primary	104,519
Leadhill Primary	7,585
Leaney Primary	136,161
Ligoniel Primary	23,231
Limavady Central Primary	136,994
Linn Primary	85,428
Lisbellaw Primary	8,054
Lisburn Central Primary	20,430
Lisferty Primary	20,438
Lislagan Primary	98,372
Lisnadill Primary	2,648
Lisnagelvin Primary	78,521
Lisnasharragh Primary	22,858

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Listress Primary	59,491
Loanends Primary	16,928
Londonderry Model Primary	11,397
Londonderry Primary	49,052
Longtower Primary	126,789
Loughash Primary	31,033
Loughries Primary	3,708
Lowwood Primary	27,298
Lurgan Model Primary	147,929
Macosquin Primary	14,791
Maghaberry Primary	1,281
Maghera Primary	65,350
Magheralough (Kilskeery) Primary	76,586
Maguiresbridge Primary	39,763
Mallusk Primary	7,864
Markethill Primary	43,996
Mcclintock Primary	66,705
Mercy Primary	17,470
Millburn Primary	103,482
Millisle Primary	34,366
Milltown Primary	90,089
Moat Primary	26,522
Moirra Primary	68,849
Moneymore Primary	67,188
Moneynick Primary	23,728
Moneyrea Primary	35,474
Mossley Primary	107,779
Mount St Catherine's Primary	4,773
Mount St. Michael's Primary	28,854
Mounthorris Primary	40,363
Moy Regional Primary	42,861
Mullabuoy Primary	33,106
Mullaghduh Primary	42,143
Mullaglass Primary	49,033
Mullavilly Primary	4,626
Nazareth House Primary	49,197
Nettlefield Primary	5,499
New Row Primary	26,625
Newcastle Primary	57,119
Newmills Primary	9,571

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Newtownards Model Primary	36,745
Newtownbutler No 2 Primary	63,970
Newtownhamilton Primary	34,921
Newtownstewart Model Primary	73,807
Old Warren Primary	17,673
Olderfleet Primary	50,142
Omagh County Primary	76,087
Orchard County Primary	57,428
Orritor Primary	47,764
Our Lady Of Lourdes Primary, Belfast	133,709
Our Lady Of Lourdes Primary, Omagh	6,058
Our Lady's and St Mochua's Primary, Derrynoose	14,262
Our Lady's Primary, Belfast	73,805
Parkgate Primary	10,019
Parkhall Primary	51,686
Pond Park Primary	193,035
Portaferry Integrated Primary	21,964
Portavogie Primary	182,066
Portglenone Primary	13,909
Portrush Primary	12,139
Portstewart Primary	30,934
Presentation Primary	118,573
Primate Dixon Memorial Primary	90,577
Queen Elizabeth II Primary, Omagh	124,115
Queen Elizabeth II Primary, Pomeroy	13,030
Rasharkin Primary	42,866
Rathenraw Integrated Primary	6,905
Rathmore Primary	43,074
Richmond Primary	36,391
Richmount Primary	3,272
Riverdale Primary	31,208
Roan Primary	32,849
Roscavey Primary	48,258
Rosemount Primary	30,830
Rosetta Primary	59,538
Round Tower Integrated Primary	89,369
Sacred Heart Primary, Belfast	22,960
Sacred Heart Primary, Dundrum	4,650
Sacred Heart Primary, Rock	17,946
Sacred Heart Primary, Tattyreagh	97,342

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Sacred Heart Primary, Trench Road	33,499
Scarva Primary	48,581
Seagoe Primary	5,333
Seaview Primary, Belfast	43,396
Seymour Hill Primary	55,058
Silverstream Primary	91,943
Sion Mills Primary	36,828
Springfield Primary	67,111
St Aidan's Primary, Magilligan	26,681
St Aloysius Primary	76,936
St Anne's Primary Derry	112,085
St Anne's Primary, Belfast	84,490
St Anne's Primary, Donaghadee	11,453
St Anthony's Primary, Craigavon	123,842
St Brendan's Primary	227,071
St Bride's Primary	68,938
St Brigid's Primary, Augher	26,178
St Brigid's Primary, Carnhill	93,371
St Brigid's Primary, Cranagh	69,240
St Brigid's Primary, Downpatrick	55,146
St Brigid's Primary, Drumilly	13,535
St Brigid's Primary, G'drummond	122,153
St Brigid's Primary, Mountfield	1,071
St Brigid's Primary, Mountjoy	21,880
St Bronagh's Primary, Rostrevor	2,588
St Canice's Primary, Dungiven	19,033
St Canice's Primary, Feeny	37,061
St Caolan's Primary	24,447
St Catherines Primary Strabane	208,665
St Clare's Abbey Primary	180,845
St Clare's Primary, Belfast	242,988
St Colman's Primary, Annaclone	40,742
St Colman's Primary, Bann	52,077
St Colman's Primary, Dromore	60,682
St Colmans' Primary, Kilkeel	374
St Colman's Primary, Saval	27,173
St Colmcilles Primary, Claudy	25,923
St Colmcille's Primary, Downpatrick	109,366
St Columban's Primary, Belcoo	61,716

<b>Primary Schools</b>	<b>Opening Surplus £</b>
St Columba's Primary Newbuildings	5,084
St Comgall's Primary	63,467
St Conor's Primary, Omagh	38,861
St Dallan's Primary, Warrenpoint	1,367
St Davog's Primary, Belleek	67,613
St Dympna's Primary, Dromore,	72,401
St Eithne's Primary, Ballymagroarty	30,697
St Eugene's Primary Londonderry	26,828
St Eugene's Primary, Victoria Bridge	36,509
St Finian's Primary	32,613
St Francis' Of Assisi Primary	65,388
St Francis' Primary, Lurgan	262,855
St Ita's Primary	12,938
St Jarlath's Primary	71,425
St John The Baptist Primary, Enniskillen	6,601
St John The Baptist Primary, Portadown	43,031
St John's Primary, Bligh's Lane	206,888
St John's Primary, Dernaflaw	41,352
St John's Primary, Eglish	3,226
St John's Primary, Gilford	90,663
St John's Primary, Kingisland	39,795
St John's Primary, Moy	71,637
St Joseph's And St James Primary	4,993
St Joseph's Convent Primary, Newry	108,590
St Joseph's Primary (Slate Street)	65,254
St Joseph's Primary Ballycruttle	24,433
St Joseph's Primary Carnacaville	16,020
St Joseph's Primary Carryduff	54,464
St Joseph's Primary Crossgar	59,627
St Joseph's Primary Killough	67,233
St Joseph's Primary Lisburn	43,734
St Joseph's Primary Strangford	2,937
St Joseph's Primary Tyrella	13,528
St Joseph's Primary, Bessbrook	165,761
St Joseph's Primary, Caledon	40,924
St Joseph's Primary, Drumquin	30,435
St Joseph's Primary, Ederney	30,397
St Joseph's Primary, Galbally	44,644
St Joseph's Primary, Glenmornan	9,520
St Joseph's Primary, Killeenan	48,045

<b>Primary Schools</b>	<b>Opening Surplus £</b>
St Joseph's Primary, Meigh	90,469
St Kevin's Primary	306,880
St Kieran's Primary	63,116
St Laurence's Primary, Beleeks	76,820
St Lawrence's Primary, Fintona	32,336
St Mac Carten's Convent Primary	7,771
St Macartan's Primary	35,908
St Macartan's Primary, Dromore	5,220
St Macartan's Primary, Roslea	124,471
St Malachy's Primary Bangor	12,224
St Malachy's Primary Castlewellan	142,849
St Malachy's Primary Kilclief	43,698
St Malachy's Primary Kilcoo	26,793
St Malachy's Primary, Armagh	71,327
St Malachy's Primary, Ballymoyer	58,305
St Malachy's Primary, Belfast	117,336
St Malachy's Primary, Carnagat	251,414
St Malachy's Primary, C'croppan	103,355
St Malachy's Primary, Drumullan	70,508
St Malachy's Primary, Glencull	11,922
St Mark's Primary	5,599
St Martin's Primary, Garrison	113,787
St Mary's Primary, Gortnaghey	44,755
St Mary's Primary (St Pauls Cavan.)	257,177
St Mary's Primary Ardglass	38,032
St Mary's Primary Comber	12,867
St Mary's Primary Killyleagh	51,816
St Mary's Primary Kircubbin	4,992
St Mary's Primary Newcastle	27,656
St Mary's Primary Portaferry	1,937
St Mary's Primary Saintfield	22,924
St Mary's Primary, Altinure	37,457
St Mary's Primary, Aughnacloy	317
St Mary's Primary, Ballygawley	96,691
St Mary's Primary, Brookeborough	12,127
St Mary's Primary, Cabra	20,294
St Mary's Primary, Cloughcor	40,039
St Mary's Primary, Dechomet	2,872
St Mary's Primary, Derrytrasna	20,328
St Mary's Primary, Dunamore	90,914

<b>Primary Schools</b>	<b>Opening Surplus £</b>
St Mary's Primary, Fivemiletown	51,411
St Mary's Primary, Killesher	73,251
St Mary's Primary, Lisbuoy	53,343
St Mary's Primary, Maghery	29,240
St Mary's Primary, Maguiresbridge	38,884
St Mary's Primary, Mullaghbawn	31,135
St Mary's Primary, Mullymesker	9,153
St Mary's Primary, Newtownbutler	58,157
St Mary's Primary, Pomeroy	15,677
St Mary's Primary, Rathfriland	59,411
St Mary's Primary, Stewartstown	80,031
St Mary's Primary, Strabane	133,734
St Mary's Primary, Teemore	31,841
St Mary's Star Of The Sea Primary	89,939
St Mary's, Tempo No 2 Primary	63,101
St Matthew's Primary, Belfast	19,761
St Matthew's Primary, Limavady	45,752
St Matthew's Primary, Magheramayo	3,876
St Michael's Primary, Belfast	18,514
St Michael's Primary, Finnis	2,573
St Michael's Primary, N'hamilton	31,707
St Naile's Primary, Kinawley	63,981
St Nicholas' Primary	11,370
St Ninnidh's Primary, Derrylin	13,778
St Oliver Plunkett Primary Strathfoyle	118,055
St Oliver Plunkett Primary, Belfast	85,479
St Oliver Plunkett's Primary, Ballyhegan	92,260
St Oliver Plunkett's Primary, Forkhill	24,476
St Olivers' Primary Carrickravaddy	41,398
St Patrick's Primary Holywood	45,134
St Patrick's Primary Portaferry (Ballygalget)	34,027
St Patrick's Primary Saul	23,232
St Patrick's Primary (Legamaddy)	70,060
St Patrick's Primary, Aghacommon	86,670
St Patrick's Primary, Annaghmore	10,061
St Patrick's Primary, Armagh	342,828
St Patrick's Primary, Aughadarragh	16,668
St Patrick's Primary, Ballymaghery	96,159
St Patrick's Primary, Castlederg	21,021
St Patrick's Primary, Cullyhanna	28,682

<b>Primary Schools</b>	<b>Opening Surplus £</b>
St Patrick's Primary, Derrygonnelly	28,883
St Patrick's Primary, Derrynaseer	70,989
St Patrick's Primary, Donaghmore	68,121
St Patrick's Primary, Donemana	20,326
St Patrick's Primary, Drumgreenagh	41,679
St Patrick's Primary, Gortin	24,553
St Patrick's Primary, Loup	11,510
St Patrick's Primary, Maralin	19,381
St Patrick's Primary, Moneymore	79,224
St Patrick's Primary, Mullanaskea	101,840
St Patrick's Primary, Newry	135,924
St Patrick's Primary, Newtownstewart	57,599
St Patrick's Primary, Pennyburn	114,327
St Paul's Primary, Cabra	36,463
St Paul's Primary, Irvinestown	212,155
St Paul's Primary, Slievemore	22,398
St Peter's & St Paul's Primary	87,081
St Peter's Primary, Belfast	30,676
St Peter's Primary, Plumbridge	20,719
St Ronan's Primary, Lisnaskea	26,310
St Ronan's Primary, Newry	58,431
St Scire's Primary, Trillick	34,335
St Teresa's Primary, Belfast	79,030
St Teresa's Primary, Loughmacrory	19,885
St Teresa's Primary, Tullyherron	19,331
St Theresa's Primary, Glebe	150,827
St Therese's Primary, Lenamore	71,028
St Vincent De Paul Primary	93,665
St. Anne's Primary	17,527
St. Bernard's Primary	84,616
St. Brigid's Primary Ballymena	49,923
St. Brigid's Primary Ballymoney	53,498
St. Brigid's Primary Cloughmills	30,122
St. Brigid's Primary Knockloughrim	26,422
St. Brigid's Primary Tirkane	19,911
St. Ciaran's Primary	23,108
St. Columba's Primary Garvagh	46,067
St. Columba's Primary Kilrea	54,691
St. Columba's Primary Straw	16,150
St. Columb's Primary Magherafelt	1,025

<b>Primary Schools</b>	<b>Opening Surplus £</b>
St. Colum's Primary Portstewart	12,790
St. Comgall's Primary	21,962
St. Eoghan's Primary	75,963
St. John Bosco Primary	39,632
St. John's Primary Carnlough	68,440
St. John's Primary Swatragh	33,337
St. Joseph's Primary Antrim	50,330
St. Joseph's Primary Crumlin	108,319
St. Joseph's Primary Dunloy	41,533
St. Mary's Primary Bellaghy	30,197
St. Mary's Primary Cushendall	86,318
St. Mary's Primary Draperstown	45,939
St. Mary's Primary Glenview	5,006
St. Mary's Primary Portglenone	38,442
St. Mary's-On-The-Hill Primary	1,377
St. Nicholas' Primary Carrickfergus	55,701
St. Olcan's Primary	33,943
St. Patrick's & St. Joseph's Federated Primary	57,485
St. Patrick's Primary Glenariffe	18,352
St. Patrick's Primary Loughgiel	67,047
St. Patrick's Primary Portrush	8,805
St. Patrick's Primary Rasharkin	58,391
St. Paul's Primary Ahoghill	10,920
St. Trea's Primary	14,197
Steelstown Primary	73,978
Strabane Primary	24,650
Straidbilly Primary	33,907
Straidhavern Primary	36,720
Sunnylands Primary	24,571
Tandragee Primary	34,624
Tattygar Primary	64,823
Taughmonagh Primary	147,664
Tempo No 1 Primary	20,251
Termoncanice Primary	193,310
The Armstrong Primary	86,561
The Cope Primary	17,044
Tildarg Primary	15,639
Tobermore Primary	2,815
Tonagh Primary	254,972
Toreagh Primary	78,554

<b>Primary Schools</b>	<b>Opening Surplus £</b>
Towerview Primary	57,558
Tullycarnet Primary	44,732
Tullygally Primary	19,414
Tummery Primary	10,659
Victoria Park Primary	92,622
Victoria Primary (Ballyhalbert)	20,665
Victoria Primary (Newtownards)	45,904
Walker Memorial Primary	30,024
Westwinds Primary	112,849
Wheatfield Primary	30,053
Whitehead Primary	29,317
Whitehouse Primary	64,743
William Pinkerton Memorial Primary	12,745
Windsor Hill Primary	14,072
Woodburn Primary	63,357
Woodlawn Primary	41,078
Woods Primary	67,496
<b>Total</b>	<b>33,294,944</b>

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<b>Post Primary Schools</b>	<b>Opening Surplus £</b>
Antrim Grammar	170,753
Ashfield Girls' High School	33,737
Ballycastle High School	182,356
Ballyclare High School	1,909
Ballyclare Secondary School	83,399
Bangor Academy And 6th Form College	33,082
Belfast Boys' Model School	210,760
Belfast Model School For Girls	50,164
Carrickfergus Grammar	77,124
Castlederg High School	80,983
Christian Brothers Secondary, Belfast	232,395
Clounagh Junior High	97,139
Colaiste Feirste	38,577
Coleraine High School	83,633
Cookstown High	231,711
Cross And Passion College	9,718
Cullybackey College	16,695
De La Salle College	199,159
De La Salle Secondary School	193,314

<b>Post Primary Schools</b>	<b>Opening Surplus £</b>
Dean Brian Maguirc College	104,572
Devenish College	441,841
Down High School	179,831
Downshire School	145,382
Dromore High	696,708
Drumglass High	500,839
Dunclug College	176,507
Dundonald High School	167,180
Edmund Rice College	42,538
Fort Hill College	478,238
Glastry College	322,209
Glenlola Collegiate	44,299
Holy Cross College	281,216
Holy Trinity College	202,096
Killicomaine Junior High	71,532
Laurelhill Community College	376,409
Limavady Grammar School	466,972
Limavady High School	207,396
Lisnagarvey High School	97,700
Lisneal College	228,070
Little Flower Girls' School	176,578
Lurgan College	248,699
Magherafelt High School	75,199
Movilla High School	123,076
Nendrum College	213,821
Newry High	202,542
Newtownbreda High School	80,039
Omagh Academy	279,622
Our Lady Of Lourdes High School	72,809
Parkhall Integrated College	32,245
Portadown College	302,254
Priory College	5,342
Rathfriland High	401,844
Regent House School	118,093
Sacred Heart College, Omagh	647,558
Saintfield High School	85,453
St Brigid's College, Carnhill	315,977
St Cecilia's College	250,172
St Ciaran's College	10,842
St Colman's High School	7,054

<b>Post Primary Schools</b>	<b>Opening Surplus £</b>
St Colm's High School	608,420
St Columbanus' College	177,823
St Comhghall's College	150,765
St Fanchea's College	62,713
St Genevieve's High School	260,371
St John's College	111,426
St Joseph's Boys' High, Newry	25,288
St Joseph's College, Coalisland	36,344
St Joseph's College, Belfast	53,508
St Joseph's College, Enniskillen	144,207
St Joseph's High, Crossmaglen	164,513
St Joseph's Secondary, Londonderry	70,713
St Louise's Comprehensive College	242,210
St Malachy's High School	45,377
St Mary's College, Londonderry	66,497
St Mary's High School, Downpatrick	63,923
St Mary's High, Newry	157,090
St Mary's Secondary School, Irvinestown	102,346
St Patricks & St Brigids High College	86,017
St Patrick's Academy, Lisburn	66,073
St Patrick's College, Banbridge	19,802
St Patrick's College, Dungannon	641,181
St Patrick's College, Dungiven	10,868
St Paul's Junior High, Lurgan	17,095
St Rose's High School	33,665
St. Colm's High School	104,519
St. Joseph's College	52,432
St. Killian's College	39,338
St. Mary's College	63,489
St. Patrick's College Maghera	162,288
St. Pius X College	124,634
Tandragee Junior High	305,011
The High School Ballynahinch	42,135
<b>Total</b>	<b>15,219,443</b>

**Mr Weir** asked the Minister of Education to detail the impact the speed limit at or close to a school has on the criteria for determining whether there is a school crossing patrol.

**(AQW 54325/11-16)**

**Mr O'Dowd:** The Education Authority's discretionary provision of a School Crossing Patrol (SCP) is determined by an assessment which is conducted in accordance with Road Safety GB guidelines.

An assessment will primarily focus on the volume of pupils walking to and from school and the number of vehicles at the location under assessment however may include other factors such as include speed/visibility, carriageway width, road

markings, junctions, accident history, street lighting and signage. Road Safety GB guidelines recommend that SCPs are not provided where the speed limit is greater than 40mph.

**Mrs D Kelly** asked the Minister of Education whether he has any plans to review Pre-school Education Advisory Groups funding.

**(AQW 54328/11-16)**

**Mr O'Dowd:** The Pre-School Education Programme (PSEP) is a partnership between the statutory sector and the voluntary/private sectors. Funding for non-statutory settings is provided by DE through the Pre-School Education Advisory Groups (PEAG) within the Education Authority, who are responsible for planning local pre-school provision based on an assessment of need.

The funding rate for PSEP provision is reviewed on an annual basis following the wider DE budget allocations. Following the Executive's agreement of Budget 2016-17, I am currently working through the impact on the Education sector and have not yet come to any final decisions on 2016-17 budget allocations. I hope to reach final decisions within the next few weeks.

**Mrs D Kelly** asked the Minister of Education to detail why school principals of nursery schools are not given the same entitlement to principal release.

**(AQW 54329/11-16)**

**Mr O'Dowd:** On 4 June 2015 I met with NAHT representatives to advise them that, due to the challenging budgetary position my Department was facing this year and in forthcoming years, I would be unable to fund release time for Nursery Principals. Furthermore, at that stage there were 82 nursery schools in surplus funding to a value of £2m.

**Ms Sugden** asked the Minister of Education whether the Pathways Fund will provide services for children up to three years of age from April 2016.

**(AQW 54360/11-16)**

**Mr O'Dowd:** The Pathway Fund which will replace the Early Years Fund from 1 April 2016, will be open to voluntary and community providers or facilitators of registered Early Years education and learning provision (i.e. for children aged 0-4 years) such as;

- Registered Sessional Daycare settings (including Out of Schools, Summer Schemes, Playgroups, crèches);
- Registered Full Daycare settings (Day Nurseries);
- Registered Childminders.

**Mr Weir** asked the Minister of Education to what extent school hours, particularly starting times are prescribed in legislation.

**(AQW 54403/11-16)**

**Mr O'Dowd:** Legislation requires all schools to provide a minimum number of hours under instruction. Three hours under instruction, excluding religious education, in the case of a pupil enrolled in a class composed mainly of pupils who, at the beginning of the school year, had not attained the age of eight years and 4.5 hours, excluding religious education, in the case of any other pupil.

It is the Department's policy to give as much autonomy as possible to schools. In line with this policy, there is no legislation governing the opening and closing time of schools. All schools have the flexibility to set their own starting and finishing times taking account of the legislative requirement above. Some schools will of course also need to take account of the availability of transport in determining their opening and closing times.

**Mr Weir** asked the Minister of Education for an update on the Investing in the Teaching Workforce scheme.

**(AQW 54406/11-16)**

**Mr O'Dowd:** The Investing in the Teaching Workforce Scheme is still under development in collaboration with teaching unions and employer representatives, and details have yet to be finalised. All relevant criteria will be published when details of the Scheme have been finalised.

It is intended to launch the Scheme in early Spring and all relevant criteria will be published at that stage.

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43027/11-15, to detail (i) the rate per thousand of fifteen to seventeen year old pupils that had less than 85 per cent attendance in 2014-15, broken down by (a) council area; and (b) electoral ward; and (ii) what further action is being taken to reduce levels of absenteeism.

**(AQW 54417/11-16)**

**Mr O'Dowd:** I have arranged for the answers to parts i(a) and i(b) to be placed in the Assembly Library.

Parents and carers have a statutory duty, to ensure that each child of compulsory school age receives full time education. My Department has issued information reminding parents of their responsibilities in respect of attendance.

My Department also issues guidance to schools in relation to attendance and absence recording. Schools are required to record and closely monitor pupil attendance and have policies and procedures in place for managing attendance.

Departmental guidance recommends that every school should have an attendance policy which defines roles and responsibilities for staff, pupils and parents in relation to attendance and reporting absences. If a school has cause for concern, or a pupil's attendance falls below 85%, they should seek support from the Education Authority's (EA) Education Welfare Service (EWS). The EWS provides support for schools, pupils and parents to improve attendance at school.

The Education Authority (EA) can usually as a last resort initiate court action which could result in the parent receiving a fine not exceeding (£1000) for each child. The EA can also apply under the Children (NI) Order 1995 for an Education Supervision Order to be made by the court.

My Department is currently finalising an Improving Pupil Attendance strategy, which will be published for public consultation shortly. This strategy will build upon the good practice already taking place in our schools and will bring together our existing policies to strengthen our determination to improve pupil attendance and reduce unauthorised absence.

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43024/11-15, to detail (i) the rate per thousand of post-primary school pupils that had less than 85 per cent attendance in 2014-15, broken down by (a) council area; and (b) electoral ward; and (ii) what further action is being taken to reduce levels of absenteeism.

**(AQW 54418/11-16)**

**Mr O'Dowd:** I have arranged for the answers to parts i(a) and i(b) to be placed in the Assembly Library

Parents and carers have a statutory duty, to ensure that each child of compulsory school age receives full time education. My Department has issued information reminding parents of their responsibilities in respect of attendance.

My Department also issues guidance to schools in relation to attendance and absence recording. Schools are required to record and closely monitor pupil attendance and have policies and procedures in place for managing attendance. Departmental guidance recommends that every school should have an attendance policy which defines roles and responsibilities for staff, pupils and parents in relation to attendance and reporting absences. If a school has cause for concern, or a pupil's attendance falls below 85%, they should seek support from the Education Authority's (EA) Education Welfare Service (EWS). The EWS provides support for schools, pupils and parents to improve attendance at school.

The Education Authority (EA) can usually as a last resort initiate court action which could result in the parent receiving a fine not exceeding (£1000) for each child. The EA can also apply under the Children (NI) Order 1995 for an Education Supervision Order to be made by the court.

My Department is currently finalising an Improving Pupil Attendance strategy, which will be published for public consultation shortly. This strategy will build upon the good practice already taking place in our schools and will bring together our existing policies to strengthen our determination to improve pupil attendance and reduce unauthorised absence.

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43025/11-15, to detail (i) the rate per thousand of primary school pupils that had less than 85 per cent attendance in 2014-15, broken down by (a) council area; and (b) electoral ward; and (ii) what further action is being taken to reduce levels of absenteeism.

**(AQW 54419/11-16)**

**Mr O'Dowd:** I have arranged for the answers to parts i(a) and i(b) to be placed in the Assembly Library.

Parents and carers have a statutory duty, to ensure that each child of compulsory school age receives full time education. My Department has issued information reminding parents of their responsibilities in respect of attendance.

My Department also issues guidance to schools in relation to attendance and absence recording. Schools are required to record and closely monitor pupil attendance and have policies and procedures in place for managing attendance. Departmental guidance recommends that every school should have an attendance policy which defines roles and responsibilities for staff, pupils and parents in relation to attendance and reporting absences. If a school has cause for concern, or a pupil's attendance falls below 85%, they should seek support from the Education Authority's (EA) Education Welfare Service (EWS). The EWS provides support for schools, pupils and parents to improve attendance at school.

The Education Authority (EA) can usually as a last resort initiate court action which could result in the parent receiving a fine not exceeding (£1000) for each child. The EA can also apply under the Children (NI) Order 1995 for an Education Supervision Order to be made by the court.

My Department is currently finalising an Improving Pupil Attendance strategy, which will be published for public consultation shortly. This strategy will build upon the good practice already taking place in our schools and will bring together our existing policies to strengthen our determination to improve pupil attendance and reduce unauthorised absence.

**Ms McGahan** asked the Minister of Education to detail (i) the number of referrals the Education and Library Boards made to the Buddy Bear Trust in Dungannon, between 2012 - 2016; and (ii) whether the school receives statutory funding for the children that attend.

**(AQW 54422/11-16)**

**Mr O'Dowd:** Between 2012 – 2016 the Education Authority (EA) and legacy Education and Library Boards did not make any referrals to the Buddy Bear Trust. Two parents did, however, request that their children attend the school and the decision

not to place either of the pupils in Buddy Bear was appealed, in both cases, to the Special Educational Needs and Disability Tribunal (SENDIST). The tribunal subsequently found in favour of one of the children who currently attends Buddy Bear.

The Department of Education (DE) does not fund independent schools. DE has, however, approved the Buddy Bear School as suitable for the admission of children with special educational needs under Article 26 of the Education (Northern Ireland) Order 1996. The EA can, therefore, place a child in this school should a statutory assessment of the child's special educational needs (SEN) make such a recommendation.

If the EA decides to place a child in Buddy Bear School, it is legally obliged to pay any fees in regard to attendance and may pay any fees in regard to boarding and transport.

## Department for Employment and Learning

**Mr Ó hOisín** asked the Minister for Employment and Learning to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 53976/11-16)**

**Dr Farry (The Minister for Employment and Learning):** The table below reflects the funding provided by the Department for Employment and Learning to the East Derry constituency in each of the last five years, where it has been possible to identify this.

Name of Programme/Project	2010-11	2011-12	2012-13	2013-14	2014-15
Ulster University*	£96.1m	£85.5m	£80.7m	£72.8m	£65.1m
Capital Funding solely for UU Coleraine Campus	£0.25m	-	£1.6m	£3.84m	£9.73m
UU Learning & Teaching Spaces Coleraine	£0.25m	-	-	-	-
UU Coleraine Rationalisation Phase 1 & 2	-	-	£0.25m	£2.46m	£4.86m
UU Coleraine Rationalisation Phase 3	-	-	-	-	£4.7m
Data Centre & Disaster Recovery Construction Project	-	-	£1.35m	£1.38m	£0.17m
Management & Leadership Development Programme	£54k	£18k	£3k	£30k	£35k
INTRO	£4k	£4k	£2k	-	£12k
MAP	£43k	£10k	£2k	£10k	£7k
Customised Training	-	-	£30k	£11k	£14k
World Host	-	£21k	£25k	£35k	£16k
Bridge to Employment	-	-	-	£27k	£39k
Apprenticeships, Programme Led Apprenticeships and Training for Success	£3.507m	£3.763m	£3.497m	£3.067m	£1.954m
Collaboration and Innovation Fund (CIF)	-	-	£1k	£223k	£211k
Local Employment Intermediary Service (LEMIS)	£129k	£125k	£124k	£131k	£149k
European Social Fund (ESF)	£1.854m	£2.01m	£2.102m	£2.443m	£1.514m
Level 2 Traineeships	-	-	-	-	£74k
Higher Level Apprenticeships	-	-	-	-	£69k
<b>Total</b>	<b>£102.191m</b>	<b>£91.451m</b>	<b>£89.686m</b>	<b>£86.455m</b>	<b>£88.654m</b>

\* Total funding provided to Ulster University. The Coleraine campus is located within the East Derry constituency and it is up to the University to distribute overall funding.

**Ms Sugden** asked the Minister for Employment and Learning (i) to detail the number of jobs fairs in (a) Limavady; and (b) Coleraine in each of the last three years; (ii) how he has communicated with employers in these areas to assess demand for a jobs fair; and (iii) whether he plans to hold jobs fairs in these areas.

**(AQW 54077/11-16)**

**Dr Farry:** Over the last three years, my Department has hosted the following job fair events locally. There have been three large scale job fair events in the Millennium Forum, Derry (2013, 2014 and 2015). All unemployed clients from both Coleraine and Limavady were invited to attend and issued with promotional flyers highlighting these events. I am aware that a number of clients from both areas attended these events.

There were two job fair events in the Joey Dunlop Centre, Ballymoney (2014 and 2015) with a number of clients from the Coleraine area attending these events.

Officials from my Department also worked with North West Regional College (NWRC) to deliver an Employment and Learning showcase event in Limavady in February 2015 which focused on STEM related subjects and which targeted local year 10 to year 14 students.

When planning to host a Job Fair or event in any location my officials carefully consider the number of job opportunities employers have available in the area in order to establish whether there is sufficient interest from local companies to participate. This ensures that there are sufficient job opportunities on offer to assist the unemployed to find work and also provides value for money for the Department.

Should the opportunity arise during 2016, and there is sufficient demand from employers in the Coleraine and Limavady area, my officials would be happy to scope out the potential for a Departmental event in this area.

**Mr McMullan** asked the Minister for Employment and Learning for a breakdown of his Department's spend in East Antrim in each year since 2010.

**(AQW 54090/11-16)**

**Dr Farry:** The table below reflects the funding provided by my Department to the East Antrim constituency in each of the last five years, where it has been possible to identify this.

It has not been possible to include spend for programmes administered by the Employment Service. Contracts for these programmes were awarded to Lead Contractors which deliver the programmes across a number of areas throughout Northern Ireland. Therefore any spend would include payments for all areas for which each Lead Contractor is responsible and not specifically for the Constituency of East Antrim.

Name of Programme/Project	2010-11	2011-12	2012-13	2013-14	2014-15
Ulster University <sup>1</sup>	£96.1m	£85.5m	£80.7m	£72.8m	£65.1m
Capital Funding solely for UU Jordanstown Campus	£0.51m	-	-	-	-
UU Learning & Teaching Spaces Jordanstown	£0.08m	-	-	-	-
Deployment of Sensing Technology in Connected Healthcare	£0.18m	-	-	-	-
Netcom Digital Economy Network Hub	£0.07m	-	-	-	-
Sport and Exercise Sciences Research Capability	£0.18m	-	-	-	-
Management & Leadership Development Programme	£11k	£6k	£6k	£25k	£38k
INTRO Entry into Management Programme for Graduates	£11k	£14k	£9k	£130k	£18k
Management Analysis & Planning (MAP)	£5k	£5k	£3k	£10k	-
Customised Training	£15k	£30k	£10k	£10k	£3k
World Host	-	£10k	£12k	£18k	£10k
Skills Competitions' support funding	-	-	-	£4k	£20k
Apprenticeships, Programme Led Apprenticeships and Training for Success	£1.688m	£2.400m	£2.578m	£2.138m	£1.745m
Collaboration and Innovation Fund (CIF) <sup>2</sup>	-	-	-	£129k	£364k
Local Employment Intermediary Service (LEMIS) <sup>3</sup>	-	-	£206k	£320k	£470k
Community Family Support Programme (CFSP) <sup>4</sup>	-	-	-	-	£681k
European Social Fund (ESF) <sup>5</sup>	£1.929m	£1.712m	£1.809m	£2.237m	£2.253m

Name of Programme/Project	2010-11	2011-12	2012-13	2013-14	2014-15
<b>Total (to nearest £m)</b>	<b>£101m</b>	<b>£90m</b>	<b>£85m</b>	<b>£78m</b>	<b>£71m</b>

- 1 Total funding provided to Ulster University. The Jordanstown campus is located within the East Antrim constituency and it is up to the University to distribute overall funding.
- 2 This programme covers a larger area than the East Antrim Constituency but it has not been possible to break down this expenditure.
- 3 This programme covers a larger area than the East Antrim Constituency but it has not been possible to break down this expenditure.
- 4 This programme covers a larger area than the East Antrim Constituency but it has not been possible to break down this expenditure.
- 5 This funding is made up of 40% ESF contribution, 25% DEL contribution and 35% match funding. This funding relates to those organisations that have their headquarters in East Antrim area.

**Mr Murphy** asked the Minister for Employment and Learning to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54098/11-16)**

**Dr Farry:** The total amount spent by this Department and its arm's length bodies, on energy bills, in each of the last five years, was as follows:

	Y/E 31/03/15 £	Y/E 31/03/14 £	Y/E 31/03/13 £	Y/E 31/03/12 £	Y/E 31/03/11 £
Department for Employment and Learning (DEL)	162,691	207,414	195,930	196,243	150,679
Arm's Length Bodies	5,755,439	6,371,663	6,919,343	5,883,125	6,166,274

**Ms McGahan** asked the Minister for Employment and Learning to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54154/11-16)**

**Dr Farry:** The table below reflects the funding provided by my Department to the Fermanagh and South Tyrone constituency in each of the financial years since 2011, where it has been possible to identify this.

Name of Programme/Project	2011-12	2012-13	2013-14	2014-15
Management & Leadership Development Programme	£17k	£3k	£55k	£87k
INTRO Entry into Management Programme for Graduates	£2k	£14k	£31k	£37k
Management Analysis & Planning (MAP)	£16k	£14k	£26k	£8k
Customised Training	£11k	£32k	£47k	£59k
World Host	£4k	£10k	£32k	£31k
Apprenticeships, Programme Led Apprenticeships and Training for Success	£6.879m	£4.518m	£3.907m	£3.605m
Collaboration and Innovation Fund (CIF)	-	-	£3k	£7k
Local Employment Intermediary Service (LEMIS)	£33k	£37k	£42k	£60k
Community Family Support Programme (CFSP)	-	-	£88k	-
European Social Fund (ESF) <sup>1</sup>	£1.258m	£1.278m	£1.766m	£1.914m
Higher Level Apprenticeship Pilots	-	£6k	£10k	£46k
<b>Total (to nearest £m)</b>	<b>£8m</b>	<b>£6m</b>	<b>£6m</b>	<b>£6m</b>

- 1 This funding is made up of 40% ESF contribution, 25% DEL contribution and 35% match funding. This funding relates to those organisations that have their headquarters in Fermanagh and South Tyrone.

It has not been possible to include spend for programmes administered by the Employment Service. Contracts for these programmes were awarded to Lead Contractors which deliver the programmes across a number of areas throughout Northern

Ireland. Therefore any spend would include payments for all areas for which each Lead Contractor is responsible and not specifically for the Constituency of Fermanagh and South Tyrone.

**Mr Easton** asked the Minister for Employment and Learning how many people currently sit on the Board of Governors of Stranmillis College.

**(AQW 54196/11-16)**

**Dr Farry:** Fourteen people currently sit on the Governing Body of Stranmillis University College.

**Mr Easton** asked the Minister for Employment and Learning what are the criteria for selection of the Board of Governors of Stranmillis College.

**(AQW 54197/11-16)**

**Dr Farry:** In accordance with Schedule 2(2) of the Colleges of Education (Northern Ireland) Order 2005, the Instrument of Government for Stranmillis University College stipulates the following criteria for membership of the College's Governing Body:

- a not less than one-half shall be persons appearing to the Department to be, or to have been, engaged or employed in business, industry or any profession;
- b one shall be the principal of the college;
- c two shall be elected by staff employed at the college of whom –
  - i one shall be elected by teachers so employed from among such teachers; and
  - ii. one shall be elected by other staff so employed from among such other staff;
- d one shall be elected by students of the college from among such students.
- e not more than two may be persons co-opted by the other members of the governing body.

Those persons appointed under point a. above are selected through an open competition run in accordance with Commissioner for Public Appointments Northern Ireland (CPANI) guidelines. In the last such competition for Stranmillis, candidates were required to demonstrate how they met the following criteria:

- good communication and influencing skills.
- the ability to think strategically.
- the ability to analyse information and make decisions.
- experience in one of the following areas: teaching; accounting; HR; business; PR/marketing; or estates management.

**Mr Weir** asked the Minister for Employment and Learning (i) on what date the date the economic appraisal on the enhanced sports pitches at Stranmillis University College was received by his Department; (ii) on what date the economic appraisal was signed off by his Permanent Secretary; (iii) when it will receive Ministerial sign off; and (iv) when the economic appraisal will be sent to the Department of Finance and Personnel.

**(AQW 54199/11-16)**

**Dr Farry:** My Department received the final draft of the economic appraisal on the enhanced sports pitches at Stranmillis University College on 06 October 2015. I am presently considering the economic appraisal and once approved it will be forwarded to the Department of Finance and Personnel in line with normal procedure.

**Mr Weir** asked the Minister for Employment and Learning what steps are being taken to bring the opening times of Jobs Centres into line with those of Social Security Offices.

**(AQW 54200/11-16)**

**Dr Farry:** JobCentres' opening times are Monday to Friday from 09.00 hours to 17.00 hours. These times do however accommodate offices having a later starting time of 10.00 am once a week, to facilitate staff training and development, which is tailored to improve staffs skills and knowledge, thereby enhancing services being delivered by them to clients locally.

Compared to Social Security Offices, the JobCentres are presently open for an additional half hour at the end of each day to give customers a greater opportunity to avail of our services. Current opening times are a long-standing arrangement for both JobCentres and Social Security Offices and are kept under review.

However, the Department recently relocated the JobCentre in Bangor to the existing Social Security Office (SSO) location at Hamilton Road which provides enhanced facilities for both staff and clients seeking our services. This move necessitated changing the JobCentre closing time to 4.30 pm in line with the existing Service Level Agreement between the Department for Social Development (DSD), the premise owners, and the contracted security service provider. This new closing time mirrors the existing arrangements for all the Jobs and Benefits Offices across Northern Ireland.

**Mr McMullan** asked the Minister for Employment and Learning for a breakdown of his Department's spend in the Glens area in each year since 2010.

**(AQW 54216/11-16)**

**Dr Farry:** The table below reflects the funding provided by my Department to the Glens area in each of the financial years since 2010, where it has been possible to identify this. The Glens area has been interpreted as comprising of the local government wards of Ballycastle, Kinbane, Loughguile & Stranocum, Lurigethan, and Torr Head & Rathlin.

Name of Programme/Project	2010-11	2011-12	2012-13	2013-14	2014-15
Management & Leadership Development Programme	£2k	-	-	£5k	£6k
INTRO Entry into Management Programme for Graduates	£2k	-	£2k	£2k	-
Management Analysis & Planning (MAP)	-	-	£1k	-	-
World Host	-	£9k	£26k	£20k	£7k
Apprenticeships, Programme Led Apprenticeships and Training for Success <sup>1</sup>	£5.249m	£6.086m	£4.966m	£5.073m	£4.972m
Local Employment Intermediary Service (LEMIS)	-	-	£1k	£3k	£4k
European Social Fund (ESF) <sup>2</sup>	-	-	-	£104k	£105k
<b>Total (to nearest £m)</b>	<b>£5m</b>	<b>£6m</b>	<b>£5m</b>	<b>£5m</b>	<b>£5m</b>

- 1 The Department is unable to provide the requested information by electoral wards. Therefore this expenditure covers the North Antrim Constituency within which the electoral wards listed fall.
- 2 This funding is comprised of 40% ESF contribution, 25% DEL contribution and 35% match funding. This funding relates to those organisations that have their headquarters in the Glens area; there may therefore be other funded projects also operating in this area.

It has not been possible to include spend for programmes administered by the Employment Service. Contracts for these programmes were awarded to Lead Contractors which deliver the programmes across a number of areas throughout Northern Ireland. Therefore any spend would include payments for all areas for which each Lead Contractor is responsible and not specifically for the Glens area.

**Mr Weir** asked the Minister for Employment and Learning to detail the student intake at each university campus in each of the last five years.

**(AQW 54314/11-16)**

**Dr Farry:** The table below shows the number of enrolments at each of Northern Ireland's higher education institutions, from 2010/11 to 2014/15, broken down by campus.

	2010/11	2011/12	2012/13	2013/14	2014/15
QUB	24,195	22,985	22,700	23,320	23,855
UU Belfast	1,795	1,880	1,755	1,810	1,885
UU Coleraine	5,350	5,275	5,195	5,330	5,205
UU Jordanstown	14,370	14,235	13,800	13,485	13,215
UU Magee	4,005	4,065	4,215	4,200	4,445
UU Birmingham	0	190	370	405	300
UU London	0	915	1,120	975	1,025
Stranmillis	1,300	1,340	1,460	1,525	1,555
St Mary's	985	1,020	1,100	1,210	1,155
Open University NI	4,860	4,815	4,440	4,135	3,795
<b>Total</b>	<b>56,860</b>	<b>56,720</b>	<b>56,155</b>	<b>56,395</b>	<b>56,445</b>

**Mr Dickson** asked the Minister for Employment and Learning to detail the schemes that exist to help people with mental health problems obtain or resume paid work; and for his assessment of the effectiveness of these schemes.  
**(AQW 54352/11-16)**

**Dr Farry:** My Department's Employment Service provides a range of programmes and services, all of which are available to people with disabilities, including those who have a mental health condition.

The main adult employment programme is Steps 2 Success. This is delivered throughout Northern Ireland and can be accessed via the 35 Jobs and Benefits offices and Job centres. This programme has been designed, with a service level guarantee, to ensure that people with health and disability related barriers to work, can be supported.

More specifically, my Department has a dedicated Disability Employment Service that provides a comprehensive package of support measures, aimed at helping people with a full range of disabilities, including mental ill-health, to progress towards, move into and sustain paid employment.

This range of specialist disability provision includes pre-employment programmes such as Work Connect, the Job Introduction Scheme and the Condition Management Programme (CMP). These are aimed specifically at those people who have a disability, but who want to get back to work, and require additional support to do so.

Since its introduction in September 2012, 554 people presenting with mental ill-health have registered for the Work Connect programme, with 176 of these successfully moving into paid employment, both part-time and full-time. This programme is delivered by a consortium of seven local disability organisations, including Action Mental Health and others who work with people who experience a variety of mental health conditions.

CMP is delivered on behalf of the Department, through multi-disciplinary teams in each of the five health trusts. It is a positive example of cross-departmental partnership working, focussing on health and work as mutually beneficial solutions for individuals. The teams include mental health nursing staff and many use cognitive behavioural methods to help the individuals better manage their own mental health and well-being, with employment, or the prospect of getting back to work, being viewed as a very positive goal for the individual.

From April 2015, through to the end of January 2016, there have been 1,134 referrals from the Employment Service to CMP. Of this total 769 people, presented with mental ill-health as either the primary or secondary health condition, which was viewed by the individual as a barrier to work.

Both of these programmes are offered to unemployed clients, and participation is totally voluntary. This demonstrates the Department's commitment to supporting people with disabilities to progress towards and move into employment.

For people with mental health problems who successfully make this transition, or for those in work and who are struggling to remain so, the Disability Employment Service manages a very successful programme, called Workable (NI).

This programme, which is also delivered by specialist disability organisations, is currently supporting 586 disabled people in employment across a full range of occupations and sectors. The majority of people have some form of learning disability or difficulty, and many of these people may also suffer from mental ill-health. However, 125 of the Workable participants have mental health as their primary condition. Again, this reinforces the level of support, and the priority that is given to people with disabilities, not just to secure employment, but to ensure that they are able to stay in work when their health condition fluctuates or deteriorates.

The Department also has its own Occupational Psychology Service which offers an all age advice, guidance and assessment service in areas relating to disability and employment. The team have a particular level of experience and expertise in working with customers with mental illness.

Finally, to illustrate its long term commitment to helping and supporting people with disabilities, officials from the Disability Employment Service have been working with key representatives of many local disability organisations and other relevant stakeholders, for almost three years, on the development of a new 'Employment Strategy for People with Disabilities'.

The strategy, which is due to launch in March 2016, will focus on people who have significant disability related barriers to work, including those with diagnosed mental health conditions. The strategy will also promote and implement the Supported Employment Delivery Model. Underpinning this well established model, is the provision of person-centred, tailored, and often long term support to help people with disabilities to prepare for work, move into and then sustain paid employment.

As with its development, the strategy will be implemented in partnership with the local disability sector, and will be informed by people who live and work with disabilities throughout their lives.

In conclusion, I am content with the effectiveness of these programmes and services and I am confident that the launch of the strategy and associated implementation action plan will further promote and develop the combined efforts of Executive departments, disability organisations and other key stakeholders, which will result in more people with disabilities obtaining and progressing within paid employment.

## Department of Enterprise, Trade and Investment

**Mr Weir** asked the Minister of Enterprise, Trade and Investment for his assessment of the number of bed nights spent by tourists in North Down; and what actions he is taking to increase the number of bed nights in the area.

**(AQW 53797/11-16)**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** There were 443,000 overnight trips by all visitors, including domestic visitors, to North Down and Ards Local Government District in 2014. These trips incorporated 1,572,000 bed nights.

Both Tourism Ireland and Tourism Northern Ireland include North Down, and County Down as a whole, in a year round programme of marketing and promotional activity, across a range of marketing platforms including the following:

- North Down is featured in a range of short break campaigns, TV, radio and press advertorials.
- Attractions such as Mount Stewart, Rowallane Garden, the North Down Museum and the North Down coastal path are listed on the websites of Tourism Ireland and Tourism NI. Tourism NI's website featured Down in its autumn short break campaign on a dedicated section at [www.discovernorthernireland.com/autumnleaves](http://www.discovernorthernireland.com/autumnleaves), including information on accommodation offers, things to see and do and places to visit.
- Both tourism organisations co-operate in arranging visits for international travel and lifestyle media, tour operators and travel agents, which are crucial in showcasing Northern Ireland and North Down as a holiday destination. Tourism NI regularly uses accommodation providers in the North Down area to facilitate journalists' itineraries and in promotional competitions.
- Golf is a major promotional focus in 2016. In Great Britain, the US and in other important golf markets our tourism organisations will be capitalising on the news that Royal County Down has been voted best golf course in the world in the prestigious Golf Digest magazine's "The World's 100 Greatest Golf Courses". North Down has featured in web films distributed digitally across Tourism NI's channels, for example one on the Ultimate Golf Round.
- Also highlighted are locations such as Castle Ward and Tollymore Forest Park as destinations for Game of Thrones fans. Tourism Ireland has worked with broadcasting giant HBO on two major campaigns to date, to highlight Northern Ireland's connections with Game of Thrones. The 2015 social media campaign reached some 100 million fans around the world and a new campaign is planned to coincide with the new series.
- Mount Stewart provided the backdrop for a Chinese reality TV show, I, Supermodel (China's version of America's Next Top Model), which was filmed last autumn and broadcast to more than 400 million Chinese viewers in January 2016.
- I would encourage tourism businesses in North Down to register with Tourism NI and Tourism Ireland to participate in a range of opportunities to promote their businesses.

**Mr Ó hOisín** asked the Minister of Enterprise, Trade and Investment to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 54012/11-16)**

**Mr Bell:**

Financial Year	Type of Funding	Amount of Funding £
2010/11	Tourism NI Capital Funding Programmes	298,599
	Telecommunications infrastructure and services*	5,294,617
	Invest NI assistance**	1,520,000
2011/12	ERDF - Local Economic Development	48,109
	Tourism NI Capital Funding Programmes	332,843
	Tourism Events Funding	166,000
	Telecommunications infrastructure and services*	5,087,258
	Invest NI assistance**	1,820,000
2012/13	Renewable Heat Incentive Scheme	22,000
	Tourism NI Capital Funding Programmes	1,295,087
	Tourism Events Funding	205,000
	NI2012: Our Time; Our Place	2,172,613
	Telecommunications infrastructure and services*	709,386
	Invest NI assistance**	8,570,000
2013/14	ERDF - Interreg IVa – Tourism	357,831
	Renewable Heat Incentive Scheme	83,782
	Tourism NI Capital Funding Programme	141,545
	Tourism NI Destination/Regional Development	9,100
	Tourism Events Funding	115,000
	Telecommunications infrastructure and services*	4,897,324
	Invest NI assistance**	3,340,000

Financial Year	Type of Funding	Amount of Funding £
2014/15	Renewable Heat Incentive Scheme	435,137
	Tourism Events Funding	271,500
	Telecommunications infrastructure and services*	11,000,001***
	Invest NI assistance**	1,550,000
	<b>Total</b>	<b>49,742,732</b>

\* While postcode areas within the East Londonderry constituency are included in the intervention area for these projects, due to the nature of the deployment, it is not possible to disaggregate the level of investment by constituency.

\*\* Invest NI figures are rounded.

\*\*\* includes £5m from DARD.

**Mrs Dobson** asked the Minister of Enterprise, Trade and Investment (i) what consultation has been taken on the closure of the Renewable Heat Incentive Scheme with the (a) industry; and (b) agri-food strategy board, given the impact on the 'Going for Growth' strategy; (ii) for his assessment of the impact on the local economy and the future growth within the Northern Ireland poultry sector; and (iii) how he will respond to the reaction of the poultry industry.

(AQW 54033/11-16)

**Mr Bell:** As I set out in the plenary debate on The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016, keeping the Renewable Heat Incentive open to new applications would place additional pressure on the Executive's budget from 2016/17. This left no choice but to move to suspend the scheme as soon as practicable as I had warned the Assembly on 17 November 2015 would be the case if Treasury funding was restricted.

I note there are no specific recommendations on renewable heat under the 'Going for Growth' monitoring update. However, the Gas to the West project which is referenced is proceeding with input of up to £30 million from my Department.

The suspension of the scheme will not lead to a loss of government investment in the local economy as existing installations will continue to be supported for up to 20 years and this will bring around an additional £130 million investment into Northern Ireland over the next five years to add to the £50 million already supplied under the schemes. However, in contrast to previous years, local funding will have to contribute to paying for the Renewable Heat Incentive over the next 5 years.

Closure of the Renewable Heat Incentive means that support will not be available for those who had hoped to apply for it in the future. However, keeping open the scheme would consume more of the Executive's resources and could lead to adverse impacts in other sectors.

As I said in the Assembly, I have responded to concerns about the immediate closure of the Renewable Heat Incentive by extending the deadline for closure to 29 February 2016.

**Mr Allister** asked the Minister of Enterprise, Trade and Investment for his assessment of whether it will be possible to make connections for the current renewable generation applications in respect of the commitments to connect that have been made; and to outline this timescale.

(AQW 54058/11-16)

**Mr Bell:** Renewable generation connections and associated timescales are a matter for NIE Networks and SONI.

**Mr Allister** asked the Minister of Enterprise, Trade and Investment for his assessment of whether it will be possible to make connections for all the outstanding renewable generation applications; and to outline this timescale.

(AQW 54059/11-16)

**Mr Bell:** Renewable generation connections and associated timescales are a matter for NIE Networks and SONI.

**Mr Lyttle** asked the Minister of Enterprise, Trade and Investment for this assessment of the CBI analysis that the net benefit of EU membership to the UK economy is around 4 per cent to 5 per cent of GDP, £73bn-£91bn, and £3000 per household; and that access to a market of 500 million customers is crucial to the small and medium sized enterprises in Northern Ireland that export.

(AQW 54086/11-16)

**Mr Bell:** A wide range of research has been made available on the economic benefits and costs of both the UK being a member of the European Union (EU) and of a potential UK exit from the EU. The Confederation of British Industry (CBI) report provides an insightful literature review of some of this existing work, which highlights that estimates on the impact of a UK exit from the EU vary substantially depending on what any future relationship might look like.

My Department has joined a UK-wide study being conducted by Oxford Economics which will provide an overall macro-economic assessment of the impact under a wide range of different scenarios. Results should be available in Spring 2016.

**Mr Lyttle** asked the Minister of Enterprise, Trade and Investment for his assessment of the analysis by a local economist that farming and international investment in Northern Ireland would be at serious risk of a negative reaction to an exit from the EU. (AQW 54087/11-16)

**Mr Bell:** It is difficult for anyone to assess the specific impact on farming and international investment of a UK exit from the EU at this stage as there are a wide range of different possibilities were there to be any future changes in the UK's status within the EU.

**Mr Lyttle** asked the Minister of Enterprise, Trade and Investment for his assessment of the Action Renewables analysis that his cessation of the Renewable Heat Incentive Scheme will lead to redundancies, substantial financial loss in the local economy and a halt in the uptake of renewable heat; and to outline his policy for the future of renewable energy. (AQW 54088/11-16)

**Mr Bell:** As I set out in the plenary debate on The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016, keeping the Renewable Heat Incentive Schemes (RHI) open to new applications would place additional pressure on the Executive's budget from 2016/17.

The suspension of the scheme will not lead to a loss of government investment in the local economy, as existing installations will continue to be supported for twenty years and this will bring around an additional £130 million investment into Northern Ireland over the next five years to add to the £50 million already supplied under the schemes. However, in contrast to previous years, local funding will have to contribute to paying for the RHI over the next five years.

Assessment of the impact on jobs in the renewable heat sector can only be estimated roughly. However, developing new installations creates more employment than ongoing maintenance so closure can be expected to have a negative impact in that sector. However, keeping open the scheme would consume more of the Executive's resources and could lead to job losses in other sectors.

I am open to suggestions on how we might engage with developers and installers and others to see where we can go in the future to promote renewable heat. This might involve consulting on the long term position, looking at developments in other jurisdictions or considering other options.

**Mr Frew** asked the Minister of Enterprise, Trade and Investment whether the RIGS audit system is in place to monitor NIE expenditure. (AQW 54137/11-16)

**Mr Bell:** I am informed by the Utility Regulator that Regulatory Instructions and Guidance (RIGs) arrangements are in place.

**Mr Frew** asked the Minister of Enterprise, Trade and Investment when the Utility Regulator's transparency report on the profitability of generators in SEM for 2014 will be published; and why it hasn't been published to date. (AQW 54138/11-16)

**Mr Bell:** I am informed by the Utility Regulator that the SEM Committee has confirmed that the next report on generator financial performance should be published during 2016.

**Mr Frew** asked the Minister of Enterprise, Trade and Investment (i) how much NIE spent on their funding allocation from RP5; (ii) what is the current underspend; and (iii) what forecasts are used to indicate underspend at the end of RP5. (AQW 54139/11-16)

**Mr Bell:**

- (i) I am informed by the Utility Regulator that in December 2015 it published a paper outlining how it will approach the next Northern Ireland Electricity Networks (NIEN) Price Determination (RP6). That paper includes an update on NIEN spending to date under the existing Determination (RP5).
- (ii) It shows that for the three years ending 31st March 2015, NIEN has overspent on its OPEX costs against the RP5 allowance and under-spent on its CAPEX allowance. The net position currently shows an under-spend of approximately £37million. The Regulator has advised that this is, in part, attributable to phasing of projects and that there is an expectation that the level of spend will move closer to allowed levels as RP5 progresses.
- (iii) The Regulator has also advised that it does not forecast under or over spends and will continue to monitor and publish actual NIE costs and performance.

The RP6 approach document can be accessed at the following link:

[http://www.uregni.gov.uk/uploads/publications/2015-12-22\\_RP6\\_Final\\_Approach\\_Document\\_-\\_final.pdf](http://www.uregni.gov.uk/uploads/publications/2015-12-22_RP6_Final_Approach_Document_-_final.pdf)

**Mr Frew** asked the Minister of Enterprise, Trade and Investment when the Utility Regulator will be in a position to inform consumers (i) about NIE's performance against Plan; (ii) of its analysis of the potential level of RP5 underspend; and (iii) the

actions to be taken to protect consumers from both the technical and financial risk of not delivering against RP5, given the 50/50 rule in the Competition Markets Authority final determination.

**(AQW 54140/11-16)**

**Mr Bell:**

- (i) I refer to my answer to AQW 54139/11-16 which includes details of the Regulator's initial review of Northern Ireland Electricity Networks (NIEN) networks costs and performance for the period 1 April 2012 to 31 March 2015;
- (ii) I refer to my answer to AQW 54139/11-16 which summarises the Regulator's assessment of the current level of expenditure;
- (iii) I am informed by the Utility Regulator that the published RP5 price control sets out the actions that are required to be taken to deal with actual spend within the RP5 period and that it will be implementing these rules. These include the requirement for more detailed reporting by NIEN under the Regulatory Instructions and Guidance (RIGs) arrangements.

## Department of the Environment

**Mr Agnew** asked the Minister of the Environment (i) whether the toxic leachate produced by the illegal landfill at Mobuoy Road is now interacting with the groundwater; and (ii) for his assessment of the impact this has on (a) the drinking water supply for Derry; (b) the River Faughan Special Area of Conservation; and (c) his Department's ability to comply with the requirements of relevant European directives.

**(AQW 52456/11-16)**

**Mr Durkan (The Minister of the Environment):**

- (i) Evidence suggests that the leachate and groundwater at the Mobuoy waste sites (i.e. City Industrial Waste and Campsie Sand & Gravels) are hydraulically connected. This connection is due to the shallow depth of groundwater and the fact that site is largely an uncontrolled landfill with minimal engineered mitigation measures.

My Department continues to monitor the chemical composition of groundwater and landfill leachate at the Mobuoy waste sites. This is additional to ongoing water quality monitoring of the River Faughan.

- (ii) NI Water is an important stakeholder in my Department's Mobuoy waste project. NI Water has a raw water quality monitoring programme in place at the Carnmoney Water Treatment plant in addition to maintaining their Regulatory Drinking Water Safety Plans (DWSP) based on potential threats to raw and/or final waters.

On the basis of the River Faughan's water quality data to date, there is unlikely to be any risk to water quality at the Carnmoney abstraction. Additionally, water quality monitoring undertaken by NI Water to date shows the risk to be low within the raw water supply. My Department will continue to work with NI Water and share its new monitoring data to ensure that any potential impacts on drinking water quality are minimised.

I would add that on the basis of my Department's water quality data for the River Faughan at Mobuoy, there is unlikely to be any risk to water quality at the Carnmoney abstraction. NIEA will continue to work with NI Water and share its new monitoring data on receipt.

In addition my Department is initiating a new phase of works over the next months that includes completing a risk assessment to protect water quality in the River Faughan. The subsequent remediation measures selected will support the risk assessment derived targets in protecting water quality of the River.

To add, Article 6 (2) of the Habitats Directive requires Member States to take appropriate steps to avoid deterioration of natural habitats and the habitats of species for which a SAC (Special Area of Conservation) have been designated. The Mobuoy remediation project will include appropriate steps to ensure that any deterioration of this SAC is avoided.

In relation to potential impacts on the River Faughan's SAC status, my Department is required to undertake Conditions Assessments (CA) for the interest features of the River Faughan and its Tributaries. This is done every 6 years. The current status of the SAC features of the River are:

- Salmon – the CA completed in 2011, determined this SAC feature to be in favourable condition. The next CA is due for completion by 2017.
- Otter – the CA completed in 2010, determined this SAC feature to be in favourable condition. The next CA is due for completion by 2016.

Also the River habitat is an ASSI (Area of Special Scientific Interest) because of the physical features of the river and its associated riverine flora and fauna. On completion of its CA in 2014, it was found to be unfavourable due to its biological quality elements of diatoms.

The WFD (Water Framework Directive) Classification of the Faughan water body adjacent to the site is poor. This is due to fish classification (eels) only and is not indicative of severe water quality problems. All other assessments are good or better. The drop in the fish classification (eels) in 2014 is most likely to be due to implementation of a new classification tool since the site's previous survey back in 2009. The Faughan has consistently met its salmon conservation objectives over recent years.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 52373/11-16, whether (i) Environmental Impact Assessment screenings and Appropriate Assessments are publicly available documents under the Department's open file policy or through the Environmental Information Regulation 2014; and (ii) for his assessment of his Department's commitment to openness and transparency in relation to such documents.

**(AQW 53446/11-16)**

**Mr Durkan:** I am committed to openness and transparency in every aspect of assessments made in processing any planning application.

It is normal practice for EIA Screenings and Appropriate Assessments associated with planning applications to be uploaded to the Planning Portal. Should this information for whatever reason not appear on the Portal, it will be made available when it meets the requirements of the Environmental Information Regulations 2014.

**Mr Allister** asked the Minister of the Environment, pursuant to AQW 50849/11-16, whether there is a process in place to verify the claims made on CO2 emissions in respect of renewable energy planning applications.

**(AQW 53630/11-16)**

**Mr Durkan:** As previously advised in my response to AQW 50849/11-16, the vast majority of renewable energy applications are now determined by local council planning authorities whose responsibility it will be to assess the information submitted with any application.

In general terms, however, the impact on CO2 emissions is one of a number of issues that may form part of the consideration in the determination of a renewable energy proposal. It would be normal practice to consult with a wide range of bodies depending on the information submitted and this would inform the planning assessment. The weight to be afforded to any one material consideration would be a matter for the decision maker.

**Mr Murphy** asked the Minister of the Environment to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

**(AQW 53855/11-16)**

**Mr Durkan:** The amount spent by my Department and its arm's-length bodies on office supplies in each of the last five years is set out in the table below.

	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £
DOE	*474,500	267,869	275,862	297,854	215,542
Arm's-length bodies	20,294	22,623	23,864	25,699	22,261
<b>Total</b>	<b>494,794</b>	<b>290,492</b>	<b>299,726</b>	<b>323,553</b>	<b>237,803</b>

\* The amount shown above for DOE for 2010/11 includes printing costs in relation to Driver & Vehicle Testing, such as MOT certificates and application forms, as these were classified as Stationery costs in DVA Testing's previous accounting system and cannot be separately identified and removed.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 50619/11-16, whether the same organisations that were consulted in regard to planning application LA04/2015/0301/F under Regulation 20(d) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 were consulted in regard to planning applications Z/2012/1387/F and Z/2014/1346/F under Regulation 16(d) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012; and to explain any differences.

**(AQW 53869/11-16)**

**Mr Durkan:** In relation to Z/2012/1387/F, eighteen organisations were notified under Regulation 16(d) of Planning (Environmental Impact Assessment) Regulations (NI) 2012.

In relation to LA04/2015/0301/F, six organisations were notified under Regulations 20(d) of the Planning (Environmental Impact Assessment) Regulations (NI) 2015.

The list of organisations notified under Regulation 16(d) was reviewed when undertaking consultation under Regulation 20(d); and the selection of organisations to be notified for LA04/2015/0301/F was informed by comments received previously.

Planning application Z/2014/1346/F was not EIA development.

**Mr Agnew** asked the Minister of the Environment, pursuant to AQW 50125/11-16, whether compliance with the Aggregates Levy Credit Scheme Code of Practice is possible even in cases where European Environmental Directives are being breached.

**(AQW 53872/11-16)**

**Mr Durkan:** It would not be appropriate for me to provide an opinion on the legal scenario presented.

**Mr McKinney** asked the Minister of the Environment (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has sourced in each of the last ten years; and (ii) where this money was spent.

**(AQW 53915/11-16)**

**Mr Durkan:** Over the last ten years, my Department successfully sourced additional funding from the main EU structural programmes; Interreg IIIA, Interreg IVA and the Building Sustainable Prosperity (BSP) scheme. The BSP and Interreg IIIA programmes are now closed and the Interreg IVA programme will close within the next few months, to be replaced by the new Interreg VA programme.

Details of the funding relating to these programmes, matched and EU, over the financial years 2006/07 – 2015/16 (inclusive), have been placed in the assembly library.

These EU funding programmes assisted in the delivery of a range of key environmental outcomes, mainly through waste and water related projects, and also contributed to the promotion and awareness on environmental issues in relation to school children, providing education and information to the next generation.

Details of the projects for the Interreg IVA, Interreg IIIA and the BSP programme have also been placed in the library.

The tables for both the Interreg IIIA (Table 3) and the BSP (Table 4) programmes provide details of the projects over the period 2000-2006 as both these schemes ended in 2006. However, there was some residual expenditure relating to both of these programmes over the following three financial years to 2008/09. A list of all the projects funded under these programmes has also been placed in the assembly library.

**Mr McNarry** asked the Minister of the Environment to detail how much (i) his Department has spent on maintaining all ancient monuments in its care; and (ii) revenue has been raised through admission sales and special events in each of the last five years, broken down by monument.

**(AQW 53920/11-16)**

**Mr Durkan:** There are 190 State Care Monuments in the care of my Department. These range from single standing stones, to substantial castles and abbeys. My Department's Historic Environment Division maintains these and provides public access to them. My officials are currently working with a number of other organisations to increase public accessibility to these important structures, allowing them to contribute further to our economy and to the communities in which they are situated.

The cost information provided in Table 1 below outlines the costs incurred on works and materials to conserve the historic fabric of State Care Monuments across Northern Ireland. Information by each individual monument is not readily available as much of the activity involved in maintaining the sites is undertaken across a range of monuments. I announced Heritage Led Development funding on 31 December 2013. This funding is being used for significant works at a number of major historic sites, including at Carrickfergus Castle, Dundrum Castle and Tullaghoge Fort.

**Table 1: State Care Monument Costs**

State Care Monuments costs	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £	Total £
Conservation works	56,030	59,690	17,665	31,376	133,638	298,400
Conservation materials costs	61,510	48,159	56,640	57,243	77,953	301,505
Heritage Led Development (Historic Monument Upgrade & Access)	N/A	N/A	N/A	104,084	797,682	901,766
<b>Total</b>	<b>117,540</b>	<b>107,849</b>	<b>74,305</b>	<b>192,703</b>	<b>1,009,273</b>	<b>1,501,670</b>

Table 2 below shows income from entry fees, retail sales and events at Dunluce Castle and Carrickfergus Castle (the only State Care Monuments for which an entry charge is currently levied) and for the remaining sites as a total. My Department continues to consider the benefits of introducing entry charges for a larger number of monuments, recognising the potential income stream to enable further development of the sites but also the impact that entry fees could have on visitor numbers at these sites which provide invaluable insights into our history.

**Table 2: State Care Monument Income**

State Care Monuments income	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £	Total £
Carrickfergus castle	136,255	170,183	174,827	168,729	154,768	804,762
Dunluce Castle	103,756	129,588	147,465	152,653	129,407	662,869
Other State Care Monuments	3,843	1,839	7,825	1,714	809	16,030
<b>Total</b>	<b>243,854</b>	<b>301,610</b>	<b>330,117</b>	<b>323,096</b>	<b>284,984</b>	<b>1,483,661</b>

**Mr Wells** asked the Minister of the Environment to detail the number of potential Areas of Special Scientific Interest that are yet to be designated; and when this process will be completed.

**(AQW 53948/11-16)**

**Mr Durkan:** To date, my Department has designated 385 Areas of Special Scientific Interest (ASSIs). On the basis of an earlier review (2006), there remains approximately 50 sites which were identified for further investigation as potential ASSIs. However, designations are only made if preliminary investigations and detailed surveys confirm that ASSI designation criteria have been met, making it difficult to provide a final completion date for the network.

As outlined in the Biodiversity Strategy for Northern Ireland to 2020, launched in 2015, the ASSI programme has now reached the phase where a greater emphasis is being placed on managing existing sites while maintaining progress towards completion of the site network.

**Mr Easton** asked the Minister of the Environment whether he has undertaken or plans to undertake any studies into endangered wildlife species.

**(AQW 53968/11-16)**

**Mr Durkan:** The Department has a long track record of undertaking studies or evidence gathering on endangered wildlife species.

Officials routinely gather data on a broad range of wildlife species. Such evidence can form part of one-off studies, ongoing monitoring and surveillance, or through internally or externally commissioned research projects. The Department also has partnerships which facilitate the involvement of the citizen with recording of species and provision of longer term datasets.

Since the mid-80s, the focus has been on wildlife species that are considered a conservation priority. Such species include those protected under domestic legislation e.g. the Wildlife Order, or for which we have an international responsibility e.g. species in the Annexes of the Habitats Directive.

The last Article 17 report (2012) is a particular focus for current and future evidence gathering that will be required e.g. the Department commissioned studies on the distribution of the marsh fritillary butterfly in County Fermanagh and County Tyrone in 2012-14 and there is currently a high priority scoping study being carried out on whorl snails. These species are all protected under Annex II of the Habitats Directive.

New studies are proposed on an ongoing basis and commissioned subject to priority and resource availability; several have been proposed under the Environment Fund.

Domestic and European provide a statutory basis for the Department to be involved in such activities, including the funding of projects. Notably within the Habitats Directive, there is an expectation that the member state "encourages" relevant research.

**Mr Ó hOisín** asked the Minister of the Environment to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 53979/11-16)**

**Mr Durkan:** The below table details the funding the department has allocated to the East Derry constituency in each of the last five years.

Business Area	Description of Funding	2010-11 £ (000's)	2011-12 £ (000's)	2012-13 £ (000's)	2013-14 £ (000's)	2014-15 £ (000's)	Total £ (000's)
Local Government- Councils included; Coleraine Borough Council, Limavady Borough Council and Derry City Council.	Rates Support Grant *	2,690	2,742	2,537	2,597	2,642	13,208
	De-rating Grant *	2,330	2,353	2,362	2,358	2,434	11,837
	Scheme of Emergency Financial Assistance *	2	255	5	1	8	271
	Dereliction Grant *	-	-	978	58	-	1,036
	Network NI Grant*	-	-	28	-	-	28
	Council Transformation costs*	-	-	-	90	569	659
	Shadow council Funding*	-	-	-	-	900	900
Historic Environment Division	Listed Building Grants	29	71	105	233	113	551
Road Safety	Road Safety Grants	-	4	-	-	-	4

Business Area	Description of Funding	2010-11 £ (000's)	2011-12 £ (000's)	2012-13 £ (000's)	2013-14 £ (000's)	2014-15 £ (000's)	Total £ (000's)
Northern Ireland Environment Agency	Rethink Waste Grant (Capital)	95	18	264	99	-	476
	Rethink Waste Grant (Revenue)	2	106	-	-	-	108
	Challenge Fund	-	20	8	80	39	147
Total		5,148	5,569	6,287	5,516	6,705	29,225

\* Figures shown relate to amounts provided to Coleraine Borough Council, Limavady Borough Council and Derry City Council, and cannot be specifically attributed by the Department to the East Derry constituency.

**Mr Murphy** asked the Minister of the Environment to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54101/11-16)**

**Mr Durkan:** The amount spent by my Department and its arm's-length bodies on energy bills in each of the last five years is set out in the table below.

	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £
DOE	1,154,746	1,195,987	1,366,284	1,344,734	1,111,435
Arm's-length bodies	42,092	34,306	42,258	43,899	41,391
<b>Total</b>	<b>1,196,838</b>	<b>1,230,293</b>	<b>1,408,542</b>	<b>1,388,633</b>	<b>1,152,826</b>

**Mr Agnew** asked the Minister of the Environment whether his Department made any representations by way of monitoring bids since 2015 to secure funding to carry out a resource survey of the amount and quality of sand remaining within Lough Neagh Special Protection Area; and if so, to detail (i) the value of the bid; and (ii) whether it was successful.

**(AQW 54109/11-16)**

**Mr Durkan:** My Department is currently undertaking a procurement exercise to identify if there are any adverse impacts to the ecology of the Lough Neagh system as a result of sand extraction. One element of the research will include broad estimates of the locations and quantity of sand remaining. Provision for the cost of the contract will be made from the budget for the 2016-17 financial year.

**Mr McMullan** asked the Minister of the Environment for a breakdown of his Department's spend in East Antrim in each year since 2010.

**(AQW 54121/11-16)**

**Mr Durkan:** The table attached provides details of my Department's spend in the East Antrim constituency in each of the last five years.

Business Area	Description of Funding	2010-11 £ (000's)	2011-12 £ (000's)	2012-13 £ (000's)	2013-14 £ (000's)	2014-15 £ (000's)	Total £ (000's)
Local Government-Councils included; Larne Borough Council, Moyle District Council and Carrickfergus Borough Council	Rates Support Grant *	1,204	1,200	1,119	1,047	933	5,503
	De-rating Grant *	1,216	1,261	1,293	1,428	1,402	6,600
	Scheme of Emergency Financial Assistance *	-	11	48	11	3	73
	Dereliction Grant *	-	-	106	249	-	355
	Councillor Severance *	-	-	-	-	278	278
	Shadow council Funding *	-	-	-	-	450	450
	Council Transformation Costs*	-	-	-	-	58	58
	Network NI Grant	-	-	14	-	-	14

Business Area	Description of Funding	2010-11 £ (000's)	2011-12 £ (000's)	2012-13 £ (000's)	2013-14 £ (000's)	2014-15 £ (000's)	Total £ (000's)
Historic Environment Division	Listed Building Grants	40	268	200	207	21	736
	Heritage Led Development	-	-	-	43	440	483
Road Safety	Road Safety Grants	-	-	-	2	-	2
Northern Ireland Environment Agency	Rethink Waste Grant (Capital)	418	70	-	-	204	692
	Rethink Waste Grant (Revenue)	1	47	-	-	-	48
	Challenge Fund	-	-	3	80	50	133
	Coastal Communities Fund	-	-	-	13	657	670
	Natural Heritage Grant	-	-	-	2	-	2
<b>Total</b>		<b>2,879</b>	<b>2,857</b>	<b>2,783</b>	<b>3,082</b>	<b>4,496</b>	<b>16,097</b>

\* Figures shown relate to amounts provided to Larne Borough Council, Moyle District Council and Carrickfergus Borough Council, and cannot be specifically attributed by the Department to the East Antrim constituency as some District Council boundaries cross Constituencies lines.

**Mr Weir** asked the Minister of the Environment for a breakdown of his Department's spend in North Down in each year since 2011. (AQW 54205/11-16)

**Mr Durkan:** A copy of the breakdown of my Department's spend in North Down in each year since 2011, has been placed in the assembly library.

**Mr McGlone** asked the Minister of the Environment what extra support can he provide to the Mid Ulster District Council through the rates support grant. (AQW 54409/11-16)

**Mr Durkan:** It is now almost one year since the legislation to reform local government introduced by my department took effect. During this time I have been very impressed by the way in which local government has responded to the new challenges and opportunities created by the most profound change to the delivery of local services in a generation. As we move toward the second year of this change I am more aware than ever of the vital need to ensure councils and most particularly those less well off councils, receive adequate financial support.

That was why in the opening 2015-16 Budget I pressed to have the funding for the Rates Support Grant ring fenced and protected from cuts. Unfortunately that was not done and instead the funding available for this Grant was cut in my Department's opening budget. That meant the opening amount available was reduced by £2.8 million.

At that time I gave a commitment to councils that I would do all I could to seek to restore at least some of this cut during the year. So far I have been able to find savings elsewhere in my Departmental budget that have allowed me to restore £2.1million of the original cut.

So far this year Mid Ulster Council has been allocated £2.7 million by way of Rates Support Grant and it is planned that they will receive a further £108k in the coming weeks, bringing the total amount of rates support grant provided to them to just over £2.8 million.

Despite overall budget cuts to my Department's functions for next year I have protected the Rates Support Grant budget for 2016-17 at £18.3 million. I appreciate this grant is an important financial support to less well off councils. The Mid Ulster District Council allocation, as calculated by statutory formula, for 2016-17 is £2,966,485 which will be a welcome support to the council and ratepayers. On 27 January 2016, I wrote to the council's Chief Executive to inform him of his council's Rates Support Grant allocation for 2016-17.

## Department of Finance and Personnel

**Mr McNarry** asked the Minister of Finance and Personnel to detail his departmental budget for advertising and promotions for TV, radio and newspapers between 1 January 2016 and 31 March 2016. (AQW 53824/11-16)

**Mr Storey (The Minister of Finance and Personnel):** My Department has a budget of £10k for advertising and promotions for TV, radio and newspapers between 1 January 2016 and 31 March 2016.

Whilst £7k of this budget has already been committed, it is possible that the remaining £3k may not be spent on advertising and promotions for TV, radio and newspapers.

**Mr Allister** asked the Minister of Finance and Personnel why there was a 40 per cent overspend of the resources originally allocated for Finance and Personnel Policy, as revealed in the Spring Supplementary Estimates 2015-16.

**(AQW 54007/11-16)**

**Mr Storey:** The main increase is in relation to funding allocated to the Department through the in-year monitoring process to cover compensation payments to individuals leaving under the voluntary exit scheme. There was also some reallocation of budgets within the Department to cover emerging pressures.

**Mr Ó hOisín** asked the Minister of Finance and Personnel to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 54010/11-16)**

**Mr Storey:** My Department has allocated the following funding to the East Londonderry Constituency in the last 5 years:

	2010-11	2011-12	2012-13	2013-14	2014-15
£000s	-	-	526	359	330

**Mr Weir** asked the Minister of Finance and Personnel how many people were self-employed in each constituency in each of the last five years.

**(AQW 54015/11-16)**

**Mr Storey:** Official estimates of self-employment are sourced to the Labour Force Survey (LFS). The LFS is a sample survey and as such has an associated statistical margin of error around estimates.

Table 1 provides estimates of self-employment by Northern Ireland Parliamentary Constituency Area (PCA) for 2010 to 2014.

Table 1: Self-employment by Northern Ireland Parliamentary Constituency Area, 2010 – 2014

	2010	2011	2012	2013	2014	2010-2014 Average
Belfast East	*	*	*	*	*	4,000
Belfast North	*	*	*	*	*	2,000
Belfast South	*	*	*	*	7,000	5,000
Belfast West	*	*	*	*	*	2,000
East Antrim	*	*	*	6,000	*	5,000
East Londonderry	6,000	10,000	8,000	*	6,000	-
Fermanagh South Tyrone	11,000	12,000	9,000	11,000	11,000	11,000
Foyle	*	*	*	*	*	5,000
Lagan Valley	6,000	6,000	8,000	7,000	7,000	7,000
Mid Ulster	9,000	9,000	10,000	9,000	7,000	9,000
Newry & Armagh	8,000	8,000	*	*	8,000	7,000
North Antrim	8,000	10,000	8,000	6,000	7,000	8,000
North Down	6,000	*	*	*	6,000	5,000
South Antrim	7,000	*	*	6,000	9,000	6,000
South Down	12,000	12,000	11,000	11,000	13,000	12,000
Strangford	8,000	7,000	7,000	8,000	*	-
Upper Bann	8,000	8,000	*	*	7,000	6,000
West Tyrone	7,000	8,000	8,000	10,000	8,000	8,000
<b>Total</b>	<b>124,000</b>	<b>117,000</b>	<b>105,000</b>	<b>109,000</b>	<b>121,000</b>	<b>115,000</b>

**Source:** Northern Ireland Statistics and Research Agency Labour Force Survey, January – December 2010 - 2014.

**Notes:**

\* Too small for a reliable annual estimate (less than minimum quotation level of 6,000 cases).

Figures are rounded to the nearest thousand and as a result may not sum to totals.

■ Suppressed for disclosure control.

**Mr McGlone** asked the Minister of Finance and Personnel whether there are any plans for charity shops to become liable for rates; and if so, to detail when this will come into effect.

**(AQW 54030/11-16)**

**Mr Storey:** My Department is currently undertaking a review of the non-domestic rating system and the treatment of charity shops was an issue that various business organisations, district councils and many others commented on during the recent consultation.

One of the points identified through that process is the fact that we are the only part of the UK that fully exempts virtually all charity shops. In England, Wales and Scotland the majority pay 20% rates.

This is a sensitive matter and my officials are now in the process of thoroughly analysing the responses on this issue, alongside all the other issues that emerged from the consultation.

Any policy outcomes from the review on this subject will, however, be a matter for the new Executive in the next mandate and I can confirm that I will not be changing the policy in the meantime.

**Mr Allister** asked the Minister of Finance and Personnel why there was there a 25 per cent overspend of the resources originally allocated for Land and Property Services, as revealed in the Spring Supplementary Estimates 2015-16.

**(AQW 54064/11-16)**

**Mr Storey:** This increase is in relation to allocated funding of £6,263k which Land & Property Services (LPS) received to cover compensation payments to leavers under the Voluntary Exit Scheme. LPS also received an in-year transfer from the Department of Social Development of £1.5m for the R3P programme.

**Ms Lo** asked the Minister of Finance and Personnel when he will publish the Ulster University Economic Policy Centre audit report of the cost of division.

**(AQW 54076/11-16)**

**Mr Storey:** It would be my intention to publish the report as soon as I have considered its findings.

**Mr Murphy** asked the Minister of Finance and Personnel to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54100/11-16)**

**Mr Storey:** Details of how much my (a) Department; and (b) its arm's-length bodies have spent on energy bills in each of the last five years are shown in the following tables.

(a)

Financial Year	DFP Expenditure on Energy
2010/11	£1,202k
2011/12	£1,359k
2012/13	£1,473k
2013/14	£1,396k
2014/15	£1,223k

(b)

Financial Years	Arm's-length Bodies Expenditure on Energy (DFP's Contribution)
2010/11	£22.0k
2011/12	£15.4k
2012/13	£22.4k
2013/14	£21.5k
2014/15	£20.0k

**Ms McGahan** asked the Minister of Finance and Personnel to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54153/11-16)**

**Mr Storey:** My Department has made the following investment in Fermanagh and South Tyrone since 2011.

	2011-12	2012-13	2013-14	2014-15
£000s	260	517	-	200

**Mr McMullan** asked the Minister of Finance and Personnel for a breakdown of his Department's spend in the Glens area in each year since 2010.

**(AQW 54217/11-16)**

**Mr Storey:** My Department has spent the following in the Glens area in each year since 2010:

	2010-11	2011-12	2012-13	2013-14	2014-15
£000s	912	795	1,189	1,479	958

**Ms Sugden** asked the Minister of Finance and Personnel whether his Department will consider rates relief or the deferment of rates payment for new business start-ups to encourage growth in this sector and to allow new businesses to establish themselves.

**(AQW 54218/11-16)**

**Mr Storey:** Members of the Belfast Chamber met with my predecessor at the end of last year and made a similar suggestion about rate relief for new businesses. This is something that can be looked at as part of the review of the non domestic rating system but introducing such a measure is not without difficulty in terms of readily distinguishing the genuine new business from a displaced business under a new name.

The deferment suggestion is an interesting and novel one. It is not something that anyone has raised before or as part of the ongoing Review. It was, however, a measure that was introduced in the domestic sector for pensioner ratepayers a few years ago but that scheme was abandoned due to its high cost of administration and its very low take up. This was because it required a legal charge to be placed on a property and for there to be sufficient equity available to protect public revenues. Many new businesses rent and therefore it may not be a practical proposition.

Notwithstanding these difficulties, any changes of this nature would ultimately require legislative change which means that these are matters for the next Finance Minister to consider and for the new Executive to decide. I will, however, ask my officials to bear these ideas in mind when drawing up proposals for the new administration.

**Ms Sugden** asked the Minister of Finance and Personnel to detail (i) the eligibility criteria for businesses to qualify for sports and recreation rate relief; and (ii) the number of businesses in East Londonderry that currently benefit from sports and recreation rate relief.

**(AQW 54219/11-16)**

**Mr Storey:**

- (i) The eligibility criteria for businesses to qualify for Sport and Recreation relief are as stated in Article 31 of the Rates (NI) Order 1977.

The legislation requires that the property, at least part of which must be used solely for a prescribed recreation, is occupied by a club, society or other organisation which is not established or conducted for profit, which does not employ professional players, and is not already distinguished as exempt in the Valuation List.

- (ii) As at 31 January 2016, 64 properties in the East Londonderry Parliamentary Constituency area benefit from Sport and Recreation relief.

**Mrs Cochrane** asked the Minister of Finance and Personnel to detail how many staff that were on a career break, were approved for and left via the Voluntary Exit Scheme.

**(AQW 54244/11-16)**

**Mr Storey:** Around 450 career break staff applied to be considered for selection under the Voluntary Exit Scheme ('the Scheme'). A total of 277 offers have been made to staff on career breaks across all 5 tranches of the Scheme. There have been a total of 257 acceptances across tranches 1-4. The closing date for acceptances to exit under tranche 5 is the 29th February 2016, with exits occurring at the end of May 2016. The Scheme is now closed.

## Department of Health, Social Services and Public Safety

**Mr Weir** asked the Minister of Health, Social Services and Public Safety for an update on the Public Health Agency's campaign to encourage employers to facilitate breast feeding on their premises.

(AQW 48634/11-16)

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** The need to support mothers who are combining breastfeeding with working is recognised in the Department's Breastfeeding Strategy. The Public Health Agency has produced new resources providing information and support to both breastfeeding employees and their employers. The Public Health Agency and Health and Safety Executive for Northern Ireland have jointly written to a number of employers in the statutory, business and voluntary sectors to encourage workplace policies supportive of breastfeeding. The Public Health Agency is also working with Business in the Community to promote supportive workplaces for breastfeeding.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety (i) who is responsible for ensuring that independent advocacy services are readily available for people who have mental health issues or learning disabilities; and (ii) for his assessment of these services.

(AQW 49349/11-16)

**Mr Hamilton:**

- (i) The Health and Social Care Board is responsible for identifying the need for advocacy services for children and adults, and commissions some services directly through regional contracts. Health and Social Care Trusts are responsible for commissioning advocacy services to meet the identified needs of their local population.
- (ii) The Regulation and Quality Improvement Authority published the report on its review of advocacy services in Northern Ireland on 14 January 2016. I have accepted the findings of the report, and my Department is overseeing the completion of an action plan to implement the recommendations.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety to detail the independent advocacy services that have been commissioned by his Department and the Health and Social Care Board, in each of the Health and Social Care Trusts, since 2012.

(AQW 49354/11-16)

**Mr Hamilton:** The Health and Social Care Board directly commissions regionally-delivered specialist advocacy services from:

- the British Deaf Association;
- Voice of Young People in Care, and
- the Eating Disorders Association Northern Ireland.

The Health and Social Care Trusts commission advocacy services in line with local needs and priorities, for mental health, learning disability, physical disability, older people and children's services, and carers.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety whether independent advocacy services are available for outpatient facilities for people who have mental health issues or learning disabilities.

(AQW 49356/11-16)

**Mr Hamilton:** Independent advocacy providers are responsible for the delivery of the advocacy services, under the terms of agreed contracts in place with either the Health and Social Care Board or Trusts. They work in specific services and localities, engaging with patients, service users and carers in both acute and community settings, including, where necessary, outpatient facilities for people who have mental health issues or learning disabilities.

The RQIA published the report of its review of advocacy services on 14 January 2016. I have accepted the findings, including the need for improvements to service provision. My Department is overseeing the development of an action plan to implement the report's recommendations.

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety whether he (i) will raise public awareness of Group B Streptococcus; and (ii) intends to introduce routine screening for pregnant women.

(AQW 49548/11-16)

**Mr Hamilton:**

- (i) In recent years a number of actions have been undertaken in Northern Ireland to raise awareness of GBS. These actions have been part of an action plan developed by the GBS Steering Group, established in 2011 by the Chief Medical Officer, in response to concerns raised by a group of families who have been affected by GBS.

Information on GBS is included in the Pregnancy Book. This is a book which is given to all women in Northern Ireland during their pregnancy; it provides information on many aspects of pregnancy including infections. The Maternal Handheld Record (MHHR) which all pregnant women carry contains information on GBS, also the NI direct and Public Health Agency websites have information on GBS for pregnant women. In addition the Royal College of Obstetricians

and Gynaecologists (RCOG) published a revised information leaflet in 2013 for pregnant women on GBS. This leaflet was drawn to the attention of all relevant health professionals through a joint letter from the Chief Medical Officer and the Chief Nursing Officer.

- (ii) Screening for GBS has been considered by the UK National Screening Committee (NSC), an expert body that advises the four UK Health Departments on screening programmes. The NSC recommended in November 2012 that antenatal screening for GBS carriage should not be offered because there is insufficient evidence to demonstrate that the benefits to be gained from screening would outweigh the potential harm. The NSC highlighted that a screening programme would lead to large numbers of predominantly low risk women being offered antibiotics that they did not need. This is because the test cannot distinguish between the small number of carriers whose babies would be affected by early onset GBS and the large number that would not.

The NSC has commissioned an update review of any new evidence. I will consider any advice from the NSC when available.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety, in relation to suicide prevention, when SD1 forms are utilised.

**(AQW 49554/11-16)**

**Mr Hamilton:** SD1 (Sudden Death Notifications) forms are completed by the PSNI Officer at the scene of a sudden death where the cause is possible or probable suicide.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to outline the process of instigating Emergency Community Response Plans following an increase in the level of suicides in a particular area.

**(AQW 49555/11-16)**

**Mr Hamilton:** The decision by the Public Health Agency to activate a Community Response Plan for a particular area is based on surveillance and information from several sources. This includes the sudden death notification process operated by the Police Service, local community knowledge, and HSC Trust adverse incident information.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the support service provided by Lifeline; and (ii) to detail what discussions he has had with Lifeline regarding future service provision.

**(AQW 49816/11-16)**

**Mr Hamilton:**

- (i) The Lifeline crisis response service is a key component of the Protect Life suicide prevention strategy. It provides essential support to people at a time when they are at their most vulnerable. Lifeline was established to provide immediate support and de-escalation for people in severe emotional crisis who are at risk of suicide. This focus will be maintained.
- (ii) The Lifeline service is commissioned by the Public Health Agency. I have not held any discussions with the current provider of the service. I am currently considering the PHA consultation report on the proposed future model of Lifeline, and options for the commissioning and delivery of that service.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety for his assessment of the proposed changes to the Lifeline service currently being consulted on by the Public Health Agency.

**(AQW 49830/11-16)**

**Mr Hamilton:** I am currently considering the PHA consultation report on the proposed future model of Lifeline, and options for the commissioning and delivery of that service.

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety for his assessment of the impact the financial situation in his Department is having on the Northern Ireland Fire and Rescue Service.

**(AQW 51575/11-16)**

**Mr Hamilton:** The financial planning process within my department for 2016/17 is ongoing and decisions have not yet been taken on the budget position for the Northern Ireland Fire and Rescue Service.

I will not preside over unsafe services and the safety of both the public and firefighter remain a priority.

**Mr Dickson** asked the Minister of Health, Social Services and Public Safety for his assessment of (i) why the number of patients on waiting lists has more than doubled since December 2012; and (ii) why no Health and Social Care Trust met waiting time targets in 2015.

**(AQW 52852/11-16)**

**Mr Hamilton:** The increase in waiting times since 2014/15 is due to a number of factors including a year-on-year increase in referrals and agreed volumes of funded activity not being fully delivered across a number of specialties by Health and Social Care Trusts. It was also a great frustration that we wasted over £200 million of tax payers' money over the last 3 years in

penalties because of the failure to implement welfare reform. This has affected thousands of vulnerable people who have not been able to obtain the operations they desperately need.

Since the announcement in November of £40 million additional funding for my Department there has been significant efforts made by the Trusts and independent sector to provide additional outpatient clinics and treatments targeted at those who have been waiting the longest. This will provide up to

40,000 additional assessments and between 10,000 and 15,000 additional operations and treatments to be progressed.

**Mr McCrossan** asked the Minister of Health, Social Services and Public Safety to detail the (i) number of patients waiting for elective care treatment that resident in West Tyrone, (ii) nature of the treatment; (iii) length of time they have been waiting; and (iv) his Department's waiting time targets.

**(AQW 52993/11-16)**

**Mr Hamilton:** For the purposes of this response, 'nature of treatment' has been interpreted as speciality.

Information on the number of patients waiting, in weeks, for inpatient treatment that reside in West Tyrone, broken down by speciality, is shown in the following table. Information relates to the position as at 30th September 2015, the most recent date for which official statistics are available.

**Table 1: Number of patients who reside in West Tyrone waiting, in weeks, to receive inpatient treatment, broken down by speciality, at 30th September 2015.**

Specialty	Number of weeks waiting for inpatient treatment, at 30th September 2015				
	0-6 weeks	>6-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks
General Surgery	181	121	106	49	195
Urology	91	63	52	22	65
T & O Surgery	69	111	106	64	466
ENT	50	35	74	30	109
Ophthalmology	73	84	70	6	5
Oral Surgery	37	21	6	*	*
Paediatric Dentistry	*	*	0	0	0
Neurosurgery	*	5	*	0	0
Plastic Surgery	8	6	9	*	33
Cardiac Surgery	0	*	*	0	*
Paediatric Surgery	0	*	8	5	11
Thoracic Surgery	*	*	0	0	0
Anaesthetics	0	0	*	0	0
Pain Management	28	22	35	21	38
General Medicine	232	114	7	*	0
Gastroenterology	6	5	*	*	*
Endocrinology	0	*	0	0	0
Cardiology	24	13	10	*	9
Dermatology	*	*	0	0	0
Nephrology	*	*	0	0	0
Neurology	*	5	*	0	0
Rheumatology	0	*	*	0	0
Paediatrics	*	*	*	*	*
Gynaecology	102	64	70	30	70
GP Other	40	10	0	0	0

**Source:** DHSSPS Inpatient Waiting Times Dataset

\* Cell sizes of less than 5 have been masked due to patient confidentiality

The 2015/16 Ministerial target relating to inpatient waiting times states that from April 2015, at least 65% of inpatients and day cases are treated within 13 weeks and no patient waits longer than 26 weeks.

The increase in waiting times since 2014/15 is due to a number of factors including a year-on-year increase in referrals and agreed volumes of funded activity not being fully delivered across a number of specialties by Health and Social Care Trusts. It was also a great frustration that we wasted over £200 million of tax payers' money over the last 3 years in penalties because of the failure to implement welfare reform. This has affected thousands of vulnerable people who have not been able to obtain the operations they desperately need.

The £40 million of additional funding secured in November is a much needed boost that will begin to address our waiting lists. Broadly this investment will benefit between 60,000 and 70,000 patients who would otherwise be waiting.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety for an update on the relocation of paediatric cardiac services to Dublin.

**(AQW 53237/11-16)**

**Mr Hamilton:** The business case and implementation plan for the future service model recommended by the International Working Group for the All-island Congenital Heart Disease Network was submitted in February 2016 by the Network Board to the Health Departments in Belfast and Dublin for approval. My Department is processing both documents and I will make an announcement on next steps as soon as possible with the Republic of Ireland's Health Minister.

Until the long-term plan is in place we remain reliant on the majority of elective surgical procedures being carried out by specialist heart centres in England. Since April 2015 all Northern Ireland paediatric patients requiring cardiac catheterisation now undergo this procedure in Dublin. Interim arrangements are also in place for emergency cases to be transferred to Dublin as required. The mothers of babies

diagnosed antenatally in Belfast with heart conditions are also transferred to Dublin for the birth and the required interventional procedure.

**Mr Allister** asked the Minister of Health, Social Services and Public Safety for his assessment of whether the present use of Downe Hospital represents good value given the investment made in building it; and why the building is being run down.

**(AQW 53349/11-16)**

**Mr Hamilton:** The Downe Hospital will continue to play a vibrant and vital role in the Health and Social Care acute hospital network delivering essential services now and in the future. The Downe is crucial to the local community and will continue to be a key component of healthcare provision in that area. It therefore warrants the initial investment that it received and the ongoing funding to deliver the services that it provides.

On 4 January 2014, reduced opening hours at the Downe Emergency Department (ED) were implemented. This was introduced as a temporary measure due to concerns for patient safety and lack of appropriate emergency medical staff. Due to the national shortage of ED medical staff it is not possible at present to return to 7 day ED opening hours.

Services offered at the new Downe Hospital when it opened in 2009 included:

- Consultant led emergency department
- Inpatient Wards and services (including medicine and cardiology)
- Outpatients
- Diagnostics – including CT Scanner, X-Ray, Ultrasound, Fluoroscopy
- Day Procedure Unit – day surgery and endoscopy service for a range of specialties including general surgery, medicine, dental, gynaecology and orthopaedics
- Children's Centre
- Rehabilitation
- Acute and Elderly Psychiatric Centre
- Maternity outpatients
- Nursing Rapid Response Service
- GP Out of Hours
- Rapid Response Unit

Services offered at the Downe Hospital in 2016 include:

- Acute & Elderly Psychiatric Care
- Cardiac scanning
- Cataract surgery
- Children's services
- Community Midwifery
- CT Scanner
- Day procedure unit

- Dementia Services
- Diagnostics – including CT Scanner, X-Ray, Ultrasound, Fluoroscopy
- Day Procedure Unit – day surgery and endoscopy service for a range of specialities including general surgery, medicine, dental, gynaecology, orthopaedics, ophthalmology and maxillo-facial surgery
- Fracture surgery
- General Surgery,
- GP Out of Hours
- Inpatient service including Medicine and Cardiology
- Maxilla Facial Surgery
- Mental Health Inpatient Services
- Midwifery led unit
- Outpatient services
- Emergency Department/Weekend Minor Injuries Unit
- Endoscopy
- Regional bowel screening service
- Regional sexual health service
- Rehabilitation
- Urology
- Vascular ( Varicose veins only)

**Mr Allister** asked the Minister of Health, Social Services and Public Safety to detail the services that have been withdrawn temporarily at the Downe Hospital and when full service will resume.

**(AQW 53350/11-16)**

**Mr Hamilton:** The Downe Hospital will continue to play a vibrant and vital role in the Health and Social Care acute hospital network delivering essential services now and in the future. The Downe is crucial to the local community and will continue to be a key component of healthcare provision in that area. It therefore warrants the initial investment that it received and the ongoing funding to deliver the services that it provides.

On 4 January 2014, reduced opening hours at the Downe Emergency Department (ED) were implemented. This was introduced as a temporary measure due to concerns for patient safety and lack of appropriate emergency medical staff. Due to the national shortage of ED medical staff it is not possible at present to return to 7 day ED opening hours.

Services offered at the new Downe Hospital when it opened in 2009 included:

- Consultant led emergency department
- Inpatient Wards and services (including medicine and cardiology)
- Outpatients
- Diagnostics – including CT Scanner, X-Ray, Ultrasound, Fluoroscopy
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- Emergency Department/Weekend Minor Injuries Unit
- Endoscopy
- Regional bowel screening service
- Regional sexual health service
- Rehabilitation
- Urology
- Vascular ( Varicose veins only)

**Mr Allister** asked the Minister of Health, Social Services and Public Safety to detail (i) the services the new Downe Hospital offered when it opened compared to what is currently offered; and (ii) when any public consultation was held in relation to the downgrading of service provision.

**(AQW 53351/11-16)**

**Mr Hamilton:** The Downe Hospital will continue to play a vibrant and vital role in the Health and Social Care acute hospital network delivering essential services now and in the future. The Downe is crucial to the local community and will continue to be a key component of healthcare provision in that area. It therefore warrants the initial investment that it received and the ongoing funding to deliver the services that it provides.

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- Emergency Department/Weekend Minor Injuries Unit
- Endoscopy
- Regional bowel screening service
- Regional sexual health service
- Rehabilitation
- Urology
- Vascular ( Varicose veins only)

**Mr McCrossan** asked the Minister of Health, Social Services and Public Safety for an update on the future of all residential and nursing homes in West Tyrone.

**(AQW 53431/11-16)**

**Mr Hamilton:** I refer the member to the answer provided to AQW 52804/11-16.

**Mr McNarry** asked the Minister of Health, Social Services and Public Safety to detail (i) how often home carers are recruited by each Health and Social Care Trust; (ii) whether a register of home carers recruited by each Health and Social Care Trust is kept; (iii) whether Health and Social Care Trusts share this information among themselves and his Department; (iv) whether any of the Health and Social Care Trusts have experienced difficulties in recruiting home carers; and (v) for his assessment of why there are significant pay differentials between home carers recruited directly by Health and Social Care Trusts and those employed by agencies.

**(AQW 53544/11-16)**

**Mr Hamilton:**

- (i) Each Health and Social Care Trust is responsible for its own recruitment of health care workers. A breakdown of recent recruitment across the five Trusts is detailed in the table below:

Belfast HSC Trust	The Trust recruits as and when required. Four recruitment exercises were conducted in 2015/16:  June 2015; October 2015; November 2015; January 2016
Northern HSC Trust	Recruitment is conducted every four months.
South Eastern Trust	A recruitment exercise is currently underway. The previous recruitment exercise was in 2007.
Southern HSC Trust	The Trust recruits as and when required. Three recruitment exercises were conducted in 2015 and one in January 2016.
Western HSC Trust	The Trust recruits as and when required. The Trust held one recruitment exercise in the last 12 months.

- (ii) Details of home care staff are recorded by each employing HSC Trust on the Human Resource Payroll and Travel System (HRPTS). In addition, compulsory registration of the entire social care workforce is underway and is due to be completed by April 2017.
- (iii) In line with system security and data protection Trusts do not share personal information. Where there are regional initiatives and reviews Trusts share general information on the workforce as required. In addition, Departmental statisticians have a data access agreement in place to directly access regional workforce data from HRPTS for analytical purposes.
- (iv) Belfast, Southern and Northern HSC Trusts have experienced a variety of difficulties in recruitment, including poor response to adverts, poor turnout to interview, applicants not reaching acceptable standard at interview and the rural location of some positions.

- (v) Home carers recruited directly by Health and Social Care Trusts are employed under the nationally agreed 'Agenda for Change' grading and pay system. Each independent sector employer will determine pay scales for their staff in line with their individual business model and legal obligations such as the forthcoming National Living Wage.

**Mr Ó hOisín** asked the Minister of Health, Social Services and Public Safety for a progress report on implementing the recommendations arising from the Early Years Intervention for Deaf Children Conference in March 2014.  
(AQW 53573/11-16)

**Mr Hamilton:** The principles of early intervention have been accepted across the remit of all of children's services and are central to the direction within Transforming Your Care.

Since the conference, the Early Intervention Transformation Programme (EITP) has been established to promote an outcome based model of early intervention for children across a range of services. This is a generic programme. With the advent of the Children's Services Cooperation Act, which has recently become law, the duty now exists across all statutory agencies to cooperate in assisting children.

In addition, the Health and Social Care Board, as part of the Regional Implementation Group for my Department's Physical and Sensory Disability Strategy Action Plan, is developing a specific pathway for those with hearing loss and this will include children.

**Mr Ó hOisín** asked the Minister of Health, Social Services and Public Safety what additional actions the Health and Social Care Trusts have taken following the Early Years Intervention for Deaf Children Conference in March 2014.  
(AQW 53574/11-16)

**Mr Hamilton:** The Health and Social Care Trusts have benefited from additional funding from the Health and Social Care Board in the last two funding cycles to support children with disabilities. This funding helps to support carers of Children with Disabilities (CWD) and to assist Trusts in developing personalised services under the self-directed support model for all groups of CWD.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety what discussions have taken place about plans to increase cervical screening uptake amongst women from disadvantaged backgrounds.  
(AQW 53746/11-16)

**Mr Hamilton:** Since 2009 the PHA has held a contract with the Women's Resource and Development Agency (WRDA) to raise awareness of the cancer screening programmes and to improve the uptake of these programmes by women from communities and populations who are often hard to reach and historically have low uptake levels of screening programmes.

Initially this contract covered the Belfast and South Eastern Health and Social Care Trust areas only. Following an open tender, the PHA awarded a three year contract to WRDA in June 2015, to extend this service regionally. To date, 43 educational awareness sessions have been delivered to approximately 425 attendees from target service user groups.

WRDA's target service user groups include, but are not limited to, deprived communities (e.g. 20% most deprived wards in each Health & Social Care Area as per the NISRA deprivation index); people from a black or ethnic minority; travellers; LGBT people; and people with learning, physical or sensory disabilities.

This project also trains peer facilitators to deliver education sessions on the three cancer screening programmes (breast, cervical and bowel) to community groups, again targeted at those less likely to participate in screening. Since June 2015, 32 community facilitators have been recruited and are presently completing their peer facilitator training with WRDA.

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how long it should take for a patient to receive the results of a smear test.  
(AQW 53772/11-16)

**Mr Hamilton:** The current standard is that 80% of smear test samples are reported by the testing laboratory within 28 days. This was exceeded in 2014/2015 with 98.4% of samples reported within 28 days. Following reporting, the result is immediately transmitted electronically to the General Practice of the woman and it is then the responsibility of the General Practice to inform her of her result in a timely fashion.

**Mrs Cameron** asked the Minister of Health, Social Services and Public Safety for his assessment on the uptake of cervical screening; and what more can be done to improve screening rates amongst groups where it remains low.  
(AQW 53776/11-16)

**Mr Hamilton:** I am pleased to report that over the past 10 years there has been an increase in cervical screening coverage rates in Northern Ireland. In 2005 the coverage rate was 71% and by 31 March 2015 the rate was 77%.

The target coverage for cervical screening is 80% and for some age-groups this target is being met. Work is ongoing to improve uptake in all age groups by promoting and supporting informed decision making.

My Department and the Public Health Agency (PHA) promote cervical screening in a range of ways including local media releases, social media and activities at key times of the year, such as during Cervical Cancer Prevention Week in January and Cervical Screening Awareness week in June.

The Public Health Agency continually monitors the performance of the programme and has put in place a number of actions to maintain and increase uptake amongst groups where it remains low. This includes;

- the provision of information leaflets designed to meet the needs of the target population;
- focus group work with attenders and non-attenders to better understand barriers to attendance;
- the development of a video aimed at young women invited for cervical screening for the first time;
- the provision of information on a dedicated website; and
- working with the Women's Resource and Development Agency (WRDA) to target groups of women who are less likely to participate in screening.

It is vital that people, when invited, participate in cancer screening programmes as these programmes are important public health initiatives aimed at reducing deaths from cancer in our population.

**Mrs Dobson** asked the Minister of Health, Social Services and Public Safety to detail the number of Health Service staff that have been employed on temporary contracts in each Health and Social Care Trust, in each of the last five years.  
(AQW 53786/11-16)

**Mr Hamilton:** The information requested is shown in the table below. Figures are as at 31st March in each of the last five years- headcount and whole-time equivalent (WTE) are shown. Bank staff are excluded.

#### Belfast HSC Trust

Year	Headcount	WTE
2011	475	369
2012	1,268	1,158
2013	1,425	1,321
2014	1,593	1,428
2015	1,383	1,283

#### Northern HSC Trust

Year	Headcount	WTE
2011	820	646.40
2012	896	726.15
2013	864	696.52
2014	798	642.11
2015	661	522.02

#### South Eastern HSC Trust

Year	Headcount	WTE
2011	574	495.8
2012	554	496.15
2013	612	548.58
2014	609	544.78
2015	589	519.03

#### Southern HSC Trust

Year	Headcount	WTE
2011	323	257.85
2012	315	266.29
2013	394	323.91

Year	Headcount	WTE
2014	440	347.82
2015	514	400.62

**Western HSC Trust**

Year	Headcount	WTE
2011	1,338	1,058.45
2012	1,346	984.45
2013	1,312	916.72
2014	1,377	990.82
2015	1,216	919.21

**Source:** HSC Trusts

**Mr McNarry** asked the Minister of Health, Social Services and Public Safety what action he will take in the light of the exclusion of 100 disabled children and the Incartus Pony Foundation from the Burn Equestrian Centre, Knockbracken on land leased from the Belfast Health and Social Care Trust.

**(AQW 53822/11-16)**

**Mr Hamilton:** No action is planned.

Burn Equestrian Centre is located at Knockbracken Healthcare Park on Department owned land. Although Incartus Pony Foundation provided sponsorship to Burn Equestrian Centre for a number of events organised by the Centre, as well as funding for exclusive use of a pony, the Centre provides the riding activities and services for the children with autism and other learning disabilities who visit each week.

It appears that the business relationship between these two organisations has recently broken down however, the Department has no role in resolving this. The Centre will continue to provide activities and services for children and indeed people of all ages, including those who have a disability.

**Ms Maeve McLaughlin** asked the Minister of Health, Social Services and Public Safety whether insurance costs for GPs working in out of hours service is affecting the ability to enhance this service.

**(AQW 53896/11-16)**

**Mr Hamilton:** Out of Hours (OOH) services are under increasing pressure with rising demand and the associated challenge of ensuring the service is appropriately resourced. Increasing medical indemnity costs have been identified as one reason why it can be difficult to secure GP Out of Hours cover.

My Department and the Health and Social Care Board have been working with Out of Hours providers to address the challenges facing the service. In 2014/15 an additional £1.5m was invested to support the provision of GP Out of Hours services. Building on this, in 2015/16 a further £3.1m has been made available to help build capacity in GP Out of Hours services. As part of this investment, £700,000 has been made available to contribute towards GP indemnity costs in Out of Hours.

In addition, a further £850,000 has been made available to help OOH providers meet increased demand for services over the winter months.

My Department is currently undertaking a review of GP Out of Hours services across Northern Ireland to examine current delivery of services and make recommendations to improve service provision. The review is due to complete by the end of February and I will give careful consideration to its recommendations.

**Mr Agnew** asked the Minister of Health, Social Services and Public Safety when funding for contact centres will be resolved for 2016-17.

**(AQW 53931/11-16)**

**Mr Hamilton:** Arrangements for 2016/17 will be confirmed with each centre individually as part of normal business processes.

**Mr Wells** asked the Minister of Health, Social Services and Public Safety for his assessment of the uptake of the Meningitis B vaccine since its introduction in October 2015.

**(AQW 53950/11-16)**

**Mr Hamilton:** Following a recommendation from the Joint Committee on Vaccination and Immunisation (JCVI), the Men B vaccination programme was introduced in September 2015. It is being offered to all infants when they are two, four and 12 months of age. JCVI also recommended a limited catch-up programme for those infants aged 3 and 4 months in September 2015.

Based on feedback from the Public Health Agency implementation of the programme has gone very well, and while it is too early for any validated uptake data, the early preliminary data suggests for the first cohort of infants an uptake rate of approximately 96% for those infants receiving their first dose of vaccine. Published uptake figures will be available in the latter part of 2016.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety for the number of elective operations that have been (i) cancelled; and (ii) carried out in the independent sector since November 2015, in (a) Northern Ireland; and (b) the North West Independent Hospital, Ballykelly.

**(AQW 53956/11-16)**

**Mr Hamilton:** The Department does not routinely collect information on cancelled operations or operations carried out for any provider in the Independent Sector. These are monitored by providers themselves and are subject to contract monitoring directly with Trusts, for those patients who have been transferred by a Trust.

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the number of successful prosecutions against individuals charged with assaulting staff in Emergency Departments in the last twelve months, where the sentence has been custodial.

**(AQW 54037/11-16)**

**Mr Hamilton:** Individuals charged with assaulting staff in Emergency Departments are prosecuted under the Offences Against the Person Act 1861.

The Department is aware that some prosecutions have been taken forward under this legislation, but an earlier review found that details of the number relating to HSC staff cannot be separated from the overall figures held by the Public Prosecution Service or the PSNI.

It is also important to note that prosecutions must be taken forward by the individual employee, not by the employer. HSC employers do, however, have appropriate mechanisms in place to support victims of assault or abuse.

Incidents of verbal and physical attacks on HSC staff are recorded by the Department on a six monthly basis ending 31 March and 30 September in each calendar year.

The table below details the total number of physical and verbal assaults on staff in Emergency Departments, broken down by hospital for the last twelve months ending 30 September 2015.

**Period Covered – 1 October 2014 to 30 September 2015**

	<b>Total of Verbal &amp; Physical Attacks</b>
Craigavon Area Hospital	43
Daisy Hill Hospital	23
Antrim Area Hospital	100
Causeway Hospital	17
Mater Hospital	30
Royal Victoria Hospital	68
Altnagelvin Hospital	13
South West Acute Hospital	10
Lagan Valley Hospital	4
Ulster Hospital	25
Bangor Community Hospital	1
<b>Total</b>	<b>334</b>

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the number of assaults on staff in Emergency Departments, broken down by hospital, in each of the last twelve months.

**(AQW 54038/11-16)**

**Mr Hamilton:** Individuals charged with assaulting staff in Emergency Departments are prosecuted under the Offences Against the Person Act 1861.

The Department is aware that some prosecutions have been taken forward under this legislation, but an earlier review found that details of the number relating to HSC staff cannot be separated from the overall figures held by the Public Prosecution Service or the PSNI.

It is also important to note that prosecutions must be taken forward by the individual employee, not by the employer. HSC employers do, however, have appropriate mechanisms in place to support victims of assault or abuse.

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Bangor Community Hospital	1
<b>Total</b>	<b>334</b>

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the (i) number; and (ii) cost of operations carried out on behalf of the National Health Service outside Northern Ireland.

**(AQW 54104/11-16)**

**Mr Hamilton:**

- (i) Information on the number of people sent outside Northern Ireland for assessment and/or treatment in the 2014/15 financial year is shown in Table 1.

**Table 1: Number of people sent outside Northern Ireland for assessment and/or treatment in 2014/15**

	<b>2014/15</b>
Acute Extra Contractual Referrals (ECRs) <sup>1</sup>	1,341
Waiting List Initiative <sup>2</sup>	743

**Source:** HSCB

- 1 ECRs relate to approvals and not actual treatment, within the Acute Programme of Care. Approvals will include assessment, surgery and hospital based treatment other than surgery.
  - 2 Waiting List Initiative figures refer to patients treated by IS providers from outside Northern Ireland and will include patients treated within Northern Ireland by these providers.
  - 3 ECR approvals for treatment in non-acute programmes such as mental health have been excluded.
- (i) Information on the total cost incurred relating to patients who actually travelled outside Northern Ireland for treatment in the 2014/15 financial year is shown in Table 2.

**Table 2: Total cost incurred relating to patients who actually travelled outside Northern Ireland for treatment in 2014/15**

	<b>2014/15</b>
ECR Treatment Cost	£14,788,529
ECR Travel costs <sup>1</sup>	£5,089,509

**Source:** HSCB

- 1 ECR travel costs relate to all patients. It is not possible to separate acute patient travel costs from non-acute travel costs. However, over 90% will refer to travel costs relating to acute ECR approvals.
- 2 Information on travel and treatment costs relating to Waiting List Initiative patients travelling outside Northern Ireland for treatment by Independent sector providers is not available.

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail the number of patients that are ready to be discharged from hospital but are waiting on suitable accommodation and support, broken down by Health and Social Care Trust.

**(AQW 54107/11-16)**

**Mr Hamilton:** My department has set a target that 90% of complex discharges from an acute hospital are discharged within 48 hours. A discharge is regarded as complex when it can only take place following the implementation of a significant home based or other community based service.

The following table details the number of patients with complex discharges that have been waiting longer than the agreed 48 hours in each HSC Trust, correct as of 12th February 2016.

	<b>Belfast HSC Trust</b>	<b>Northern HSC Trust</b>	<b>South Eastern HSC Trust</b>	<b>Western HSC Trust</b>
Number of Complex Discharges Delayed Beyond 48 Hours	37	20	26	50

Information is not available for the Southern HSC Trust due to a difference in recording practice i.e. in the Southern HSC Trust, information on delayed discharges is recorded when the patient is discharged, not at the point when they are declared medically ready to leave hospital.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail his Department's protocols for dealing with sepsis.

**(AQW 54131/11-16)**

**Mr Hamilton:** The HSC Safety Forum has been working with HSC Trusts since 2011 on work to improve the recognition and prompt treatment of sepsis.

The National Confidential Inquiry into Patient Outcomes and Death (NCEPOD) has recently published a report on the study of sepsis. The Department has written to Trusts to ask them to implement the recommendations made in this report.

Information regarding the amount Health and Social Care Trusts have spent on treating sepsis is not available as the number of people diagnosed with sepsis is not separately recorded.

It is not possible to provide an assessment of savings that could be achieved by early intervention in the treatment of sepsis.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety to detail how much his Department has spent on treating sepsis in each of the last three years.

**(AQW 54132/11-16)**

**Mr Hamilton:** The HSC Safety Forum has been working with HSC Trusts since 2011 on work to improve the recognition and prompt treatment of sepsis.

The National Confidential Inquiry into Patient Outcomes and Death (NCEPOD) has recently published a report on the study of sepsis. The Department has written to Trusts to ask them to implement the recommendations made in this report.

Information regarding the amount Health and Social Care Trusts have spent on treating sepsis is not available as the number of people diagnosed with sepsis is not separately recorded.

It is not possible to provide an assessment of savings that could be achieved by early intervention in the treatment of sepsis.

**Mr McKinney** asked the Minister of Health, Social Services and Public Safety for his assessment of the savings that could be achieved by early intervention in the treatment of patients with sepsis.

**(AQW 54133/11-16)**

**Mr Hamilton:** The HSC Safety Forum has been working with HSC Trusts since 2011 on work to improve the recognition and prompt treatment of sepsis.

The National Confidential Inquiry into Patient Outcomes and Death (NCEPOD) has recently published a report on the study of sepsis. The Department has written to Trusts to ask them to implement the recommendations made in this report.

Information regarding the amount Health and Social Care Trusts have spent on treating sepsis is not available as the number of people diagnosed with sepsis is not separately recorded.

It is not possible to provide an assessment of savings that could be achieved by early intervention in the treatment of sepsis.

**Ms Boyle** asked the Minister of Health, Social Services and Public Safety to detail the (i) waiting times; and (ii) number of people waiting for a respiratory assessment by a consultant, broken down by Health and Social Care Trust in each of the last three years.

**(AQW 54141/11-16)**

**Mr Hamilton:** Information on the number of patients waiting, in weeks, for a first consultant-led outpatient appointment for a respiratory assessment at 31st December in each of the last three years is shown in the following tables, broken down by Health and Social Care (HSC) Trust.

**Table 1: Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for a respiratory assessment, broken down by HSC Trust, as at 31st December 2015**

HSC Trust	Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for respiratory assessment						
	0-6	>6-9	>9-12	>12-15	>15-18	>18	Total
Belfast	453	161	120	131	92	1,196	2,153
Northern	309	93	76	50	56	333	917
South Eastern	263	119	121	85	85	585	1,258
Southern	238	113	68	75	62	380	936
Western	210	84	54	47	24	353	772

**Source:** HSC Trusts

**Table 2: Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for a respiratory assessment, broken down by HSC Trust, as at 31st December 2014**

HSC Trust	Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for respiratory assessment						
	0-6	>6-9	>9-12	>12-15	>15-18	>18	Total
Belfast	464	151	118	114	98	705	1,650
Northern	300	91	63	71	85	282	892
South Eastern	270	101	69	85	68	157	750
Southern	193	81	94	60	66	59	553
Western	184	64	77	62	61	89	537

**Source:** HSC Trusts

**Table 3: Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for a respiratory assessment, broken down by HSC Trust, as at 31st December 2013**

HSC Trust	Number of patients waiting, in weeks, for a first consultant-led outpatient appointment for respiratory assessment						
	0-6	>6-9	>9-12	>12-15	>15-18	>18	Total
Belfast	412	151	150	117	122	493	1,445
Northern	251	77	47	38	5	0	418
South Eastern	244	86	42	14	0	0	386
Southern	177	69	65	42	1	0	354
Western	202	47	21	2	3	0	275

**Source:** HSC Trusts

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the number of residents still living at Northfield House residential home in Donaghadee.

**(AQW 54182/11-16)**

**Mr Hamilton:** At 15th February 2016, there were 2 permanent residents and 14 interim clients in Northfield House residential home in Donaghadee.

**Mr Rogers** asked the Minister of Health, Social Services and Public Safety to detail the plans for the future delivery of out of hours GP services in the South Eastern Health and Social Care Trust area.

**(AQW 54203/11-16)**

**Mr Hamilton:** GP out of hours services in the South Eastern Health and Social Care Trust are delivered across three centres in Ards, Lisburn and Downpatrick. On average there are over 1,100 telephone consultations, 680 patients seen at bases, and 127 home visits carried out each week across these three centres.

The Trust is actively engaged with the GP workforce to maintain existing out of hours services. It is also working with the Health and Social Care Board to implement nurse triage to support service delivery and ensure that patients contacting GP out of hours receive timely advice.

Regionally, up to £3.1m has been made available in 2015/16 to help build capacity in GP out of hours services, and a further £850k has been provided to help out of hours providers meet increased demand for services over the winter months. The review of GP out of hours services currently being undertaken by my Department will make recommendations to ensure the sustainability of GP out of hours services across Northern Ireland.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety for his assessment of the bank system within the Northern Health and Social Care Trust where nurses are required to sign up to work extra hours; and to detail (i) when this system was introduced (ii) why additional hours are classed as secondary employment with a separate payslip; and (iii) whether nurses that work extra hours through the bank are paid at an overtime rate.

**(AQW 54224/11-16)**

**Mr Hamilton:** Nursing Bank hours in the Northern Health and Social Care Trust (NHSCT), as in all Health and Social Care Trusts, are available for nurses who wish to earn additional payment over their contracted hours or who wish to avail of a fully flexible work pattern. There is no requirement or expectation on any individual to apply for bank hours. Bank nursing contributes importantly to maintaining service provision to patients and clients.

- (i) The bank system in NHSCT became operational on 1st May 2012.
- (ii) A separate payslip is issued as bank hours are not overtime in the existing post but additional hours which can be carried out in any clinical area within the Trust.
- (iii) Nurses and Midwives working extra hours through the Bank are not paid an overtime rate but are paid bank rates in line with arrangements under Agenda for Change.

**Ms Sugden** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 52462/11-16, to detail (i) the number of overtime hours worked by nurses in the Northern Health and Social Care Trust in the last 12 months; (ii) the number of submissions for overtime hours the Northern Health and Social Care Trust has received from nurses in the last 12 months; and (iii) whether an overtime rate is paid to nurses that remain on duty after their shift hours have finished.

**(AQW 54226/11-16)**

**Mr Hamilton:**

- (i) & (ii) This information is not readily available and can only be obtained at disproportionate cost
- (iii) An overtime rate of pay can on occasion be paid to staff if they stay on shift after it should have ended at the request of their shift supervisor. This is dependent upon the individual circumstances and whether staff have already worked hours up to full time in keeping with Agenda for Change terms and conditions of employment. Staff may also, if they prefer, avail of time in lieu for extra hours worked.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety whether his Department will release surplus land at Whiteabbey Hospital, Newtownabbey for the purpose of a new-build school for Abbey Community College.

**(AQW 54236/11-16)**

**Mr Hamilton:** Until the Department owned lands at the Whiteabbey Hospital site are declared surplus by the Northern Health and Social Care Trust, the Department is not able to consider disposal.

**Ms P Bradley** asked the Minister of Health, Social Services and Public Safety what discussions have taken place between his Department and the Department of Education regarding land at Whiteabbey Hospital, Newtownabbey.

**(AQW 54237/11-16)**

**Mr Hamilton:** My Department was first made aware of the interest in Department owned lands at the Whiteabbey Hospital site, by the North Eastern Education and Library Board in January 2015.

Since this time there has been further correspondence in relation to this matter received from the Department of Education and more recently from the Asset Management Unit, part of the Strategic Investment Board, who are now working with the DOE to assist with the identification of a suitable site in Newtownabbey for the development of Abbey Community College.

Each of these organisations has been informed that until the Northern Health and Social Care Trust has completed its rationalisation plan for the entire Whiteabbey Hospital site and identified its future requirements, it will not be in a position to declare either Trust owned or Department owned land surplus and available for disposal.

## Department of Justice

**Mr Ó hOisín** asked the Minister of Justice to detail the funding his Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 54009/11-16)**

**Mr Ford (The Minister of Justice):** The table below outlines the expenditure of my Department, including its Agencies but not its arm's-length bodies, related to the East Derry constituency in each of the last five financial years:

£k				
2014-15	2013-14	2012-13	2011-12	2010-11
6,538	6,751	7,611	8,145	8,891

Expenditure relating to a wide range of services that are provided across Northern Ireland by my Department has not been included as it cannot be costed out to specific areas.

Staff costs have not been included.

**Mr Murphy** asked the Minister of Justice to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

**(AQW 54025/11-16)**

**Mr Ford:** The expenditure of my Department and its Agencies and Executive Non-Departmental Public Bodies (NDPBs) on office supplies in each of the last five financial years is shown in the table below:

	£k				
	2014-15	2013-14	2012-13	2011-12	2010-11
Department/Agencies	544	697	941	839	969
NDPBs	920	1,102	1,157	1,066	1,224

Office supplies have been assumed to be stationery, office consumables and computer consumables. Different accounting systems used across organisations, and the move to the use of the Account NI shared service from 2012-13 onwards by the Department, Agencies and some NDPBs, may mean that there are some differences in the exact breakdown of expenditure provided by each body.

**Mr McMullan** asked the Minister of Justice for a breakdown of his Department's spend in East Antrim in each year since 2010.

**(AQW 54158/11-16)**

**Mr Ford:** The table below outlines how much my Department, including its Agencies but not its arm's-length bodies, has spent in East Antrim in each year since 2010:

£k				
2014-15	2013-14	2012-13	2011-12	2010-11
4,446	4,306	4,301	4,302	4,235

Expenditure relating to a wide range of services that are provided across Northern Ireland by my Department has not been included as it cannot be costed out to specific areas.

Staff costs have not been included.

**Mr Murphy** asked the Minister of Justice to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54164/11-16)**

**Mr Ford:** The expenditure of my Department and its Agencies and Executive Non-Departmental Public Bodies (NDPBs) on energy bills in each of the last five financial years is shown in the table below:

	£k				
	2014-15	2013-14	2012-13	2011-12	2010-11
Department/Agencies	5,289	5,702	5,837	5,340	4,656
NDPBs	6,975	8,392	8,463	8,046	8,186

Details of expenditure on energy bills for buildings which are part of the Northern Ireland Civil Service Estate where the Department of Finance and Personnel (DFP) hold the budget for my Department, i.e. multiple occupancy buildings, have been requested from DFP, but have not been received at this stage.

**Mr Allister** asked the Minister of Justice how many of the consultees who responded to the consultation on the closure of courthouses supported the closure of each courthouse now being closed; and how many opposed the closure of each courthouse to be closed.

**(AQW 54179/11-16)**

**Mr Ford:** The questions and therefore the responses received were not formulated on a supporting or opposing basis for individual venues, so it is not possible to answer the question in the terms asked.

There were 97 responses to the consultation, of which 10 either supported or were neutral towards the proposals. The remaining 87 were unsupportive to some or all of the proposals.

A number of responses had a specific regional and venue focus while others offered commentary across a number of regions and venues.

A more detailed analysis of the concerns raised in respect of each venue can be found in the Response and Recommendation document which was published on 26 November 2015.

**Mr Hussey** asked the Minister of Justice (i) what additional accommodation will be provided at Omagh Courthouse for the Tribunal Service following the transfer of tribunals from Strabane to Omagh; (ii) how many additional tribunals will be heard in Omagh; and (iii) what consultation he has had with the Department for Social Development about the possible increase in the number of tribunals required following the changes to the welfare system.

**(AQW 54201/11-16)**

**Mr Ford:** The Appeals Service (TAS) will continue to arrange Appeals Tribunal hearing sessions at Strabane Enterprise Agency and other suitable venues within the Strabane area. There are no plans to transfer hearing sessions routinely convened in Strabane to any alternative venue in Omagh, including the courthouse. The Northern Ireland Courts and Tribunal Service (NICTS) administers TAS on behalf of the Department for Social Development under a Service Level Agreement. The SLA includes provision for the regular joint review of tribunal appeal business volumes.

**Ms McGahan** asked the Minister of Justice to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54207/11-16)**

**Mr Ford:** The table below outlines the expenditure of my Department, including its Agencies but not its arm's-length bodies, related to Fermanagh and South Tyrone since the 2011-12 financial year:

£k			
2014-15	2013-14	2012-13	2011-12
2,201	2,148	2,513	2,216

Expenditure relating to a wide range of services that are provided across Northern Ireland by my Department has not been included as it cannot be costed out to specific areas.

Staff costs have not been included.

**Mr Hussey** asked the Minister of Justice how many tribunals were held in Omagh and Strabane in the last five years.

**(AQW 54228/11-16)**

**Mr Ford:** The tables below detail the number of Appeal Tribunal hearing sessions held in Omagh and Strabane in the last five financial years.

Year	Omagh Court House	Omagh Library	The Appeals Service Omagh	Grand Total
2010/11	0	0	187	187

Year	Omagh Court House	Omagh Library	The Appeals Service Omagh	Grand Total
2011/12	0	2	256	258
2012/13	65	44	123	232
2013/14	159	137	16	312
2014/15	59	80	43	182

Year	Strabane Court House	Strabane Enterprise Agency	Grand Total
2010/11	0	89	89
2011/12	0	102	102
2012/13	0	134	134
2013/14	0	216	216
2014/15	33	101	134

**Mr Agnew** asked the Minister of Justice how much funding he has provided to the community and voluntary sector (i) in actual terms; and (ii) as a proportion of his overall budget, in each of the last three years, including the projected spend for the current financial year.

**(AQW 54247/11-16)**

**Mr Ford:** The funding my Department, including its Agencies but not its arm's-length bodies, has provided to the community and voluntary sector, both in actual terms and as a proportion of my overall budget, in the current financial year and each of the last three financial years, is shown in the table below:

	£k			
	2015-16 Forecast	2014-15 Actual	2013-14 Actual	2012-13 Actual
Community & voluntary sector funding	5,725	6,808	6,914	7,410
DOJ Budget (Core Department and Agencies excluding arm's length bodies)	329,658	339,187	335,612	374,147
% of overall budget	1.74	2.01	2.06	1.98

There was no specific Departmental cut applied to the community and voluntary sector during 2015-16. In-year allocations to individual organisations have been on a case by case basis across the Department and Agencies.

The Department's 2016-17 unringfenced resource DEL budget allocation was a 2.0% cut to the PSNI and a 5.7% cut to the remainder of the Department. However, one of my priorities in allocating the 2016-17 budget was to protect the voluntary and community sector to cuts of no more than 1.5%.

**Mr Agnew** asked the Minister of Justice what in year departmental cuts have been made to community and voluntary sector funding; and how this compares to cuts to other services.

**(AQW 54248/11-16)**

**Mr Ford:** The funding my Department, including its Agencies but not its arm's-length bodies, has provided to the community and voluntary sector, both in actual terms and as a proportion of my overall budget, in the current financial year and each of the last three financial years, is shown in the table below:

	£k			
	2015-16 Forecast	2014-15 Actual	2013-14 Actual	2012-13 Actual
Community & voluntary sector funding	5,725	6,808	6,914	7,410
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**Mr McMullan** asked the Minister of Justice for a breakdown of his Department's spend in the Glens area in each year since 2010. (AQW 54271/11-16)

**Mr Ford:** Since 2010 my Department, including its Agencies but not its arm's-length bodies, has spent £2,394 in the Glens area. This was during the 2010-11 financial year.

Expenditure relating to a wide range of services that are provided across Northern Ireland by my Department has not been included as it cannot be costed out to specific areas.

**Mr Weir** asked the Minister of Justice when the provisions of the Justice (No 2) Bill 57/11-16 dealing with increased maximum sentences for animal cruelty offences are due to have legal effect. (AQW 54315/11-16)

**Mr Ford:** The timing of the commencement of these provisions is a decision for the Department of Agriculture and Rural Development (DARD). However I understand that DARD is planning to bring the new maximum penalties into effect as soon as possible after the Justice (No2) Bill receives Royal Assent. My department will work with DARD to bring forward the necessary subordinate legislation.

**Mr Campbell** asked the Minister of Justice how long it will take to clear the backlog of court cases caused by the legal aid dispute. (AQW 54334/11-16)

**Mr Ford:** The Lord Chief Justice and the Recorder of Belfast have agreed arrangements to deal with the backlog of cases resulting from the legal aid dispute. Cases which have been committed to the Crown Court but are awaiting arraignment will start to be listed from Monday 29 February 2016. Cases where the defendant is ready to plead guilty will be listed immediately. Cases involving youth defendants and defendants remanded in custody will be listed as a priority.

The legal profession have been asked to notify local court offices if they consider there are other cases which may require to be prioritised due to, for example, vulnerable witnesses. It is not possible to say, at this early stage, how long it will take to clear the backlog.

**Mr Campbell** asked the Minister of Justice what plans he has to increase the number and percentage of female staff at Magilligan prison. (AQW 54335/11-16)

**Mr Ford:** The Northern Ireland Prison Service seeks to increase the number and percentage of female staff it employs across the Service. During recruitment campaigns NIPS advertises that it would particularly welcome applications from women.

**Mr Allister** asked the Minister of Justice how much his Department has spent on producing material in Irish in each of the last three years. (AQW 54367/11-16)

**Mr Ford:** The table below outlines the expenditure by my Department, including its Agencies but not its arm's-length bodies, on producing material in Irish in each of the last three financial years:

£		
2014-15	2013-14	2012-13
0	45	2,179

**Mr Douglas** asked the Minister of Justice why Woodlands Juvenile Justice Centre does not source teachers to cover the areas of learning needed to meet the requirements of the Northern Ireland Curriculum via the Northern Ireland Substitute Teacher Register, despite recommendations to do so being made in the Criminal Justice Inspection report in May 2015. (AQW 54383/11-16)

**Mr Ford:** The formal agreement reached between my Department and the Department of Education on the transfer of responsibility for education within custody to the Education Authority, and which was announced in December 2015, has enabled Woodlands to gain early access to the Northern Ireland Substitute Teacher Register (NISTR).

Woodlands is actively sourcing up to five teachers on a temporary basis from this NISTR list to cover key subject areas such as mathematics, English, home economics, art, music and drama while work is progressing between Woodlands and the Education Authority on the development of a core curriculum required for Education Other Than At School (EOTAS) provision. Resources have been ring-fenced to support delivery of this curriculum once agreed.

These new arrangements will ensure that the core curriculum will deliver high quality teaching and vocational skills in conjunction with social care, behavioural change and mental health interventions to meet the identified and complex needs of young people in custody.

**Mr Douglas** asked the Minister of Justice what areas of learning, as outlined in the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007, are Woodlands Juvenile Justice Centre providing to meet the statutory requirements for compulsory school age students.

**(AQW 54384/11-16)**

**Mr Ford:** Woodlands has, until recently, been providing mainstream education for young people in custody which has traditionally included essential skills such as Mathematics and Numeracy, Language and Literacy and other related topics such as Personal Development, Physical Education and Learning for Life and Work.

The recent agreement reached between my Department and the Department of Education on the transfer of responsibility for education within custody to the Education Authority has determined that the best outcome for these children would be via the provision of Education Other Than At School (EOTAS) status. EOTAS caters for children with social, emotional, behavioural, medical or other issues who, without its provision, cannot sustain regular access to suitable mainstream education.

The EOTAS designation of Woodlands enables children in custody who have been expelled from, suspended from, or otherwise disengaged from mainstream education to access a range of educational, behavioural and mental health programmes. This will enable them to either re-enter into mainstream education following release or to enter workplace training. This includes all children under compulsory school age and also those over.

The transfer to EOTAS status is expected to be completed by May 2016.

**Mr Douglas** asked the Minister of Justice, pursuant to AQW 52012/11-16, why permanent staff, who have died in service, retired or taken a voluntary exit scheme, have not been replaced to provide a balanced, broadly based curriculum to the compulsory school age young people at Woodlands Juvenile Justice Centre; and who is responsible for ensuring the correct number of teachers are available in the areas of learning to meet the Northern Ireland Curriculum.

**(AQW 54385/11-16)**

**Mr Ford:** It is acknowledged that a number of short term challenges arose associated with the departure of several teaching staff at a time when discussions were ongoing between my Department and the Department of Education around strategic responsibility for education within custody. However, now that formal agreement has been reached, with responsibility transferring to the Education Authority and Woodlands Education Centre gaining EOTAS status with effect from May 2016, I am confident that these issues can be quickly resolved.

Over the past 12 months, the number of teachers has reduced from 6 to 3. It is intended that these vacancies will be filled on a full-time basis once the transfer of responsibility takes effect, and budget provision has been ring-fenced to enable this to happen. In the meantime, temporary teachers will be employed from the NISTR list to maintain delivery of a broad-based curriculum for young people in Woodlands.

The size of the teaching complement will be determined between Woodlands and the Education Authority.

**Mr Douglas** asked the Minister of Justice how many compulsory school age young people are currently at Woodlands Juvenile Justice Centre; and how many are receiving the minimum recommended teaching/learning hours specified in the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 Schedule 2 at Key Stages 3 and 4.

**(AQW 54386/11-16)**

**Mr Ford:** There are currently 15 children of compulsory school age in Woodlands (as at 22 February 2016).

The Order referred to by the Member does not appear to specify a 'minimum recommended number of teaching/learning hours at Key Stages 3 and 4'. During 2015, each child in Woodlands received on average 15 hours per week in education programmes including mainstream education, developing life skills and behavioural change programmes.

With the attainment of EOTAS status and with support from the Education Authority, it is intended that the core curriculum will deliver high quality teaching and vocational skills in conjunction with social care, behavioural change and mental health interventions to meet the identified and complex needs of young people in custody.

**Mr Givan** asked the Minister of Justice under what criteria can exceptional circumstances be considered for Prison Officers seeking an extension to consider their application for leaving the Prison Service through the Voluntary Exit Scheme.

**(AQW 54450/11-16)**

**Mr Ford:** The terms of the Scheme are detailed in the Scheme Information booklet which can be found on the DFP website at:

[www.dfpni.gov.uk/nics\\_voluntary\\_exit\\_scheme](http://www.dfpni.gov.uk/nics_voluntary_exit_scheme).

Acceptance of an offer to leave under the terms of the Scheme is normally binding on the individual. However there is scope to alter that position by mutual consent on compassionate grounds. A decision to remain in employment must be made in sufficient time to ensure there is no payment of compensation and that the individual is not removed from payroll.

**Mr Weir** asked the Minister of Justice how many tribunals were held in (i) North Down; and (ii) Ards in each of the last five years. (AQW 54451/11-16)

**Mr Ford:** The tables below detail the number of Appeal Tribunal hearing sessions held in North Down and Ards in the last five financial years.

Year	Ards Business Centre	Newtownards Courthouse	Signal Centre (Bangor)	Sketrick House (Ards)	Grand Total
2010/11	340	9	0	0	349
2011/12	213	8	116	7	344
2012/13	83	68	281	0	432
2013/14	0	85	377	0	462
2014/15	0	71	259	0	330

**Mr Campbell** asked the Minister of Justice, pursuant to AQW 53616/11-16, whether collective or individual representations were made by the legal profession.

(AQW 54511/11-16)

**Mr Ford:** There were both collective and individual responses to the consultation received from the legal profession. Not all responses included comment on every venue under consultation and no specific representation on the closure of Limavady Courthouse was received from the legal profession.

The full list of respondents has been included in the response and recommendation document which was published on the 26 November 2015.

**Mr Dunne** asked the Minister of Justice what plans he has to provide fit for purpose court facilities in the Ards and North Down Borough Council area.

(AQO 9680/11-16)

**Mr Ford:** Newtownards Courthouse currently provides fit for purpose court facilities in the Ards and North Down Borough Council Area. Whilst I accept that it does not offer the highest quality facilities, which was one of the reasons it was considered for closure, I am satisfied that it provides adequate accommodation to facilitate court business. The Court Rationalisation programme will not result in any additional business in Newtownards.

An additional consultation room was added to Newtownards Courthouse following the closure of Bangor Courthouse to ensure there was sufficient space for the legal profession to speak to clients. Facilities were also improved by the addition of a disabled lift in 2013.

The Northern Ireland Courts and Tribunal Service will continue to carry out necessary maintenance work to the Courthouse as long as it remains operational. This will include essential structural works.

**Mrs Cochrane** asked the Minister of Justice for his assessment of the Secretary of State's comment of 11 February 2016 on legacy inquests that if reforms were to progress the UK Government would consider whether some of the Stormont House legacy funding could be released early to support inquests.

(AQO 9681/11-16)

**Mr Ford:** My officials have been in discussion with NIO officials in the past weeks and at a recent meeting with the Secretary of State I once again pressed her to give my Department access to the legacy funding made available under the Stormont House Agreement. I stressed that the justice system has not been resourced to bear the costs of dealing with the Past.

I welcome the leadership of the Chief Justice following his recent appointment as President of the Coroners Courts and his statement setting out his views on the way forward for legacy inquests. I also acknowledge the considerable work undertaken by Lord Justice Weir throughout this process.

In developing his proposal, the Lord Chief Justice met me and senior justice representatives, the Secretary of State for Northern Ireland, the First and Deputy First Ministers and the Attorney General for Northern Ireland. Importantly, he also engaged with key representatives of the international human rights community.

Officials in the Northern Ireland Courts and Tribunals Service are working with the Office of the Lord Chief Justice to agree the structure, resources and operational arrangements for a new Legacy Inquest Unit based on the Lord Chief Justice's

developing thinking. They will prepare a business case, working with the police and prosecution service, to cover all issues which need to be addressed to allow inquests to proceed as the Lord Chief Justice has outlined.

Once proposals have been agreed, a bid will be proposed and I will formally request the Secretary of State to release Stormont House Agreement funds.

I have previously stated that the £150m over 5 years to fund legacy issues under the Stormont House Agreement is not sufficient to fully fund the devolved institutions to deal with the past, and further consideration will be required on how to fund the gap.

## Department for Regional Development

**Mr Agnew** asked the Minister for Regional Development what assessment has been made of the impact on greenhouse gas emissions of the proposed construction the new A5 road project.

**(AQW 52894/11-16)**

**Miss M McIlveen (The Minister for Regional Development):** The Environmental Statement for the A5 Western Transport Corridor addresses the issue of greenhouse gas emissions and in particular the change in pollutant levels as a result of the proposed scheme. The Environmental Statement was published on 16 February 2016 and the impact of greenhouse gas emissions is contained within Chapter 8 of this document which deals with Air Quality in a comprehensive manner. The document is available to view on the scheme website [www.a5wtc.com](http://www.a5wtc.com) or alternatively CD copies can be obtained on request.

**Mr McKinney** asked the Minister for Regional Development to detail the number of blocked drains in South Belfast, broken down by each of the last twelve months.

**(AQW 53070/11-16)**

**Miss M McIlveen:** You will be aware that gully cleaning was suspended at the beginning of this financial year due to budget constraints. Work recommenced in July 2015 and since then the gully cleaning squads have reported that 234 gullies were blocked.

■ July	60
■ August	111
■ September	28
■ October	6
■ November	17
■ December	12

In addition, TransportNI's records indicate that there have been 106 reports of blocked gullies or road flooding from the public, broken down as follows:

■ January 2015	1	■ July 2015	2
■ February 2015	0	■ August 2015	2
■ March 2015	0	■ September 2015	0
■ April 2015	0	■ October 2015	1
■ May 2015	4	■ November 2015	32
■ June 2015	14	■ December 2015	50

**Ms McCorley** asked the Minister for Regional Development when the road gullies for the (i) Lisburn Road; (ii) Balmoral Avenue; (iii) Malone Road; (iv) Tate's Avenue; (v) Stranmillis Road; (vi) Finaghy Road South; (vii) Ormeau Road; and (viii) University Road were last cleaned.

**(AQW 53566/11-16)**

**Miss M McIlveen:** Gully cleaning in the South Belfast area is normally carried out by TransportNI's internal contractor. I am pleased to report my Department is increasing its routine maintenance operations, including gully emptying, as a result of the Executive's decision to allocate much needed additional funding to this important area of work. This funding will deliver enhanced levels of service and my officials are working to ensure the public can see the difference made as quickly as possible. I would, however, ask for understanding as it will take some time before the backlog of work will be cleared.

Gully cleaning was carried out at each of the locations listed on the following dates:

- (i) Lisburn Road cleaned in June 2014
- (ii) Balmoral Avenue cleaned in December 2015
- (iii) Malone Road cleaned in March 2014
- (iv) Tate's Avenue cleaned in May 2014
- (v) Stranmillis Road cleaned in March 2014

- (vi) Finaghy Road South cleaned in June 2014
- (vii) Ormeau Road cleaned in July 2014
- (viii) University Road cleaned in March 2014

Based on the resources available it is estimated that the gullies in the streets listed will be cleaned as follows:

- (i) Lisburn Road – by end May 2016
- (ii) Malone Road – by end March 2016
- (iii) Tate's Avenue – by end May 2016
- (iv) Stranmillis Road – by end March 2016
- (v) Finaghy Road South – by end February 2016
- (vi) Ormeau Road – by end March 2016
- (vii) University Road – by end March 2016

**Mr B McCreagh** asked the Minister for Regional Development whether there are plans to install lights in Moira Demesne to help ensure the safety of pedestrians and cyclists.

**(AQW 53836/11-16)**

**Miss M McIlveen:** My Department is not responsible for Moira Demesne and consequently does not have any plans to install lighting in it. Lisburn and Castlereagh City Council is responsible for Moira Demesne.

**Mr Murphy** asked the Minister for Regional Development to detail how much her (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

**(AQW 53947/11-16)**

**Miss M McIlveen:** The amount spent on office supplies for my Department and its arm's length bodies in each of the last five years is detailed on the table below:

Financial Year	Annual Spend (£'000s)		
	Department*	Translink	NI Water
2010-11	326.8	261.5	168.6
2011-12	342.9	285.9	145.4
2012-13	246.8	295.9	171.9
2013-14	245.8	326.7	198.6
2014-15	218.4	333.8	137.2

\* The Department's totals include TransportNI (previously Roads Service).

Office supplies consist of office stationery such as paper, printer toner cartridges, writing materials and document folders.

Office Supplies also include operational stationery spend for business purposes such as the administration of the Blue Badge Scheme and Strangford Ferry ticketing within my Department. Translink, as a commercial organisation, uses stationery for the production of timetables, health and safety bulletins, pre printed vehicle check sheets, defect books, accident report forms, fuel issue sheets, letterhead and invoice paper.

**Mrs Hale** asked the Minister for Regional Development what plans there are to upgrade the road network in the vicinity of the new Dromore Primary School build, specifically the Hillsborough Road/Ballynahinch Road junction.

**(AQW 53973/11-16)**

**Miss M McIlveen:** As part of the planning process my officials liaised with the applicant (the Education Authority) to agree measures which would be implemented by the applicant to mitigate the construction of the new Primary School on the B2 Mossvale Road. Measures included:

- Car Parking within the school site
- Drop off and pickup for cars and buses within the confines of the site
- A new right turn facility on the Mossvale Road serving the site
- A controlled pedestrian crossing point
- Localised footway widening along the site frontage
- Road markings and signs to support the installation of 'safe routes to school' infrastructure.

Regarding the nearby Hillsborough Road/Mossvale Road junction to which you refer (The B2 Mossvale Road becomes the B2 Ballynahinch Road just outside the town of Dromore). A specific junction assessment was undertaken by the applicant through a Transport Assessment as part of the planning process. No requirement was identified for mitigating works at this junction which is some 500m from the school. My Department has no other plans for road infrastructure improvements in the vicinity at this time.

**Mr Ó hOisín** asked the Minister for Regional Development what action her Department is taking to address the recurring potholes at the Maghera side of the Castledawson junction of the A6.

**(AQW 54013/11-16)**

**Miss M McIlveen:** It is acknowledged that there are a significant number of patching repairs required on the northern (Maghera) approach to Castledawson roundabout. Some investigation work will be required to establish the extent of the problem and this in turn will inform the extent of the repair work required.

It is not possible to undertake these works in the current financial year but I have asked my officials to give this scheme priority for inclusion in the works programme for the next financial year. This programme is currently being developed and cannot be finalised until details of funding for 2016/2017 are confirmed. Until such a time as a more major scheme is carried out, my Department will continue to maintain the road and repair the potholes in accordance with Road Maintenance Standards.

**Mr Weir** asked the Minister for Regional Development what procedures are in place to prioritise regular maintenance of sewers and pipes in areas which are prone to flooding.

**(AQW 54016/11-16)**

**Miss M McIlveen:** NI Water has advised that to ensure the continued efficient operation of its wastewater assets and sewer network, it undertakes regular proactive maintenance, and maintains records, on the areas where repeat flooding issues have been encountered. The activities currently undertaken include:

- A proactive desilting programme for problematic sewers with frequency determined by the likelihood of any reoccurrence;
- A proactive cyclical desilting programme for all wastewater pumping stations to ensure that the stations' efficiency is maintained, therefore aiding the operation of the adjacent sewer networks;
- Further investigation of repeat flooding incidents with Route Cause Analysis to ascertain the likely cause of the flooding and importantly to recommend solutions where practicable; and
- Manning of Telemetry Units, located in Belfast and Altnagelvin, 24 hours a day, 365 days a year, to monitor real-time storage levels and storm water level-alarms in critical wastewater pumping stations. Outside normal hours the Telemetry Units also undertake the work planning role relating to after-hours work activity.

My Department is also responsible for the maintenance of some 582,000 road gullies. Gullies at known problem locations are cleaned more frequently, for example in response to weather warnings by the Met Office.

The Rivers Agency has advised that it adopts a Flood Risk Catchment based approach to the maintenance and repair of culverts and this is detailed in the Rivers Agency's Culvert Repair Prioritisation Methodology. Each catchment is ranked in terms of the potential flood risk and the maintenance priority of the culverts within the catchments. This allows the Agency to programme works targeting those areas of greatest need, subject to resource constraints.

Rivers Agency has also advised that, if any flooding is caused by an issue with a culvert on a designated culverted watercourse, this section will be treated as a priority. If flooding is caused by an undesignated culverted watercourse, operational staff will carry out necessary investigations and contact the appropriate riparian(s).

**Mrs Cochrane** asked the Minister for Regional Development, for each of the last three years, (i) for a breakdown of the number of Translink Pupil Passes issued for (a) Metro only services; (b) Ulsterbus only services; (c) NI Railways only services; and (d) a combination of services; (ii) to detail the price per unit cost for each category of pass; (iii) to itemise the separable costs of passes issued for (a) Metro only services; (b) Ulsterbus only services; (c) NI Railways only services; and (d) a combination of services; and (iv) to detail (a) the annual overall departmental cost for Pupil Passes issued; and (b) the proportion of this sum paid directly to Translink.

**(AQW 54042/11-16)**

**Miss M McIlveen:** The relevant statistics relating to questions (i), (ii) and (iii) are detailed in the tables overleaf:

The tables show –

- The overall declining number of fare-paying pupil passes broken down by company.
- The average revenue for travel per pass for each company as each pass is costed to the individual customer's journey.
- The average revenue for travel per pass for each company as each pass is costed to the individual customer's journey.

In relation to 'combination passes' Translink's system counts each mode of travel as a pass and if Ulsterbus and NIR journeys are both shown on the same card issued to the customer, this is counted as two passes. Previously, Translink had access to the Fare Paying Pupil Pass reporting software which was supplied and maintained by a third party supplier. Translink no

longer has a license to operate this software. The combination figures shown below are based on uptake from previous years and calculated on a pro-rata basis.

Academic Year	Mode 1	No. of Passes	Total Revenue	Average
2012/2013	Ulsterbus	845	£222,350.18	£263.14
	NIR	234	£50,475.36	£215.71
	Metro	248	£75,600.94	£304.84
	Combination	10	£3,468.73	£346.87
	<b>Total</b>	<b>1,337</b>	<b>£351,895.21</b>	<b>£263.20</b>
2013/2014	Ulsterbus	663	£182,551.36	£275.34
	NIR	237	£75,826.01	£319.94
	Metro	216	£48,083.47	£222.61
	Combination	9	£3,050.94	£338.99
	<b>Total</b>	<b>1,125</b>	<b>£309,511.78</b>	<b>£275.12</b>
2014/2015	Ulsterbus	523	£142,220.33	£271.93
	NIR	249	£83,559.70	£335.58
	Metro	239	£49,870.17	£208.66
	Combination	8	£2,744.21	£343.03
	<b>Total</b>	<b>1,019</b>	<b>£278,394.41</b>	<b>£273.20</b>

In regard to question (iv), the cost of Translink's pupil passes could not be separated from the overall cost of running the Ticketing Office, which also deals with entitled passes for the Education Authority, as well as other concessionary passes and Translink bespoke passes.

The revenue contribution that the pupil passes makes goes towards covering Translink's total operating costs for providing the network of bus and rail services that pupils use alongside other patrons and include overheads, for example, engineering costs.

My Department is not part of the transaction above but provides general revenue grants to Translink against specific conditions of grant.

**Mrs Cochrane** asked the Minister for Regional Development how many pupils applied for a Translink Pupil Pass in each of the last three years; and how many Pupil Passes were issued.

**(AQW 54043/11-16)**

**Miss M McIlveen:** The relevant statistics are detailed in the table below:

Academic Year	No. of Passes	No. of Quotes	Percentage Uptake
2012/13	1,337	2,371	56%
2013/14	1,125	2,056	55%
2014/15	1,019	1,650	62%

**Mr Hazzard** asked the Minister for Regional Development, pursuant to AQO 9519/11-16, when NI Water's Asset Performance Team will finalise their report on the existing sewer network in Annsborough.

**(AQW 54112/11-16)**

**Miss M McIlveen:** NI Water has advised that its Asset Performance Team has completed an initial study and discovered some issues with stormwater and infiltration in the existing Annsborough sewerage network. As solutions may be complex and incur significant cost, a full Drainage Area Study model has now been commissioned to help inform any future works. This modelling work should be completed within the next twelve months.

**Mr Campbell** asked the Minister for Regional Development when she will announce the replacement of the Waterside Railway Station in Londonderry.

**(AQW 54146/11-16)**

**Miss M McIlveen:** I have previously set out my proposals for the development of a new multi-modal transport hub in the North West to replace the existing facilities at the current Waterside Rail Station. My Department submitted an initial application for funding for a new hub within the Sustainable Transport Objective of the INTERREG V(a) programme in January of this year.

The Managing Authority for the programme will convene a meeting of its Steering Committee in the next number of weeks to consider the application and, if approved, a second more detailed application will be developed thereafter.

To assist in the development of detailed plans, Translink has appointed an Integrated Design Team to take forward a Feasibility Study to look at two options:

- A new station on the site of the rail station
- Redevelopment of the old original Waterside Train Station

The Feasibility Study commenced in January 2016. Translink anticipate that they will be in a position to submit an Economic Appraisal to my Department towards the end of 2016.

**Mr Murphy** asked the Minister for Regional Development for an estimation of the cost of upgrading the Dublin to Belfast Enterprise service to an hourly service between both cities.  
(AQW 54162/11-16)

**Miss M McIlveen:** With the re-introduction of the newly refurbished Enterprise trains both NI Railways and Irish Rail are currently reviewing the existing Enterprise timetable.

To introduce an hourly service, with no significant change to journey time, between Belfast and Dublin would require capital grant to purchase additional rolling stock. This would also require increased revenue subsidy to cover the associated operational costs for both companies.

Translink recently reviewed options for rail projects and the discounted net cost of an hourly service for NI Railways could average around £3m per annum. This cost includes additional diesel trains and some potential improvement to line speed between Portadown and Newry.

**Mr McNarry** asked the Minister for Regional Development to detail the savings made by Translink through its Fuel Hedging Policy this year to date.  
(AQW 54241/11-16)

**Miss M McIlveen:** As with all major transport operators, Translink hedges a large proportion of its fuel costs in order to achieve cost stability for budgetary purposes.

There have been no savings through Translink's fuel hedging policy this year to date but market cost reductions are reflected in the hedges agreed which will impact future year costs.

**Mr Hazzard** asked the Minister for Regional Development (i) how many times in the last five years her Department has been notified of problems relating to an overflowing manhole on Stream Street, Downpatrick; (ii) what work has been carried out to examine this manhole; and (iii) what steps her Department will take to rectify this problem.  
(AQW 54349/11-16)

**Miss M McIlveen:**

- (i) TransportNI and NI Water were first notified of a problem with water flowing out of a manhole at the junction of Stream Street / St. Patricks Avenue, Downpatrick, in late January 2016.
- (ii) A contractor, working under instruction from NI Water, has carried out work to clear blockages in the system in recent weeks.
- (iii) Transport NI and NI Water are currently investigating what further remedial work is required to resolve this problem.

**Mr Agnew** asked the Minister for Regional Development on what legal basis NI Water can restrict public access to publicly owned and used land at Woodburn, Carrickfergus.  
(AQW 54423/11-16)

**Miss M McIlveen:** Northern Ireland Water owns the land at Woodburn Forest and there is no public right of way over the land. As with all land owned by the Company, it has a duty to the public under the Health and Safety at Work (Northern Ireland) Order 1978 to ensure their safety.

For this reason, permission for the public to access NI Water's land can be withdrawn when works or other activities are being carried out which may have a health and safety risk to members of the public.

**Mrs Cochrane** asked the Minister for Regional Development how many local schools have specific road safety signage installed in close proximity to their school entrances.  
(AQO 9688/11-16)

**Miss M McIlveen:** I can confirm that all schools have specific road safety signage erected as standard and installed in close proximity to their entrances to advise motorists of the presence of a school. In addition crossing patrol signs are also erected where appropriate.

My Department's Safer Routes to Schools initiative, introduced in 2005, aims to tackle the impact of the 'school run' by encouraging more pupils, parents and teachers to walk, cycle, use public transport or car share the journey to school. As part of the initiative, my Department agreed to prioritise locations for improvements to signage and road markings.

These additional measures have helped make unsuspecting motorists aware of the fact they are approaching a school and encourage them to adjust their speed accordingly.

423 schools in Northern Ireland have had the enhanced flashing amber 'school' signs put in place as part of the Department's Safer Routes to School programme to provide additional warning.

These enhanced signs only operate at opening and closing times of the school day and are usually placed in conjunction with red surfacing with 'school' or 'Patrol' road marking to further highlight the presence of the school.

**Mr McKinney** asked the Minister for Regional Development, given that the recent statement on the A5 outlined four different documents to be consulted on for a section of the full project, how many consultations does she envisage will be carried out before construction on the road begins.

**(AQO 9689/11-16)**

**Miss M McIlveen:** The consultation exercise currently being carried out on the A5 Western Transport Corridor scheme relates to a new Environmental Statement which covers the full extent of the scheme together with a new draft Direction Order, draft Vesting Orders and a Stopping-up of Private Accesses Order for the length between Newbuildings and Ballygawley.

As such, this represents a full and extensive consultation on the length of the scheme between Newbuildings and Ballygawley. Further consultations will be required on the section between Ballygawley and the border at Aughnacloy if and when this section of the route is progressed.

It is proposed to hold four public exhibitions on the scheme beginning on Tuesday 1 March 2016 at the Everglades Hotel in Londonderry, followed by the Silverbirch Hotel, Omagh on Wednesday 2 March, the Fir Trees Hotel, Strabane on Thursday 4 March and Smyth Memorial Hall, Ballygawley on Friday 5 March 2016.

Other issues associated with the A5WTC project on which public consultations are planned relate to compliance with the Habitats Directive and on Section 75 equality impacts. In relation to the Habitats Directive an initial consultation process on reports to inform an Appropriate Assessment took place during 2014 when comments were invited on draft Reports and further consultation is planned for 2017.

**Mr Buchanan** asked the Minister for Regional Development, in light of her recent announcement on the A5, to outline a timeline for the commencement of works on the Newbuildings to north of Strabane section of the road.

**(AQO 9690/11-16)**

**Miss M McIlveen:** The A5 Western Transport Corridor dual carriageway scheme is one of the Northern Ireland Executive's flagship projects and within the 'A Fresh Start' Agreement, a commitment has been made to commence construction of the first phase of the scheme, between New Buildings and north of Strabane, in 2017.

As you will be aware, on 11 February 2016 I announced the start of consultations by my Department on new draft Statutory Orders and a new Environmental Statement for the scheme. This has led to the commencement of a formal consultation process on 16 February 2016 and this will run through to 4 April 2016.

This consultation process is most likely to lead to the need for another Public Inquiry on the scheme and this is currently tentatively programmed for autumn 2016. My Department must then await the Inspector's Report before considering its recommendations in detail.

Subject to the successful completion of all the statutory procedures and a satisfactory outcome from the Inspector's Report, a decision can then be made regarding progression to the construction stage.

**Mr Girvan** asked the Minister for Regional Development to outline the representation she has received from elected representatives for South Antrim in relation to a bypass for Ballyclare.

**(AQO 9691/11-16)**

**Miss M McIlveen:** I am very aware of the interest in proposals for a Ballyclare By-pass after a Ballyclare Bypass or Western Relief Road was been identified in the Belfast Metropolitan Transport Plan (BMAP) 2015 as being required to support development proposals in the area.

During my time as Minister, my Department has received representation and support concerning this proposal from Trevor Clarke, David Ford and yourself. There also have been representations from the new Antrim & Newtownabbey Council.

My Department's TransportNI are aware that the Neptune Group has bought this land. My officials will assist this development where possible however it has to be borne in mind that there are planning approvals in place and the new developer through his 'due-diligence' for the purchase will be aware of these.

**Mr Craig** asked the Minister for Regional Development for an update on the Knockmore to Sprucefield link road.

**(AQO 9693/11-16)**

**Miss M McIlveen:** My Department's TransportNI officials have advised that in the Belfast Metropolitan Transport Plan, the Knockmore to Sprucefield link road has been identified as a developer-led proposal, meaning it is the responsibility of developers to deliver the scheme. As a consultee to Planning Service, TransportNI has in the past engaged in pre-application discussions with a potential developer. However, as delivery of a link road is dependent on future development in the area, it is not possible to provide an accurate timescale at this time.

On 28 January 2016 I met with Dr Donaldson and other members of Lisburn and Castlereagh Council to discuss the proposal. On 2 February 2016 I subsequently wrote to Dr Donaldson, to confirm that my Department will undertake a preliminary assessment of the traffic impacts of the Knockmore Link, the results of which should be available in March 2016. It is envisaged that the results should provide objective evidence for further discussion between TransportNI and Lisburn and Castlereagh City Council officers.

## Department for Social Development

**Mr Murphy** asked the Minister for Social Development to detail how much his (a) Department; and (b) its arm's-length bodies has spent on office supplies in each of the last five years.

**(AQW 53943/11-16)**

**Lord Morrow (The Minister for Social Development):** Please find below table which provides information on Office spends within the Department and Arm's-length bodies.

	2010-11	2011-12	2012-13	2013-14	2014-15
DSD	787,277	615,085	670,418	563,176	641,075
Charities Commission for Northern Ireland	10,278	15,933	14,795	8,551	13,872
Northern Ireland Housing Executive	762,135	721,178	634,379	811,805	794,297

**Mr Weir** asked the Minister for Social Development to detail the number of pending applications to the Northern Ireland Housing Executive in North Down requesting a property transfer based on medical or social grounds.

**(AQW 54097/11-16)**

**Lord Morrow:** The table below, provided by the Housing Executive, details the total number of transfer cases (both Housing Executive and Housing Association) on the waiting list for North Down as at 1st Jan 2016. It is based on all transfers with North Down as their first area of choice, and the transfer reason given by the tenant and recorded on the waiting list.

Transfer Reason	Total
Dislikes current location	38
Family dispute/Share breakdown	3
Financial Reasons	2
Health / Disability	88
Homeless (or Threatened With)	11
Information not collected	85
Lacking Amenities / Disrepair	6
Move Near Family / Friends	18
Move Near School / Work	3
Needs Sheltered / Supported	1
Neighbour Dispute	24
Over / Under Occupation	51
Relationship breakdown	1
Wants Independent Accommodation	2
Wants Secure Tenancy	44
<b>Total</b>	<b>377</b>

**Mr Allister** asked the Minister for Social Development, given the Minister of Education has introduced a Pathway Fund focusing on areas of disadvantage that is open to any voluntary or community provider of early years education, whether he will continue to provide Neighbourhood Renewal funding to projects by way of salaries and running costs which facilitate the provision of childcare.

**(AQW 54188/11-16)**

**Lord Morrow:** To benefit from Neighbourhood Renewal funding all projects including those that seek support for salaries and running costs associated with the provision of childcare, are subject to a thorough assessment and appraisal process in line with the Northern Ireland Guide to Expenditure Appraisal and Evaluation and Managing Public Money NI.

Funding to organisations will only be made following the successful outcome of this assessment and appraisal process. Each application is considered on a case by case basis and takes into consideration at that time, all other available avenues of funding and service provision.

**Mr Easton** asked the Minister for Social Development whether funding through the Women's Centre Childcare Fund will continue into the 2016-17 financial year.

**(AQW 54263/11-16)**

**Lord Morrow:** I can advise that funds will be made available for the Women's Centres Childcare fund for 2016/17.

**Mr Allister** asked the Minister for Social Development how much his Department has spent on producing material in Irish in each of the last three years.

**(AQW 54366/11-16)**

**Lord Morrow:** The Department for Social Development has not spent any money on producing material in Irish in the three years detailed below.

- 2012 – 2013
- 2013 – 2014 and
- 2014 – 2015

**Mrs Dobson** asked the Minister for Social Development why Disability Living Allowance is considered as household income when applying to the new Affordable Warmth Scheme given that the benefit is to assist those with disabilities to help with additional costs because of their disability; and for his assessment of whether its inclusion towards the total household income unfairly discriminates against people with disabilities when applying for this scheme.

**(AQW 54415/11-16)**

**Lord Morrow:** When calculating a householder's total income for the Affordable Warmth Scheme all regular household income is used to determine eligibility. This means that benefits such as Disability Living Allowance are included and treated as income.

The income threshold for the Affordable Warmth Scheme is annual income must be less than £20,000 and this was set following a public consultation exercise which took place between 17th February and 9th May 2014. The income threshold for the Affordable Warmth Scheme was initially proposed as £16,190 (free school meals limit), however, following the public consultation it was raised to £20,000.

The Affordable Warmth pilot which was carried out in 2012 evidenced that low income households not on benefit are affected by fuel poverty. Half of the households surveyed had an annual income of less than £12,000. The Affordable Warmth Scheme actively identifies targets and assists those households in the most severe or extreme fuel poverty and includes households within the income qualification threshold.

According to the Family Resources Survey 2013/14, 39% of Northern Ireland households have an income of less than £400 per week. Households with people who are disabled or chronically ill and on a low income are included in the Affordable Warmth Scheme. My Department screened this policy before it was introduced and the result of that screening was that there will be a minor positive impact for people with disabilities on low income as they will be included within the scheme.

My Department will be carrying out a review of the Affordable Warmth Scheme after one full year of operation, that review is currently being developed. Part of the review will be to examine the qualifying conditions for eligibility to the scheme and look at what is treated as income.

**Mr Hussey** asked the Minister for Social Development whether the Charities Commission for Northern Ireland are accountable to his Department; and if not, to detail who they are accountable to.

**(AQW 54498/11-16)**

**Lord Morrow:** The Charity Commission for Northern Ireland is accountable to the Department for Social Development.

**Mr Agnew** asked the Minister for Social Development to detail what assessment his Department has made of the levels of fuel poverty in North Down.

**(AQW 54549/11-16)**

**Lord Morrow:** Fuel Poverty in Northern Ireland is measured through the Northern Ireland House Conditions Survey. The last survey was completed in 2011 and identified that 42% of households in Northern Ireland were in fuel poverty. This was based on the definition that a household needed to spend 10% or more of its income to adequately heat and light their home.

When developing the Affordable Warmth Scheme my Department worked with the Ulster University to develop an algorithm to identify fuel poverty prevalence. The House Conditions Survey was used to support the development of the algorithm. The Housing Executive is currently developing its plans to undertake a House Conditions Survey later this year. This new data will be used to assess fuel poverty at council level.

At 31 January 2016 the Housing Executive had issued 371 approvals amounting to the value of almost £1.3M to improve the energy efficiency of households in Ards & North Down Council area.

The average approval per household amounts to around £3,500. Energy efficiency measures include new/replacement heating systems, insulation (cavity wall and loft) and replacement windows.

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 Dunne** asked the Minister for Social Development to detail the energy efficiency and boiler replacement schemes available for domestic and business energy users.

**(AQO 9707/11-16)**

**Lord Morrow:** My Department's Affordable Warmth Scheme targets low income households which are considered to be most at risk of fuel poverty. The scheme offers a range of energy efficiency measures including cavity and loft insulation, new heating systems and if needed replacement windows.

My Department also funds the Boiler Replacement Scheme which is open to owner occupiers whose annual household income is less than £40,000 and who have an old inefficient boiler at least 15 years old. A householder can receive a grant of up to £1,000 to help with replacing an old inefficient boiler with a more energy efficient condensing oil or gas boiler.

The Northern Ireland Sustainable Energy Programme (NISEP) provides a range of schemes to improve the energy efficiency of both domestic and non-domestic properties.

**Mr Allen** asked the Minister for Social Development whether he has any plans to (i) increase the qualifying annual household income threshold for the Affordable Warmth Scheme; and (ii) take exceptional circumstances into consideration.

**(AQW 54565/11-16)**

**Lord Morrow:** The qualification criteria for the Affordable Warmth Scheme were determined following a public consultation on proposals between 17 February and 9 May 2014. In the consultation, it was proposed to set the household income eligibility level for the Affordable Warmth Scheme at £16,190 (free schools meal limit). The findings of the first Affordable Warmth pilot "An Area Based Approach to Finding Households Most in Need" reported that half of the households surveyed had an annual income of less than £12,000 and two thirds of them had an annual income of less than £16,000.

Following responses received from the public consultation my Department decided that the annual household income level should be set at £20,000. In reaching this figure my Department considered the 2012/13 Family Resources Survey which showed that 39% of Northern Ireland households had an income less than £400 per week; meaning that those households severely affected by fuel poverty would be unlikely to have an annual income greater than £20,000.

There is no provision within the Affordable Warmth Scheme to take exceptional circumstances into account. My Department will review the Affordable Warmth Scheme, including the qualification criteria, after one full year of operation to ensure that those households most impacted by fuel poverty continue to be assisted. Work to plan for that review is underway and the results are expected to be available in summer 2016.

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 Easton** asked the Minister for Social Development when the Northern Ireland Housing Executive last carried out a programme of External

Cyclical Maintenance in Bloomfield.

**(AQW 54573/11-16)**

**Lord Morrow:** The Housing Executive has advised that it last carried out a programme of External Cyclical Maintenance (ECM) in the Bloomfield Estate in 2010/11. However previous Multi-Element Improvement schemes in 2005 and 2008 also included this type of work. As a result all of its homes in the Bloomfield Estate have benefited from External Cyclical Maintenance works during this period.

**Mr Easton** asked the Minister for Social Development when the last External Cyclical Maintenance programme was carried out in Kilcooley by the Northern Ireland Housing Executive.

**(AQW 54654/11-16)**

**Lord Morrow:** The Housing Executive has advised that there is an External Cyclical Maintenance scheme currently on site in the Kilcooley Estate. Prior to this it last carried out a programme of External Cyclical Maintenance (ECM) in Kilcooley in 2007, although a Multi-Element Improvement (MEI) scheme in 2008 also included this type of work.

**Mr McCrossan** asked the Minister for Social Development, given the high number of people in housing stress in Strabane, what plans he has to increase the provision of social housing units.  
(AQO 9694/11-16)

**Lord Morrow:** I have been advised by the Housing Executive that as of December 2015 there were 437 applicants on the waiting list in the Strabane area of which 234 are considered to be in housing stress.

As part of the Social Housing Development Programme for 2015/16- 2018/19 there are currently plans to deliver nine schemes totalling 106 new social homes in the Strabane area which will go some way to address the identified need.

Of course you will be aware that schemes may slip or be lost from a given programme year for a variety of reasons, such as difficulties achieving planning permission. Further schemes may also be added through the annual programme formulation process or through in-year additions such as Off-the-Shelf or Existing Satisfactory Purchases.

**Ms Hanna** asked the Minister for Social Development whether he plans to reform the alcohol and entertainment licensing laws in Northern Ireland.  
(AQO 9704/11-16)

**Lord Morrow:** I recognise that certain aspects of liquor licensing law are in need of reform. Since my appointment in January I have focused on competing priorities such as Welfare Reform and two Housing Bills, and unfortunately at this stage there is insufficient time to progress a Bill to amend the law in the current mandate.

Any changes to the law on Liquor Licensing will fall to the new Department for Communities to consider after the Assembly elections in May.

The Minister for Environment is responsible for entertainment licensing.

**Mr Lunn** asked the Minister for Social Development for an update on the allocation of funding for advice services in advance of the Welfare Reform Bill receiving Royal Assent.  
(AQO 9705/11-16)

**Lord Morrow:** The Welfare Reform Mitigations Working Group Report contains proposals for additional services from the advice sector to support the implementation of welfare reform. The report indicates that £8million would be required over 4 years. Currently there is no funding allocated. This will be a matter for the NI Executive and will be discussed at the appropriate monitoring round.

## Northern Ireland Assembly Commission

**Mr Allister** asked the Assembly Commission, pursuant to AQW 53526/11-16, why monies were paid to Research Services Ireland after the recommendation from the Independent Financial Review Panel that all such payments should cease from 1 April 2012; and how much was paid.  
(AQW 54259/11-16)

**Mrs Cochrane (The Representative of the Assembly Commission):** The Commission is responsible for the administration of the system of financial support for Members and the Independent Financial Review Panel is responsible for making determinations. In its role, the Commission assessed the relevant claims to be compliant with the Determination issued by the Panel in March 2012. The total paid in 2012/13 to Research Services Ireland was £70,016.

In a joint statement issued on Friday 19 February 2016, the Panel and the Commission acknowledged that there are differences on the interpretation and implementation of the Panel's Determination and are committed to working together to address this within their separate and distinct responsibilities.

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# Northern Ireland Assembly

Friday 4 March 2016

## Written Answers to Questions

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

**Mr Humphrey** asked the First Minister and deputy First Minister for an update on the development of the former Crumlin Road Gaol site.  
(AQO 9494/11-16)

**Mrs Foster and Mr M McGuinness (The First Minister and deputy First Minister):** OFMDFM continues to invest in a range of capital works to further develop and regenerate the Crumlin Road Gaol site. The Operator of the Visitor Attraction and Conference Centre has for the third year running exceeded its targets for visitors and events/conferences held at the Gaol, with over 425,000 visitors and over 1,300 events/conferences delivered to date.

Forty-one full time equivalents and 6 casual staff are currently employed at the Gaol Visitor Attraction and Conference Centre. Twenty staff are from north Belfast.

Belfast Distillery Company Ltd. stopped construction in July 2015 and is currently working to refinance their Whiskey Distillery Project. The company anticipates that they will be able to recommence development in the coming months.

OFMDFM will be marketing the opportunity for the development of the Wardens' Cottages in early 2016 and D Wing as soon as possible after the completion of remediation works.

**Mr Swann** asked the First Minister and deputy First Minister why other government agencies and public bodies such as Mid and East Antrim Council were not offered the opportunity to purchase the nuclear bunker outside Ballymena prior to it being put on the open market.  
(AQW 53952/11-16)

**Mrs Foster and Mr M McGuinness:** The opportunity for public bodies to express an interest in purchasing the former Regional Government Headquarters site in Ballymena prior to it going on the open market was provided under Land & Property Service's circulation of surplus government property procedures in August 2013. In all, seventeen public bodies were notified of the opportunity to acquire the site including Ballymena Borough Council, now part of Mid and East Antrim Borough Council. No expressions of interest were received.

**Mr McMullan** asked the First Minister and deputy First Minister for a breakdown of his Department's spend in the Glens area in each year since 2010.  
(AQW 54270/11-16)

**Mrs Foster and Mr M McGuinness:** The Department has not provided any direct investment in capital projects to the Glens Area in the period since 2010. This response does not cover the Executive's Delivering Social Change Fund which is governed by OFMDFM, as the lead Departments are responsible for the specific allocation/distribution of funding under each Signature Programme.

**Mr Beggs** asked the First Minister and deputy First Minister to detail how the emergency advance funding of £20m from the Northern Ireland Consolidated Fund, to meet a further cash requirement for existing services when provisions for the total net cash requirement on the Estimates is exhausted, will be spent; and to outline the implications for their 2016-17 budget and detailed expenditure plans.  
(AQW 54342/11-16)

**Mrs Foster and Mr M McGuinness:** The advance funding of £20m is a cash flow issue that arose partly due to the timing of payments to ALBs and voluntary and community organisations. However, the majority of this advance financing requirement stems from in year Financial Transactions Capital payments where the Strategic Investment Board (SIB) has acted as a conduit to pass on FTC funding on behalf of another department.

The advance will be repaid following Royal Assent for the Budget Bill 2016.

There are no implications on the budget for 2016/17.

## Department of Agriculture and Rural Development

**Mr Murphy** asked the Minister of Agriculture and Rural Development to detail how much her (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

(AQW 54026/11-16)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The Department of Agriculture and Rural Development spent a total of £19,737,000 on energy bills from 2010/11 to 2014/15. This is broken down in the table below.

### Spending on Energy Bills 2010/11 to 2014/15

Organisation	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	Total £'000
DARD	1,268	1,357	1,436	1,439	1,211	6,711
AFBI	2,019	2,073	2,523	2,015	1,768	10,398
NIFHA	99	120	115	119	138	591
FCILC	36	50	44	71	42	243
LMC	19	17	18	23	12	89
NICS Office Estate	320	345	321	402	317	1705
<b>Total</b>	<b>3,761</b>	<b>3,962</b>	<b>4,457</b>	<b>4,069</b>	<b>3,488</b>	<b>19,737</b>

**Mr McNarry** asked the Minister of Agriculture and Rural Development to detail the amount of EU farm subsidies funding available to farmers in each of the last ten years; and the number of active farmers in each of the last ten years.

(AQW 54283/11-16)

**Mrs O'Neill:** The amount of Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) and Forestry Scheme payments, paid to farmers in each of the last ten financial years is detailed in the table below:-

Financial Year	EU farm subsidies funding (Euros)
2005/2006	418,783,673
2006/2007	421,079,411
2007/2008	413,267,639
2008/2009	383,527,449
2009/2010	374,927,226
2010/2011	375,556,222
2011/2012	369,274,653
2012/2013	375,162,502
2013/2014	375,129,791
2014/2015	382,126,496
<b>Total</b>	<b>3,888,835,063</b>

According to the Agricultural Census in NI the number of active farms in the north of Ireland, during 2006 – 2015 is detailed in the table below:-

('000 farms)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Total Farms	26.7	26.1	26.0	25.3	24.5	24.4	24.3	24.5	24.2	24.9

**Mr Hazzard** asked the Minister of Agriculture and Rural Development (i) when the final report on Rivers Agency's investigation into flooding in Downpatrick will be published; (ii) what factors will determine if a future flood alleviation scheme would be financially viable; and (iii) whether her Department will give consideration to a public consultation event on the issue.

(AQW 54346/11-16)

**Mrs O'Neill:** The latest flood risk assessment for Downpatrick and the measures that are planned to manage these risks are contained in the North East Flood Risk Management Plan which was published on the Department's website in December 2015. The Plan is available at <https://www.dardni.gov.uk/sites/default/files/publications/dard/north-eastern-frmp.PDF>.

At some stage in the future, Rivers Agency plans to undertake a feasibility study, subject to prioritisation, finance and resources to identify if a cost beneficial flood alleviation scheme is viable for Downpatrick.

Flood alleviation feasibility studies are undertaken in accordance with government guidelines on appraisals and evaluation. The key factors considered to determine if a scheme is cost beneficial are the number of properties that will be protected, the economic impacts and the environmental benefits. If the benefits outweigh the cost of the scheme, the scheme would be considered cost beneficial. Any scheme identified will be prioritised on the Rivers Agency works programme and subject to resources.

Although there is no legal requirement to consult at feasibility stage, in most cases the Department will discuss proposals with stakeholders affected by the scheme and their input can influence the outcome of the study.

The Department will also fulfil its statutory duty to publically advertise and consult the Drainage Council on any drainage scheme before works commence.

**Mr Lyttle** asked the Minister of Agriculture and Rural Development for an update on delivery of a (i) single animal welfare website to bring together information from all three enforcement bodies; and (ii) publicity campaign to increase public awareness of who to contact if concerned about the welfare of an animal.

**(AQW 54387/11-16)**

**Mrs O'Neill:** The Final Report of the Review of the Implementation of the Welfare of Animals Act 2011 was published on 29 February 2016. I have written to MLAs to provide each of them with a weblink to the Report at <https://www.dardni.gov.uk/publications/review-implementation-welfare-animals-act-ni-2011>.

As the Review was being completed, work to implement several of the recommendations was taken forward in parallel. For example, my proposal to increase the maximum penalties for animal welfare offences was included in the Justice (No. 2) Bill.

The Final Report recommends that DARD establish a Single Animal Welfare web presence to bring together contact information for all enforcement bodies, and informing the general public of the needs of animals, the responsibilities of owners, and the potential for criminal proceedings.

My officials have already taken this recommendation forward, and DARD is maintaining a single animal welfare web presence, which is hosted on NIDirect at <http://www.nidirect.gov.uk/animal-welfare>. DARD will monitor and review this web material to ensure it is up-to-date and relevant.

The Final Report also recommends that an awareness campaign is undertaken to increase public awareness of whom to contact if they are concerned about the welfare of animals. The web presence is a first step in doing that. The format of any further awareness-raising activities has yet to be decided and will be dependent upon the resources available.

**Mrs Dobson** asked the Minister of Agriculture and Rural Development why, following an inspection, does her Department not record the number of breaches which have been removed as a result of a reassessment by the inspector, as a result of additional information from the farmer and before the need to proceed to the formal review of decisions process, as explained in the letter from the Departmental Assembly Liaison Officer to the Assembly Clerk of the Committee for Agriculture and Rural Development Committee dated 29 January 2016.

**(AQW 54416/11-16)**

**Mrs O'Neill:** As the consideration of additional information from the farmer forms part of the inspection process and the inspection is not considered to be complete until this process has taken place, it was not considered necessary to record the number of breaches that are removed as a result of the farmer providing additional information. In addition there is no statutory requirement on DARD to record or report the number of cases falling into this category. However, given that this detail is of interest to the Agriculture & Rural Development Committee, procedures will be put in place to record this information in future.

**Mr McCarthy** asked the Minister of Agriculture and Rural Development to detail the total income for Northern Ireland from the Rural Development Programme and the Common Agricultural Policy since May 2011.

**(AQW 54420/11-16)**

**Mrs O'Neill:** The total income for the north of Ireland from the Common Agricultural Policy from 1st May 2011 to 31st March 2015 is £1,196m. This figure includes both Single Farm Payment (Pillar 1) of £1,028m and Rural Development funding (Pillar 2) of £168m.

A table has been provided overleaf which provides a breakdown of these amounts by financial year.

**DARD Common Agricultural Policy funding 2011 to 2015**

<b>Programme /Area</b>	<b>2011/12 £m</b>	<b>2012/13 £m</b>	<b>2013/14 £m</b>	<b>2014/15 £m</b>	<b>Total £m</b>
Single Farm Payments	256	246	270	256	1,028
Rural Development Programme	41	37	45	45	168
<b>Total</b>	<b>297</b>	<b>283</b>	<b>315</b>	<b>301</b>	<b>1,196</b>

**Mr Frew** asked the Minister of Agriculture and Rural Development (i) to detail the cost of the Community Evaluation NI report; (ii) whether she has had sight of the report; and (iii) when the report will be published.

**(AQW 54421/11-16)**

**Mrs O'Neill:** My Department tendered for a social impact assessment of the Rural Community Development Support Service from 1 April 2012 to 31 March 2016. Community Evaluation NI was the successful bidder at a cost of £154,800.

I have not had sight of the report as the assessment is not due to be completed until 31 March 2016. When agreed with the Department the final report will be published on the DARD web site.

**Mr Agnew** asked the Minister of Agriculture and Rural Development, pursuant to AQW 53246/11-16, to outline the benefit of breed specific legislation.

**(AQW 54424/11-16)**

**Mrs O'Neill:** The current legislation regarding the control of dogs here is the Dogs Order 1983 as amended, which provides for the licensing of dogs and other related enforcement matters.

The term 'dangerous dog' is not defined in the dog control legislation, however the Dangerous Dogs Order 1991 amended the Dogs Order 1983 to designate four types of dog that it is an offence to breed from, sell or exchange and (except in exceptional circumstances) to possess. It empowered Courts to order the destruction of these dogs. The four designated types are any dog of the type known as the:

- (1) pit bull terrier;
- (2) Japanese tosa;
- (3) Dogo Argentino; and
- (4) Fila Brasileiro.

Furthermore any dog of any type bred for fighting or to have the characteristics of a type bred for fighting is also banned.

Having specific types of dogs designated in the legislation makes it clear for the public and Council dog wardens who enforce the legislation.

**Mr Agnew** asked the Minister of Agriculture and Rural Development, pursuant to AQW 53246/11-16, to detail any problems with enforcing breed specific legislation, given the complexity of determining the exact breed of a dog.

**(AQW 54425/11-16)**

**Mrs O'Neill:** The current legislation regarding the control of dogs here is the Dogs Order 1983 as amended, which provides for the licensing of dogs and other related enforcement matters. The Dangerous Dogs Order 1991 amended the Dogs Order 1983 to designate four types of dogs that it is an offence to breed from, sell or exchange (and except in exceptional circumstances) to possess.

Councils are responsible for enforcing all aspects of dog control legislation here, including the legislation on dangerous dogs. To assist Council dog wardens carry out their duties in this respect, my Department has provided Councils with extensive guidance covering all aspects of dog legislation including fines, penalties and control conditions which can be applied. Councils have advised that no significant problems have been encountered in enforcing dog control legislation.

**Mr Wells** asked the Minister of Agriculture and Rural Development whether there are any plans to classify the Kilkeel River a designated watercourse in the vicinity of the Millvale Estate.

**(AQW 54441/11-16)**

**Mrs O'Neill:** The Drainage Council for NI determines the designation of watercourses under the Drainage (NI) Order 1973 for maintenance at public expense.

An inspection of the Kilkeel River in the vicinity of the Millvale Estate has indicated that no drainage related works are considered necessary. The Department, therefore, currently has no plans to seek the approval of the Drainage Council to designate the section of the Kilkeel River in the vicinity of the Millvale Estate.

**Mr McNarry** asked the Minister of Agriculture and Rural Development what climatic data her Department holds on the Strangford constituency area, with particular reference to early cropping.

**(AQW 54596/11-16)**

**Mrs O'Neill:** My Department holds climatic data (daily minimum and maximum temperatures, rainfall, wind speed and sunshine) for the Ballywattickock weather station for the period 1979-2010. These data were purchased under licence from the Met Office for the specific purpose of assessing the biophysical characteristics of agricultural land in the north as required for the designation of areas of natural constraint under Regulation (EU) No 1305/2013. This information has not been (and under the terms of the current licence cannot be) used for other purposes, such as assessing the potential for early cropping in the Strangford Constituency.

**Mr Clarke** asked the Minister of Agriculture and Rural Development to list any organisations that received an increase in Tackling Rural Poverty and Social Isolation funding in any of the last three years; and to detail the increase.

**(AQW 54703/11-16)**

**Mrs O'Neill:** The Rural Support Charity received an increase in funding of £6000 between the 2013/14 and 2014/15 financial years.

**Mr Lynch** asked the Minister of Agriculture and Rural Development for a breakdown of her Department's spend in Fermanagh in each year since 2010.

**(AQW 54746/11-16)**

**Mrs O'Neill:** The Department of Agriculture and Rural Development spent a total of £269,192,000 in Fermanagh and South Tyrone from 2010/11 to 2014/15. This is broken down in the table overleaf.

Fermanagh for the purposes of this question is taken to mean the boundaries within the Fermanagh and South Tyrone Constituency.

#### **DARD Fermanagh & South Tyrone Constituency Spend**

<b>Programme / Scheme</b>	<b>2010/11 £'000</b>	<b>2011/12 £'000</b>	<b>2012/13 £'000</b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>Total £'000</b>
Single Farm Payment	38,364	38,248	37,155	38,062	36,874	188,703
Axis 1 NI Rural Development Programme 2007-13	2,268	3,658	1,849	4,198	2,414	14,387
Axis 3 NI Rural Development Programme 2007-13	347	1,207	1,771	3,449	2,217	8,991
Tackling Rural Poverty & Social Isolation	243	398	308	422	324	1,695
NI Regional Food Programme	3	3	0	0	1	7
Drainage and Flood Alleviation	141	288	807	1,174	256	2,666
Agri-environment Scheme payments including countryside management	3,959	4,876	4,028	4,167	4,069	21,099
Rural Development Programme - New Entrants Scheme	57	65	36	22	15	195
Forestry Grant Schemes	258	213	192	199	149	1,011
Forestry Capital	6	27	0	291	323	647
Less Favoured Area Compensatory Allowance	5,317	5,771	6,138	4,888	5,920	28,034
Estate Expenditure	154	394	369	273	240	1,430
Biomass Processing Challenge	0	0	0	0	327	327
<b>Total</b>	<b>51,117</b>	<b>55,148</b>	<b>52,653</b>	<b>57,145</b>	<b>53,129</b>	<b>269,192</b>

**Mr McGlone** asked the Minister of Agriculture and Rural Development how many applications have been received to the Homeowner Flood Protection Grant Scheme since its launch on the 13 January 2016; and how many of these applications were rejected.

**(AQW 54916/11-16)**

**Mrs O'Neill:** To date there have been 54 applications for the Homeowner Flood Protection Grant Scheme and Rivers Agency are currently in the process of determining the eligibility of those applications against the scheme criteria. All applicants are sent an acknowledgement indicating when they will receive a full reply, which is within 8 weeks of receipt of their application.

To date these checks have been completed on 12 of the applications, with 9 being approved and 3 refused on the grounds of insufficient evidence to demonstrate that they meet the eligibility criteria. Those applicants who have been refused have the opportunity to provide further evidence, if available, to demonstrate that they meet the criteria.

## Department of Culture, Arts and Leisure

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to outline the funding her Department, and its arm's-length bodies, has allocated to each constituency since May 2011.

**(AQW 51103/11-16)**

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** The information you require is contained in the attached table. You should note that funding for capital projects is included.

The answer to the question has been delayed by the nature and extent of the work required to support it.

**Carál Ní Chuilín**

Constituency	2011/12 £	2012/13 £	2013/14 £	2014/15 £	2015/16 (to date) £
Belfast North	7,055,909	6,363,450	6,872,755	5,851,069	3,810,271
Belfast South	12,170,459	17,666,618	21,736,382	32,231,535	13,890,308
Belfast East	2,835,209	4,648,612	3,129,251	2,903,202	1,809,488
Belfast West	5,169,416	4,007,441	6,248,318	4,968,218	3,728,368
Lagan Valley	1,294,072	1,212,183	1,763,642	1,433,974	948,674
Strangford	762,846	602,564	859,230	600,724	461,123
North Down	14,871,801	19,284,289	11,149,740	10,376,781	7,145,581
South Down	1,097,303	1,274,998	2,202,673	1,117,310	835,388
Upper Bann	1,604,809	857,416	1,486,260	1,123,022	704,984
Newry and Armagh	4,887,096	4,117,314	4,627,389	3,779,828	3,913,868
Fermanagh and South Tyrone	3,648,519	2,413,793	3,741,310	2,197,794	2,110,831
West Tyrone	3,261,319	3,673,555	3,409,268	3,746,583	2,308,083
Mid Ulster	981,804	968,046	1,791,731	868,254	1,687,674
Foyle	4,403,562	11,513,931	12,387,044	5,976,055	4,501,560
East Londonderry	1,157,117	1,384,565	1,258,070	2,841,944	1,105,187
North Antrim	1,394,051	1,326,135	1,358,628	1,100,455	973,262
East Antrim	976,467	837,775	820,622	1,256,218	565,322
South Antrim	1,014,957	791,636	700,233	714,034	654,384
<b>Total</b>	<b>68,586,718</b>	<b>82,944,322</b>	<b>85,542,548</b>	<b>83,086,998</b>	<b>51,154,355</b>

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to detail the funding her Department has allocated to the East Derry constituency in each of the last five years.

**(AQW 53975/11-16)**

**Ms Ní Chuilín:** The information you have asked for is contained in the table below.

Constituency	Resource/Capital	2011/12	2012/13	2013/14	2014/15	2015/16
East Derry	Resource	967,331	1,110,636	1,184,101	1,046,482	838,669
	Capital	189,786	273,929	73,969	1,795,461	266,517
	<b>Total</b>	<b>1,157,117</b>	<b>1,384,565</b>	<b>1,258,070</b>	<b>2,841,944</b>	<b>1,105,187</b>

**Mr McMullan** asked the Minister of Culture, Arts and Leisure for a breakdown of her Department's spend in East Antrim in each year since 2010.

**(AQW 54017/11-16)**

**Ms Ní Chuilín:** The information you have asked for is contained in the table below.

Constituency	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £	2015/16 (to date) £
East Antrim	1,756,195	976,467	837,775	820,622	1,256,218	565,322

**Mr McKay** asked the Minister of Culture, Arts and Leisure what investment her Department has made in North Antrim in each year since May 2010.

**(AQW 54055/11-16)**

**Ms Ní Chuilín:** The information you have asked for is contained in the table below.

Constituency	2010/11 £	2011/12 £	2012/13 £	2013/14 £	2014/15 £	2015/16 (to date) £
North Antrim	1,594,774	1,394,051	1,326,135	1,358,628	1,100,455	973,262

**Ms McGahan** asked the Minister of Culture, Arts and Leisure to detail the investment her Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54125/11-16)**

**Ms Ní Chuilín:** The information you have asked for is contained in the table below.

Constituency	Resource / Capital	2011/12 £	2012/13 £	2013/14 £	2014/15 £	2015/16 to date £
Fermanagh and South Tyrone	Resource	2,172,922	2,132,867	2,141,951	1,873,588	1,836,316
	Capital	1,475,597	280,927	1,599,359	324,206	274,515

**Ms Boyle** asked the Minister of Culture, Arts and Leisure (i) how much funding her Department has invested in projects in West Tyrone since 2011; (ii) how many projects have benefited from funding in West Tyrone since 2011; and (iii) how many jobs her Department has created in West Tyrone since 2011.

**(AQW 54136/11-16)**

**Ms Ní Chuilín:** The total funding my Department has invested in West Tyrone since 2011 is £16,678,627. The projects which have benefited from this funding are listed in the attached table.

My Department's spending is focused on the provision of culture, arts and leisure services to the community and not directly on the creation of jobs. Although its funding may have indirect, positive consequences for employment within the constituency, no record is kept of this.

Year	Funder	Organisation Funded	Name of Project Funded	Amount £
2011	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	3,092
2011	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	2,790
2011	Foras na Gaeilge	Club Óige na Carraige Mhóire	Summer Camp / Youth Club Scheme	3,500
2011	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	3,500
2011	Ulster-Scots Agency	Castlederg & Bready PS	After School Club	2,000
2011	Ulster-Scots Agency	Omagh Library	Bruns Event	250
2011	Ulster-Scots Agency	Bready Ulster Scots Association	Community Workers Scheme	12,849
2011	Ulster-Scots Agency	Derry & Raphoe Action	Community Workers Scheme	18,406

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2011	Ulster-Scots Agency	Clogherny Scottish Country Dancers	Dance Tuition	1,155
2011	Ulster-Scots Agency	McClintock Parents Support Group	Dance Tuition	2,225
2011	Ulster-Scots Agency	Mountfield Ulster Scots Association	Dance Tuition	1,704
2011	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	5,587
2011	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,556
2011	Ulster-Scots Agency	The Blue Thistle Highland Dancers	Dance Tuition	2,025
2011	Ulster-Scots Agency	Drumquin Pipe Band	Festival	1,367
2011	Ulster-Scots Agency	Augharonan Pipe Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Blacksessiagh Cornation Accordion Band	Music Tuition	750
2011	Ulster-Scots Agency	Blair memorial Flute Band	Music Tuition	780
2011	Ulster-Scots Agency	Bready Ulster Scots Association	Music Tuition	1,650
2011	Ulster-Scots Agency	Cowan Memorial Pipe Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Drumquin Pipe Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Edenderry Pipe Band	Music Tuition	1,050
2011	Ulster-Scots Agency	Gillygooley Pipe Band	Music Tuition	1,125
2011	Ulster-Scots Agency	Gortaclare Pipe Band	Music Tuition	1,518
2011	Ulster-Scots Agency	Kilclooney Pipe Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Mountfield Ulster Scots Association	Music Tuition	1,650
2011	Ulster-Scots Agency	Mullinagoagh Pipe Band	Music Tuition	1,350
2011	Ulster-Scots Agency	Omagh Protestant Boys Melody Flute Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Red Hand Defenders (Newtownstewart Flute Band)	Music Tuition	1,650
2011	Ulster-Scots Agency	Seskanore Pipe Band	Music Tuition	1,050
2011	Ulster-Scots Agency	Trillick Pipe Band	Music Tuition	1,650
2011	Ulster-Scots Agency	Bready Ulster Scots Association	Summer School	2,591
2011	Ulster-Scots Agency	Donemana Cultural Association	Summer School	1,720
2011	Ulster-Scots Agency	Gillygooley Youth & Community Development Association	Summer School	2,214
2011	Ulster-Scots Agency	Mountfield Ulster Scots Association	Summer School	1,484
2011	Ulster-Scots Agency	Mourne Valley Cultural Association	Summer School	2,790
2011	Ulster-Scots Agency	West Tyrone	Burns Week event (Omagh)	100
2011	Ulster-Scots Agency	Bridgehill Primary School	M & D	640
2011	Ulster-Scots Agency	Bready Primary School	After Schools	239
2011	Ulster-Scots Agency	Newmills Primary School	After Schools	100

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2011	Ulster-Scots Agency	Castlederg HS	ASC, Workshop	1,252
2011/12	Department	National Museums NI	The Ulster American Folk Park	1,964,428
2011/12	Department	Libraries NI	Recurrent	1,135,444
2011/12	Arts Council NI	Newtownstewart Flute Band	Musical Instruments	5,000
2011/12	Arts Council NI	Blossomhill Pipe Band	Musical Instruments	5,000
2011/12	Arts Council NI	Miss Emma McFarlane	Talent 2012 Arts Competition sponsorship	220
2012	Foras na Gaeilge	Campa na gCrann	Summer Camp / Youth Club Scheme	3,018
2012	Foras na Gaeilge	Greencastle Youth Group	Summer Camp / Youth Club Scheme	3,476
2012	Foras na Gaeilge	Club Óige na Carraige Móire	Summer Camp / Youth Club Scheme	3,500
2012	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	3,500
2012	Foras na Gaeilge	Óige Mhuintir Luinigh	Summer Camp / Youth Club Scheme	3,500
2012	Foras na Gaeilge	Omagh District Council	Promotion of the Irish language in the Omagh district	3,000
2012	Foras na Gaeilge	Blue Eagle Productions	The Honest Sod	10,415
2012	Ulster-Scots Agency	Newtownstewart, Donemana & Castlederg PS	After School Clubs	4,372
2012	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Burns Concert	250
2012	Ulster-Scots Agency	Castlederg	Community Showcase Concert	420
2012	Ulster-Scots Agency	Castlederg	Community Showcase Lambeg Drumming	1,061
2012	Ulster-Scots Agency	Bready & District U-S Dev Assoc	Community Workers Scheme	8,313
2012	Ulster-Scots Agency	Derry & Raphoe Action	Community Workers Scheme	13,729
2012	Ulster-Scots Agency	European & Ulster Highland Championship Festival	Dance Championships	8,362
2012	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Dance Tuition	1,373
2012	Ulster-Scots Agency	Clogherny Scottish Country Dancers	Dance Tuition	2,178
2012	Ulster-Scots Agency	Gillygolley Youth & Community Development Association	Dance Tuition	1,687
2012	Ulster-Scots Agency	McClintock PS	Dance Tuition	1,482
2012	Ulster-Scots Agency	Mountfield Scottish Country Dancers	Dance Tuition	1,728
2012	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,365
2012	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	4,666
2012	Ulster-Scots Agency	The Blue Thistle Highland Dancers	Dance Tuition	2,654

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2012	Ulster-Scots Agency	Plumbridge Cultural & Community Association	Festival	4,634
2012	Ulster-Scots Agency	Aghyaran Accordion Band	Music Tuition	1,470
2012	Ulster-Scots Agency	Augharonan Pipe Band	Music Tuition	1,650
2012	Ulster-Scots Agency	Blacksessiagh Cornation Accordion Band	Music Tuition	580
2012	Ulster-Scots Agency	Blair memorial Flute Band	Music Tuition	1,373
2012	Ulster-Scots Agency	Blossomhill Pipe Band	Music Tuition	1,650
2012	Ulster-Scots Agency	Bready Ulster-Scots Pipe Band	Music Tuition	1,642
2012	Ulster-Scots Agency	Cowan Memorial Flute Band	Music Tuition	1,650
2012	Ulster-Scots Agency	Drumlegagh Pipe Band	Music Tuition	368
2012	Ulster-Scots Agency	Drumquin Pipe Band	Music Tuition	1,538
2012	Ulster-Scots Agency	Edenderry Pipe Band	Music Tuition	1,050
2012	Ulster-Scots Agency	Gillygooley Pipe Band	Music Tuition	1,613
2012	Ulster-Scots Agency	Lislaird Pipe Band	Music Tuition	1,650
2012	Ulster-Scots Agency	Mountfield Pipe Band	Music Tuition	1,560
2012	Ulster-Scots Agency	Mourne Valley Cultural Association	Music Tuition	1,050
2012	Ulster-Scots Agency	Mullinagoagh Pipe Band	Music Tuition	1,343
2012	Ulster-Scots Agency	Omagh Protestant Boys Melody Flute Band	Music Tuition	1,260
2012	Ulster-Scots Agency	Plumbridge Brien Boru Pipe Band	Music Tuition	1,490
2012	Ulster-Scots Agency	Red Hand Defenders (Newtownstewart Flute Band)	Music Tuition	1,642
2012	Ulster-Scots Agency	Red Hand Defenders Auld Boys Flute Band	Music Tuition	1,388
2012	Ulster-Scots Agency	Seskanore Pipe Band	Music Tuition	840
2012	Ulster-Scots Agency	Strawhill Voluntary Independent Pipe Band	Music Tuition	1,313
2012	Ulster-Scots Agency	Trillick Pipe Band	Music Tuition	1,500
2012	Ulster-Scots Agency	13 Schools	Peripatetic Tuition	10,400
2012	Ulster-Scots Agency	Garvetagh Ulster Scots	Queens Jubilee Celebration	250
2012	Ulster-Scots Agency	Gillygolley Youth & Community Development Association	Queens Jubilee Celebration	250
2012	Ulster-Scots Agency	Mullinagoagh Pipe Band	Queens Jubilee Celebration	250
2012	Ulster-Scots Agency	Bready & District U-S Dev Assoc	Summer School	2,278
2012	Ulster-Scots Agency	Donemana Cultural Association	Summer School	1,938
2012	Ulster-Scots Agency	Mourne Valley Cultural Association	Summer School	2,506
2012	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Workshops	250
2012	Ulster-Scots Agency	Castlederg HS	ASC, Workshop	3,014
2012	Ulster-Scots Agency	Donemana Primary School	After Schools	611

Year	Funder	Organisation Funded	Name of Project Funded	Amount £
2012	Ulster-Scots Agency	Newtownstewart Primary School	After Schools	300
2012	Ulster-Scots Agency	Cookstown Primary School	After Schools	161
2012	Ulster-Scots Agency	Erganagh Primary School	After Schools	658
2012/13	Department	National Museums NI	The Ulster American Folk Park	2,006,281
2012/13	Department	GAA Tyrone County Board	Tryone Centre of Participation	383,323
2012/13	Department	Libraries NI	Recurrent	1,084,054
2012/13	Department	GAA Tyrone County Board	Tryone Centre of Excellence	383,323
2012/13	Arts Council NI	Cowan Memorial Flute Band	Musical Instruments for Bands 2012/13	4,540
2012/13	Arts Council NI	9th Battalion Royal Inniskilling Fusiliers Corps of Drums Band	Musical Instruments for Bands 2012/13	3,330
2012/13	Arts Council NI	Mountfield Pipe Band	Musical Instruments for Bands 2012/13	4,392
2012/13	Arts Council NI	Castlederg Young Loyalists Flute Band	Musical Instruments for Bands 2012/13	4,846
2012/13	Arts Council NI	Plumbridge Brien Boru Pipe Band	Musical Instruments for Bands 2012/13	4,947
2012/13	Arts Council NI	Skyzdalimit	Artistic programming development	5,000
2012/13	Arts Council NI	Strabane and Lifford LGBT	Our story - A programme of storytelling, glass and ceramics	5,000
2012/13	Arts Council NI	Care for Cancer	Arts for leisure programme	5,000
2012/13	Arts Council NI	Fountain Street Community Development Association	Winter wonderland	5,000
2013/14	Department	GAA Tyrone County Board	Tryone Centre of Participation	116,750
2013/14	Department	Strabane District Council	Ulster Scots Trail and Learning Resource	54,800
2013/14	Department	Omagh district council	Wf marshall country trail guide	3,000
2013/14	Department	Sollus Cultural Promotions	Walled City Tattoo	70,000
2013/14	Department	National Museums NI	The Ulster American Folk Park	1,753,266
2013/14	Department	Libraries NI	Recurrent	1,200,677
2013/14	Department	Omagh District Council	Líofa Intensive Classes	750
2013/14	Department	GAA Tyrone County Board	Tryone Centre of Excellence	116,750
2013/14	Arts Council NI	Strabane District Council	Arts for the Third Age	21,846
2013/14	Arts Council NI	ROCO Magazine	Fully Interactive Magazine for all tablets and Smartphones.	9,850
2013/14	Arts Council NI	Omagh District Council	Purchase new equipment	7,000
2013/14	Arts Council NI	Blair Memorial Flute Band	Musical instruments	5,000
2013/14	Arts Council NI	Strawhill Voluntary Independent Pipe Band	Musical Instruments	2,295
2013/14	Arts Council NI	Claire Fox	Arteles Creative Residency	250
2013/14	Arts Council NI	Emily McFarland	Gold Is Where You Find It.	800
2013	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	3,318

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2013	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	3,388
2013	Foras na Gaeilge	Cairde Bunscoil na Deirge	Summer Camp / Youth Club Scheme	2,772
2013	Foras na Gaeilge	Club Óige na Carraige Móire	Summer Camp / Youth Club Scheme	2,900
2013	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	3,500
2013	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	3,260
2013	Foras na Gaeilge	Gaelphobal Cheantar an tSraitha	Irish Language Community Scheme (SPG)	58,008
2013	Ulster-Scots Agency	Omagh & Trillick PS	After School Clubs	2,263
2013	Ulster-Scots Agency	Omagh Library	Community Showcase - Burns Event	295
2013	Ulster-Scots Agency	Castlederg	Community Showcase - Christmas Fair	1,348
2013	Ulster-Scots Agency	Bready & District U-S Dev Assoc	Community Workers Scheme	3,197
2013	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Dance Tuition	1,674
2013	Ulster-Scots Agency	Clogherny Scottish Country Dancers	Dance Tuition	2,101
2013	Ulster-Scots Agency	McClintock PS	Dance Tuition	1,856
2013	Ulster-Scots Agency	Mountfield Scottish Country Dancers	Dance Tuition	1,867
2013	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,525
2013	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,411
2013	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	915
2013	Ulster-Scots Agency	Sollus Cultural Promotions	Festival	40,000
2013	Ulster-Scots Agency	Ardbarron Pipe Band	Music Tuition	1,650
2013	Ulster-Scots Agency	Blair memorial Flute Band	Music Tuition	1,073
2013	Ulster-Scots Agency	Blossomhill Pipe Band	Music Tuition	1,650
2013	Ulster-Scots Agency	Castlederg Young Loyalist Flute Band	Music Tuition	1,650
2013	Ulster-Scots Agency	Cowan Memorial Flute Band	Music Tuition	1,590
2013	Ulster-Scots Agency	Drumquin Pipe Band	Music Tuition	1,540
2013	Ulster-Scots Agency	Lisclaird Pipe Band	Music Tuition	1,650
2013	Ulster-Scots Agency	Mullinagoagh Pipe Band	Music Tuition	1,350
2013	Ulster-Scots Agency	Omagh Protestant Boys Melody Flute Band	Music Tuition	1,000
2013	Ulster-Scots Agency	Plumbridge Brien Boru Pipe Band	Music Tuition	1,560
2013	Ulster-Scots Agency	Pride of the Derg Flute Band	Music Tuition	1,575

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2013	Ulster-Scots Agency	Strawhill Voluntary Independent Pipe Band	Music Tuition	1,574
2013	Ulster-Scots Agency	Trillick Pipe Band	Music Tuition	1,650
2013	Ulster-Scots Agency	6 Schools	Peripatetic Tuition	4,800
2013	Ulster-Scots Agency	Bready & District U-S Dev Assoc	Summer School	1,807
2013	Ulster-Scots Agency	Mourne Valley Cultural Association	Summer School	2,238
2013	Ulster-Scots Agency	Castlederg HS	ASC, Workshop	399
2013	Ulster-Scots Agency	Gillygooley Primary School	After Schools	735
2013	Ulster-Scots Agency	Knockavoe Special School	After Schools	214
2013	Ulster-Scots Agency	QEII Primary School	After Schools	92
2013	Ulster-Scots Agency	Omagh High School	After Schools	352
2014/15	Department	National Museums NI	The Ulster American Folk Park	2,096,574
2014/15	Department	Libraries NI	Recurrent	1,002,880
2014/15	Department	Sollus Cultural Promotions	Walled City Tattoo	50,000
2014/15	Department	Strabane District Council	Strabane U3A Community Theatre Production	3,950
2014/15	Department	Strabane District Council	Artisans, Crafters and Creative Artists	6,000
2014/15	Department	Greater Shantallow Area Partnership	Heritage & Scoping of Strabane & Derry District	15,000
2014/15	Department	Strabane District Caring Services	Minibus and Equipment - Strabane District and Caring Services	45,000
2014/15	Department	Alley Theatre	Alley Theatre Event Delivery Equipment	30,000
2014/15	Department	SAFE (Safer Activities For Everyone)	Digital Radio Equipment	8,100
2014/15	Department	CAIRDE Strabane	Health Improvement Equipment	10,000
2014/15	Department	SHIP (Strabane Health Improvement Project)	Health Improvement Equipment	6,000
2014/15	Department	Strabane Sigersons GAA	Sport Equipment Purchase	9,500
2014/15	Department	Nerve Centre	Community Cultural Hub Development	50,000
2014/15	Department	Sollus Cultural Promotions	Sollus Centre - Event Delivery Equipment	10,000
2014/15	Department	Lisnafin Community Association	Equipment Purchase	6,500
2014/15	Department	Sion Stables	Equipment Purchase	5,000
2014/15	Arts Council	Pride of William Auld Boys	Musical instruments.	3,375
2014/15	Arts Council	Laurence Roman	Performance in San Juan/ Puerto Rico of my Concertino for Flute and Orchestra	750
2014/15	Arts Council NI	Loughlion Design	Frogjaw Crafty	9,028
2014/15	Arts Council NI	Killen Pipe Band	Musical Instruments	4,825

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2014	Foras na Gaeilge	Club Óige na Carraige Móire	Summer Camp / Youth Club Scheme	1,750
2014	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	1,750
2014	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	1,750
2014	Foras na Gaeilge	An Cumann Scoildrámaíocht	Summer Camp / Youth Club Scheme	750
2014	Foras na Gaeilge	Cairde Bunscoil na Deirge	Summer Camp / Youth Club Scheme	3,480
2014	Foras na Gaeilge	Club Óige na Carraige Móire	Summer Camp / Youth Club Scheme	3,500
2014	Foras na Gaeilge	Cumann Iarscoile na gCrann	Summer Camp / Youth Club Scheme	3,500
2014	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	3,500
2014	Foras na Gaeilge	Gaelphobal Cheantar an tSraitha	Irish Language Community Scheme (SPG)	38,672
2014	Ulster-Scots Agency	Langfield & Newtown Stewart PS	After School Clubs	1,131
2014	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Burns Night	250
2014	Ulster-Scots Agency	Derry & Raphoe Action	Community Impact Programme	11,617
2014	Ulster-Scots Agency	Strabane Alley Theatre	Community Showcase: 3 World Meet (Drama)	972
2014	Ulster-Scots Agency	Omagh Library	Community Showcase: Burns Event	672
2014	Ulster-Scots Agency	Derry & Raphoe Action	Community Workers Scheme	10,122
2014	Ulster-Scots Agency	Ardstraw & Barroncourt Youth Council	Dance Tuition	1,762
2014	Ulster-Scots Agency	Bready & District U-S Dev Association	Dance Tuition	1,606
2014	Ulster-Scots Agency	Clogherny Scottish Country Dancers	Dance Tuition	2,458
2014	Ulster-Scots Agency	Dromore Controlled PS Parent Support Group	Dance Tuition	1,051
2014	Ulster-Scots Agency	Lislaird Pipe Band	Dance Tuition	2,084
2014	Ulster-Scots Agency	McClintock Parents Support Group	Dance Tuition	2,025
2014	Ulster-Scots Agency	Mountfield Scottish Country Dancers	Dance Tuition	2,020
2014	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,976
2014	Ulster-Scots Agency	Sollus School of Highland Dance	Dance Tuition	2,332
2014	Ulster-Scots Agency	Mountfield Ulster Scots Association	Hogmany Event	500
2014	Ulster-Scots Agency	Ardbarron Pipe Band	Music Tuition	1,950
2014	Ulster-Scots Agency	Augharonan Pipe Band	Music Tuition	1,950

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2014	Ulster-Scots Agency	Bready & District U-S Dev Association	Music Tuition	2,339
2014	Ulster-Scots Agency	Bready & District U-S Dev Association	Music Tuition	2,126
2014	Ulster-Scots Agency	Bready & District U-S Dev Association	Music Tuition	2,325
2014	Ulster-Scots Agency	Bready & District U-S Dev Association	Music Tuition	2,301
2014	Ulster-Scots Agency	Castlederg Young Loyalist Flute Band	Music Tuition	1,950
2014	Ulster-Scots Agency	Cowan Memorial Flute Band	Music Tuition	1,650
2014	Ulster-Scots Agency	Drumquin Pipe Band	Music Tuition	1,815
2014	Ulster-Scots Agency	Killen Pipe Band	Music Tuition	960
2014	Ulster-Scots Agency	Lislaird Pipe Band	Music Tuition	1,950
2014	Ulster-Scots Agency	Mullinagoagh Pipe Band	Music Tuition	1,388
2014	Ulster-Scots Agency	Omagh Protestant Boys Melody Flute Band	Music Tuition	1,950
2014	Ulster-Scots Agency	Pride of the Derg Flute Band	Music Tuition	1,838
2014	Ulster-Scots Agency	Red Hand Defenders (Newtownstewart Flute Band)	Music Tuition	1,650
2014	Ulster-Scots Agency	Strawhill Voluntary Independent Pipe Band	Music Tuition	1,650
2014	Ulster-Scots Agency	Trillick Pipe Band	Music Tuition	1,900
2014	Ulster-Scots Agency	Omagh Academy	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Castlederg High School	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Omagh High School	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Langfield PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Ardstraw Jubilee primary School	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Newtownstewart Model PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Killen PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Cooley PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	McClintock PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Strabane Controlled PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Bready Jubilee PS	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Knockavoe School & Resource Centre	School Music & DanceTuition	1,000
2014	Ulster-Scots Agency	Donemana Cultural Association	Summer School	1,523
2014	Ulster-Scots Agency	Mountfield Scottish Country Dancers	Summer School	2,448
2014	Ulster-Scots Agency	Mourne Valley Cultural Association	Summer School	2,137
2014	Ulster-Scots Agency	Moneyreagh	Flagship	65
2014	Ulster-Scots Agency	Donemana Primary School	After Schools	269

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2014	Ulster-Scots Agency	Newtownstewart Primary School	After Schools	352
2014	Ulster-Scots Agency	Erganagh Primary School	After Schools	55
2014	Ulster-Scots Agency	Killen Primary School	After Schools	414
2014	Ulster-Scots Agency	Castlederg Primary School	After Schools	91
2014	Ulster-Scots Agency	Gortin Primary School	After Schools	629
2014	Ulster-Scots Agency	Langfield Primary School	After Schools	222
2015/16	Department	Fermanagh and Omagh District Council	Líofa Intensive Classes	1,000
2015/16	Department	Libraries NI	Recurrent	864,131
2015/16	Department	SHIP (Strabane Health Improvement Project)	Community Arts Class Materials	1,000
2015/16	Department	Derry City and Strabane District Council	NRA Culture and Heritage Audit promotion	1,000
2015/16	Department	CAIRDE Strabane	Equipment Purchase	2,000
2015/16	Department	Sollus Cultural Promotions	Walled City Tattoo	30,000
2015/16	Department	L.I.V.E.	Youth Arts Drop-In Workshops	2,475
2015/16	Department	Strabane District Caring Services	Art & Photography Project	2,500
2015/16	Department	Derry City and Strabane District Council	Artstarts at Home	2,500
2015/16	Department	Strabane Sigersons GAA	Youth Trip to Kingspan Stadium	1,426
2015/16	Department	SAFE (Safer Activities For Everyone)	Emergency Services Day	1,500
2015/16	Department	Lisnafin Community Association	Arts & Crafts Workshops	1,570
2015/16	Department	Fountain Street Community Development Association	Arts & Crafts Project	1,000
2015/16	Department	National Museums NI	The Ulster American Folk Park	1,153,260
2015/16	Arts Council NI	Emily McFarland	The Future of Nostalgia	650
2015	Foras na Gaeilge	Gaelphobal Cheantar an tSratha	Irish Language Community Scheme (SPG)	19,336
2015	Foras na Gaeilge	Pobal ar an lúl	Drama Company Scheme	2,000
2015	Foras na Gaeilge	Cumann Iarscoil na gCrann	Summer Camp / Youth Club Scheme	1,750
2015	Foras na Gaeilge	Glór an Tearmainn	Summer Camp / Youth Club Scheme	1,750
2015	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	1,750
2015	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	1,750
2015	Foras na Gaeilge	Pobal ar lúl	Summer Camp / Youth Club Scheme	2,500
2015	Foras na Gaeilge	Club Óige na Carraige Móire	Summer Camp / Youth Club Scheme	3,500
2015	Foras na Gaeilge	Coláiste Dhéan Mhic Oirc	Summer Camp / Youth Club Scheme	3,034

<b>Year</b>	<b>Funder</b>	<b>Organisation Funded</b>	<b>Name of Project Funded</b>	<b>Amount £</b>
2015	Foras na Gaeilge	Cumann Iarscoile na gCrann	Summer Camp / Youth Club Scheme	3,500
2015	Foras na Gaeilge	Greencastle Youth Club	Summer Camp / Youth Club Scheme	3,500
2015	Foras na Gaeilge	Gaelphobal an tSrátha Báin	Irish Language Community Scheme (SPG)	20,593
2015	Ulster Scots Agency	Ardbarron Pipe Band	Pipe & Drum Tuition	1,950
2015	Ulster Scots Agency	Ardstraw Jubilee Parents, Teachers & Friends Association	Pipe & Drum Tuition	1,675
2015	Ulster Scots Agency	Augharonan Pipe Band	Pipe & Drum Tuition	1,950
2015	Ulster Scots Agency	Brackey Flute Band	Flute & Drum Tuition	1,913
2015	Ulster Scots Agency	Bready & District Ulster-Scots Development Association	Scottish Highland Dance	9,288
2015	Ulster Scots Agency	Castlederg Young Loyalists Flute Band	Flute & Drum Tuition	1,950
2015	Ulster Scots Agency	Cathedral Youth Club	Scottish Highland Dance	738
2015	Ulster Scots Agency	Clogherny Scottish Country Dance Group	Scottish Highland Dance	2,458
2015	Ulster Scots Agency	Clooney Residents Association	Summer School	2,684
2015	Ulster Scots Agency	Cloughfin Pipe Band	Pipe & Drum Tuition	1,950
2015	Ulster Scots Agency	Cowan Memorial Flute Band	Flute & Drum Tuition	1,678
2015	Ulster Scots Agency	Derry & Raphoe Action	Community Impact	25,176
2015	Ulster Scots Agency	Donemana Cultural Association	Summer School	1,588
2015	Ulster Scots Agency	Dromore Controlled PS Parent Support Group	Scottish Highland Dance	1,443
2015	Ulster Scots Agency	Dromore Controlled PS Parent Support Group	Drum Tuition	1,000
2015	Ulster Scots Agency	Drumquin Pipe Band	Pipe & Drum Tuition	1,913
2015	Ulster Scots Agency	Edenderry Pipe Band	Pipe & Drum Tuition	1,200
2015	Ulster Scots Agency	Gillygooley Pipe Band	Pipe & Drum Tuition	1,853
2015	Ulster Scots Agency	Lislaird Pipe Band	Scottish Highland Dance	2,084
2015	Ulster Scots Agency	Lislaird Pipe Band	Pipe & Drum Tuition	1,950
2015	Ulster Scots Agency	McClintock Parents Support Group	Scottish Highland Dance	1,964
2015	Ulster Scots Agency	Mountfield Pipe Band	Pipe & Drum Tuition	1,950
2015	Ulster Scots Agency	Mountfield Scottish Country Dancers	Highland Dance	2,011
2015	Ulster Scots Agency	Mourne Valley Cultural Association	Festival	4,633
2015	Ulster Scots Agency	Mourne Valley Cultural Association	Summer School	2,565
2015	Ulster Scots Agency	Mullinagoagh Pipe Band	Pipe & Drum Tuition	1,528
2015	Ulster Scots Agency	Newtownstewart Highland Dancers	Scottish Highland Dance	1,808
2015	Ulster Scots Agency	Omagh Protestant Boys Flute Band	Pipe & Drum Tuition	1,950

Year	Funder	Organisation Funded	Name of Project Funded	Amount £
2015	Ulster Scots Agency	Red Hand Defenders (NF) Band	Flute & Drum Tuition	2,123
2015	Ulster Scots Agency	Sollus School of Highland Dance	Scottish Highland Dance	2,335
2015	Ulster Scots Agency	The Blue Thistle Highland Dancers	Scottish Highland Dance	2,270
2015	Ulster Scots Agency	Tullywhisker Pipe Band	Pipe & Drum Tuition	1,650
2015	Ulster Scots Agency	Whitehouse Pipe Band	Pipe & Drum Tuition	1,875
2015	Ulster Scots Agency	Castlederg HS	ASC, Workshop	950
2015	Ulster Scots Agency	Newtownstewart Primary School	After Schools	68
2015	Ulster Scots Agency	Gillygooley Primary School	After Schools	163
2015	Ulster Scots Agency	Knockavoe Special School	After Schools	205
2015	Ulster Scots Agency	Killen Primary School	After Schools	500
2015	Ulster Scots Agency	Langfield Primary School	After Schools	950
2015	Ulster Scots Agency	Ardstraw Primary School	Flagship & M & D	1,215
2015	Ulster Scots Agency	General	Various	7,989
2015	Ulster Scots Agency	Omagh High School	After Schools	950
2015	Ulster Scots Agency	Kesh Primary School	After Schools	325
2015	Ulster Scots Agency	Cooley Primary School	M & D Tuition	1,000
2015	Ulster Scots Agency	McClintock Primary School	M & D	594
2015	Ulster Scots Agency	Strabane Controlled Primary	M & D	525
2015	Ulster Scots Agency	Omagh Academy	M & D	950
			<b>Total</b>	<b>16,549,744</b>

**Mr McMullan** asked the Minister of Culture, Arts and Leisure for a breakdown of her Department's spend in the Glens area in each year since 2010.

**(AQW 54159/11-16)**

**Ms Ní Chuilín:** The information you require is set out in the attached table. This includes spend in the following electoral wards: Ballycastle, Kinbane, Loughguile and Stranocum, Lurigethan and Torr Head and Rathlin.

Foras na Gaeilge does not record at ward level and so the table does not contain its spend (if applicable).

Branch/ALB	Amount £	Year
Ulster Scots Agency	600	2010
Ulster Scots Agency	600	2010
Ulster Scots Agency (Grants-Festival)	1,379	2010
Sport NI	20,313	2010/11
ACNI	750	2010/11
NIMC	468	2011/12
Sport NI	750	2011/12
ACNI	14,500	2011/12
NIMC	1,869	2012/13
ACNI	5,000	2012/13
Ulster Scots Agency	188	2013

Branch/ALB	Amount £	Year
Sport NI	8,979	2013/14
ACNI	650	2013/14
Inland Fisheries Group	31,470	2014/15
Sport NI	4,478	2014/15
ACNI	1,100	2014/15
Inland Fisheries Group	15,550	2015/16
<b>Total</b>	<b>108,644</b>	

**Mr Weir** asked the Minister of Culture, Arts and Leisure for a breakdown of her Department's spend in North Down in each year since 2011.

**(AQW 54221/11-16)**

**Ms Ní Chuilín:** The information you have asked for is contained in the table below.

Constituency	Resource/Capital	2011/12 £	2012/13 £	2013/14 £	2014/15 £	2015/16 to date £
North Down	Resource	11,296,973	10,115,160	9,426,466	8,663,734	6,613,990
	Capital	3,574,828	9,169,129	1,723,273	1,713,048	531,591

**Mr Allister** asked the Minister of Culture, Arts and Leisure how much her Department has spent on producing material in Irish in each of the last three years.

**(AQW 54230/11-16)**

**Ms Ní Chuilín:** The information you require is contained in the table below.

Year	Funder	Amount
2013/14	Department	£1,646
2013/14	Libraries NI	£152
2014/15	Department	£657
2015/16	Department	£783
2015/16	Libraries NI	£82

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to outline the reports of inspections carried out on the construction work at the Mac.

**(AQW 54308/11-16)**

**Ms Ní Chuilín:** In December 2014, Ground Check Ltd were commissioned to undertake an inspection of the stone cladding to the external faces of The MAC. The inspection was carried out to assess the requirements for remedial work and to ensure the safety of the public. The main recommendation was the repair of the stone by specialist stonework contractors.

In April 2015, Ground Check were commissioned to undertake a de-scaling operation to remove damaged or defective pieces of stone from the façade of The MAC. The report identified a series of next steps which included the installation of netting to catch loose material.

In July 2015, Access Rescue Consulting at Height (ARCH) were commissioned to carry out a survey of the external façade to check the safety of the netting and identify potentially loose material. ARCH is engaged on an ongoing basis to carry out regular checks on the façade of the building.

In August 2015, RPS Group provided a report on the lantern mullion failure and lintel displacement. The Report concluded that the corner mullions, which failed, were cosmetic elements and The MAC subsequently removed them. The precast lintels had rotated outwards causing a potential danger. The lintels have now been repaired.

In September 2015, Consarc Design Group were commissioned to review the condition of the external stonework. The report noted that the current remedial actions are sufficient and recommended replacement of the defective stone cladding.

In January 2016, during exceptionally high winds, an aluminium panel was dislodged from The MAC's roof. MAC took immediate action to inspect and secure the roof. An incident report was submitted which detailed the actions taken to resolve the incident and prevent a recurrence.

In February 2016, Buro Happold provided a report on defective pipework which had been discovered. The Report concluded that the corrosion of the pipework was due to moisture ingress or inadequate weather sealing. This issue has now been rectified.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure whether evidence exists of toxic materials, such as arsenic and benzene, being used in the manufacture of 3G sports pitches.

**(AQW 54309/11-16)**

**Ms Ní Chuilín:** The Sport and Play Construction Association (SAPCA), is the trade association that represents businesses committed to raising the quality standards of all sports, physical activity, recreation and play facilities that are designed, built and maintained across the UK. The four Sports Councils of England, Scotland, Wales and north of Ireland endorse SAPCA and its work.

I understand that SAPCA convened a working group of experts to investigate concerns being voiced in some countries over the use of recycled rubber from vehicle tyres in sports and play surfaces. The Group carried out a substantial review of previous national and international studies undertaken by scientists on the risks from rubber aggregates in sporting contexts. The consensus from those studies was that the rubber crumb poses no significant health risk. SPACA states that it is not aware of any new research studies but is looking into whether any more evidence is available.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure how much funding her Department has allocated to (i) Coleraine FC; (ii) Limavady United FC; (iii) Dungiven Celtic FC; (iv) Ballinamallard FC; and (v) Burnfoot FC.

**(AQW 54310/11-16)**

**Ms Ní Chuilín:** In the last five years up to end March 2015, Sport NI, an arms length body of my Department, has provided funding to Coleraine FC; Limavady United FC; Dungiven Celtic FC; and Ballinamallard United FC as detailed below:

Year	Club	Amount
2010/11	Coleraine FC (Stadia Safety Infrastructure)	£37,217.00
2010/11	Coleraine FC (Stadia Safety Equipment)	£29,850.00
2014/15	Limavady United FC	£1,415.00
2014/15	Ballinamallard United FC	£3,458.50
2014/15	Dungiven Celtic FC	£4,860.00
2015/16	Dungiven Celtic (Youth) FC	£2,840.00

I can advise that Burnfoot United FC have not applied for funding from Sport NI during this period.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure how many 3G pitches have been completed since May 2011; and how many are in the planning process.

**(AQW 54311/11-16)**

**Ms Ní Chuilín:** Sport NI, an arms length body of my Department, is not aware of how many 3G pitches have been completed in the north of Ireland since May 2011. Sport NI is not advised of developments undertaken by other Government Departments and organisations such as District Councils and private clubs.

However, I can advise that Sport NI provided funding of £9,583,415 for the development of 37 projects, which included 3G pitches, in the last 5 financial years up to 31 March 2015.

In addition, my Department provided funding of £832,000 towards 3G pitch development through the Regional Stadium Programme.

**Mr Easton** asked the Minister of Culture, Arts and Leisure what funding opportunities are available to help train children to play football through community organisation.

**(AQW 54380/11-16)**

**Ms Ní Chuilín:** I can advise that since 1 April 2015, 7767 young participants aged under 18, have participated in football development through Sport NI's Active Communities programme which is operated in partnership with District Councils.

Furthermore, my department leads on one of the seven headline Together: Building a United Community actions, namely the development of a cross community youth sports programme. The aim of the programme is to build good relations through the transformative power of sport.

In delivering the TBUC pilot programme in the Lower Falls and Greater Village areas of Belfast, Young Leaders on the programme gained accredited IFA coaching qualifications and helped train young people to play football through their community organisations.

While all funding has been allocated for this year, community organisations can register to be informed of future funding opportunities on Sport NI's website at <http://www.sportni.net/funding/funding-registrations/>

In addition, alternative funders can be found through the Sport NI web-site at:  
<http://www.sportni.net/sportni/wp-content/uploads/2013/03/OtherFunding1.pdf>

Community organisations may also wish to contact their local councils to see if grant aid is available through a small grants programme.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure whether (i) Warrenpoint Town FC; (ii) Dungannon Swifts FC; and (iii) Ballinamallard United FC will be able to benefit from the sub-regional stadia programme given that they do not have designated grounds with a minimum capacity of 5000.

**(AQW 54392/11-16)**

**Ms Ní Chuilín:** The Executive agreed in March 2011 that £36 million should be allocated for football stadia development at Sub Regional level and that this should be taken forward as a priority area of spend in the next Comprehensive Spending Review period. The Executive agreed to meet the strategic needs of football as outlined in the IFA's draft facilities strategy dated March 2011.

Whilst the IFA have subsequently updated their 2011 Facilities Strategy, it is only proper that the consultation is based on what the Executive agreed at that time.

The consultation document for the sub regional programme has been developed to reflect the five priorities/strands as outlined in the draft Facilities Strategy dated March 2011.

Under the current funding proposals (i) Warrenpoint Town FC; (ii) Dungannon Swifts FC; and (iii) Ballinamallard FC are not eligible for funding as they are not a designated venue and they do not play in the Championship.

Public consultation on the Sub Regional Stadia Programme for soccer ended on 22 February 2016. The purpose of the public consultation was to seek views and feedback from stakeholders on the proposals including: the proposed strands and whether they can be more inclusive; the proposed level of funding; the eligibility criteria; and also on how best the needs that have emerged since the draft facilities strategy was developed can be incorporated into the programme.

Responses to the consultation document will help to shape the programme going forward.

**Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure what commitments have been given to Glentoran FC in relation to the proposed £10m from the sub-regional stadia programme.

**(AQW 54393/11-16)**

**Ms Ní Chuilín:** The proposals contained within the Sub Regional Stadia Programme for Soccer consultation document are based on the agreement reached by the Executive in March 2011 and reflect the priorities outlined in a draft facilities paper prepared by the IFA in 2011.

The 2011 IFA draft facilities paper proposed that the redevelopment of The Oval should take place in partnership with Glentoran Football Club.

The IFA have subsequently updated their 2011 Facilities Strategy, however it is only proper that the consultation is based on what was in place at the time the Executive endorsed this investment proposal.

Public consultation on the Sub Regional Stadia Programme for Soccer concluded on 22 February 2016. The purpose of the public consultation was to seek views and feedback from stakeholders on the proposals including: the proposed strands and whether they can be more inclusive; the proposed level of funding; the eligibility criteria; and also on how best the needs that have emerged since the draft facilities strategy was developed can be incorporated into the programme.

**Ms McCorley** asked the Minister of Culture, Arts and Leisure what discussions have taken place with other funders in the efforts to resolve the structural problems of the MAC; and what procedures have been put in place.

**(AQW 54509/11-16)**

**Ms Ní Chuilín:** As the main funders of The MAC project, DCAL and the Arts Council continue to work together to resolve outstanding issues with The MAC façade and outstanding defects.

A Project Assessment Review (PAR) was carried out in September 2015. The Review concluded that the latent defects to the façade should be dealt with as a separate issue to the original project.

A clear accountability structure has been established between DCAL, Arts Council and The MAC and roles and responsibilities agreed to ensure effective oversight and implementation of the PAR recommendations.

Since September 2015, DCAL has provided a Project Manager resource to manage the close-out of the various building defects. The Project Manager has carried out various duties to progress the project including:

- Producing a Programme of Works for the rectification of defects,
- Project managing all outstanding defects,
- Procurement of an Integrated Design Team for the new façade,
- Procurement a Structural Survey of the external elevations of The MAC,
- Liaising with MAC legal representatives to review options and agree a strategy,

- Ongoing liaison with all relevant contractors and consultants on behalf of The MAC.

**Ms McCorley** asked the Minister of Culture, Arts and Leisure how much public funding the MAC has received since 2011. (AQW 54532/11-16)

**Ms Ní Chuilín:** Funding provided by the Arts Council to The MAC since 2011 is listed in the table below:

Year	Programme	Project Title	Amount	Funding Source/Type
2011/12	Annual Support for Organisations Programme	Annual Funding	472,450	Exchequer Revenue
2011/12	Lottery Project Fund	Programme Funding	77,810	Lottery Revenue
2011/12	Arts Development Fund	Artist Travel & Accommodation: The MAC in Venice	500	Exchequer Revenue
2011/12	DCAL Capital Fund	Capital Funding	221,000	Exchequer Capital
2011/12	Arts Development Fund	Accounting Services	22,000	Exchequer Revenue
2011/12	DCAL Monitoring Round	2011/12 Cover for Salaries	160,000	Exchequer Revenue
2012/13	Annual Funding Programme	Annual Funding	1,000,000	Exchequer Revenue
2012/13	Arts & Older People	The Get MACTive Project	3,160	Exchequer Revenue
2013/14	Annual Funding Programme	Annual Funding 2013/14	1,000,000	Revenue
2013/14	Arts Development Fund	2013/14 Deficit Funding	205,000	Exchequer Revenue
2014/15	Annual Funding Programme	Annual Funding 2014/15	1,000,000	Exchequer Revenue
2015/16	Annual Funding Programme	Annual Funding 15/16	950,000	Exchequer Revenue
2015/16	DCAL Monitoring Round	Resource Costs	46,319	Exchequer Revenue

**Mr McCausland** asked the Minister of Culture, Arts and Leisure to list the date of each meeting of the reconstituted Safety Technical Group for Casement Park; and those that attended the meetings. (AQW 54582/11-16)

**Ms Ní Chuilín:** To date, there have been three meetings of the newly reconstituted Safety Technical Group (STG).

These meetings were held on the dates detailed below and attended by those listed under each:

#### 26 November 2015

- |  |                                |
|--|--------------------------------|
| ■ Independent Chair                        | ■ Sport NI                     |
| ■ DCAL Secretariat                         | ■ Police Service NI            |
| ■ Belfast City Council                     | ■ Casement Park Safety Officer |
| ■ Northern Ireland Fire and Rescue Service | ■ Windsor Park Safety Officer  |
| ■ Northern Ireland Ambulance Service       | ■ UCGAA Safety Representative  |

#### 17 December 2015

- |  |   |
|--|---|
| ■ Independent Chair                        | ■ Casement Park Safety Officer                            |
| ■ DCAL Secretariat                         | ■ Windsor Park Safety Officer                             |
| ■ Belfast City Council                     | ■ UCGAA Safety Representative                             |
| ■ Northern Ireland Fire and Rescue Service | ■ IFA Project Sponsor                                     |
| ■ Northern Ireland Ambulance Service       | ■ Sports Ground Safety Authority, in an advisory capacity |
| ■ Sport NI                                 |   |
| ■ Police Service NI                        |   |

**28 January 2016**

- |  |   |
|--|---|
| ■ Independent Chair                        | ■ Sport NI  |
| ■ DCAL Secretariat                         | ■ Police Service NI                                       |
| ■ Belfast City Council                     | ■ Windsor Park Safety Officer                             |
| ■ Northern Ireland Fire and Rescue Service | ■ UCGAA Safety Representative                             |
| ■ Northern Ireland Ambulance Service       | ■ Sports Ground Safety Authority, in an advisory capacity |

As well as the formal STG meetings noted above, a workshop involving STG members was held on 15 January 2016.

The next meeting of the STG will take place on 25 February 2016.

**Mr Hilditch** asked the Minister of Culture, Arts and Leisure how many times the reformed Safety Technical Group for Casement Park has met.

**(AQW 54588/11-16)**

**Ms Ní Chuilín:** To date, there have been three meetings of the newly reconstituted Safety Technical Group (STG).

As well as the formal STG meetings noted above, a workshop was also held on 15 January 2016.

The next meeting of the STG will take place on 25 February 2016.

**Ms McCorley** asked the Minister of Culture, Arts and Leisure whether any information is available to substantiate the recent media claims that there are health risks associated with 3G sports pitches.

**(AQW 54599/11-16)**

**Ms Ní Chuilín:** The Sport and Play Construction Association (SAPCA), is the trade association that represents businesses committed to raising the quality standards of all sports, physical activity, recreation and play facilities that are designed, built and maintained across the UK. The four Sports Councils of England, Scotland, Wales and north of Ireland endorse SAPCA and its work.

I understand that SAPCA convened a working group of experts to investigate concerns being voiced in some countries over the use of recycled rubber from vehicle tyres in sports and play surfaces. The Group carried out a substantial review of previous national and international studies undertaken by scientists on the risks from rubber aggregates in sporting contexts. The consensus from those studies was that the rubber crumb poses no significant health risk. SPACA states that it is not aware of any new research studies but is looking into whether any more evidence is available.

**Mrs Hale** asked the Minister of Culture, Arts and Leisure what procedures are in place to ensure gender equality is paramount when allocating funding to arm's-length bodies.

**(AQW 54610/11-16)**

**Ms Ní Chuilín:** Under section 75 of the Northern Ireland Act 1998, my Department is required to have due regard to the need to promote equality of opportunity between nine equality categories. Gender is one of these categories but it is not paramount.

The Department has an equality scheme in place, approved by the Equality Commission, to guide its compliance with section 75 requirements.

In the case of funding decisions, the Department considers the impact of spending proposals in relation to the services provided by the Department and its arms length bodies (ALBs) on each of the Section 75 groups.

During budgeting and spending reviews, High Level Equality Impact Assessments (HLIAs) are completed. These enable ALBs and Departmental business areas to identify the potential impact of bids and savings on each of the Section 75 categories - including gender - and to mitigate any disproportionate effects.

**Mr Irwin** asked the Minister of Culture, Arts and Leisure, pursuant to AQW 53619/11-16, to detail the timescale for the conclusion of the appointment process.

**(AQW 54656/11-16)**

**Ms Ní Chuilín:** The appointment process for the post of Director and Chief Executive of Armagh Observatory and Planetarium (AOP) is still continuing but is expected to conclude very shortly. Until the process is concluded it would be inappropriate for me to comment further.

**Mr McKinney** asked the Minister of Culture, Arts and Leisure (i) to detail the (a) matched; and (b) unmatched European Union funding her Department has spent in South Belfast in each of the last ten years; and (ii) where this money was spent.

**(AQW 54685/11-16)**

**Ms Ní Chuilín:** The information you have asked for is set out in the attached table. The Department is required only to maintain financial records for the previous 7 years and this constraint is reflected in the information provided in the table.

Financial Year	Organisation Funded	Programme	Amount of Matched Funding	Project Title
2013/14	Belfast City Council	Re-Imaging - Stage 1	£3,400	City Cemetery Decorative Arts and Outreach project
2014/15	East Belfast Historical & Cultural Society	Re-Imaging - Stage 1	£4,950	20th Century women who shaped our future
2013/14	Belfast South Community Resources	Re-Imaging - Stage 2	£50,000	Re-imaging Sandy Row

**Mrs Cameron** asked the Minister of Culture, Arts and Leisure, pursuant to AQO 9362/11-16, for an update on her discussions with the Minister for Agriculture and Rural Development and members of the angling associations in South Antrim on tackling river pollution.

**(AQO 9736/11-16)**

**Ms Ní Chuilín:** My officials have been involved in a series of meetings with the Minister for Agriculture and Rural Development, elected representatives from South Antrim, NIEA officials and delegates from the Glenavy, Six Mile Water and other angling associations to discuss the recent series of pollution incidents that resulted in fish kills on the Six Mile Water and Glenavy River. Some of these have been significant and have a detrimental affect on the quality of angling in the rivers.

I have tasked my Inland Fisheries officials to hold further meetings with the angling associations to discuss the reinstatement of those areas impacted by the pollution incidents. In the short term, to improve the quality of angling on the stretches most affected by the fish kills, it is planned to restock with triploid fish from my Department's fish farm at Movinagher near Kilrea. These fish are not able to breed and therefore cannot affect the genetic integrity of the indigenous fish stocks as they recover.

Inland Fisheries Staff will also undertake fish surveys in the summer months to assess fish stock levels in the river, especially in the area affected by the pollution, and also look at the possibility of habitat improvement works. This is important to encourage the recovery of the indigenous fish stocks and habitat enhancement schemes will be developed and delivered in partnership with the local angling clubs and other stakeholders.

Water quality is another vital aspect in the reinstatement of the affected rivers and both DARD and NIEA have agreed on further actions in the catchments in an effort to reduce the incidences of pollution.

**Mr McCrossan** asked the Minister of Culture, Arts and Leisure how her Department and its arm's-length bodies will celebrate the literary, sporting and cultural achievements of women on International Women's Day, 8 March 2016.

**(AQO 9744/11-16)**

**Ms Ní Chuilín:** I am pleased to say there is a wide and varied range of events planned across the DCAL family to celebrate International Women's Day.

I will be hosting a reception in Parliament Buildings on 8 March to mark the 40th Anniversary of the NI Women's Football Association which was formed in 1976 in Belfast to develop and enhance the women's game and profile.

In addition, I will host DCAL's Annual Celebration of Sport event on 9 March 2016 to acknowledge the achievements of successful athletes from the north during 2015. The guests will include female individuals and teams who have achieved podium finishes in National and International competitions. I will also be attending a Female Sports Forum Seminar on the 14 March.

The Oh Yeah Music Centre in Belfast, which is funded by the Arts Council, is organising a first ever Women's Work Festival. This will encompass a series of events from 4-8 March to highlight, celebrate and showcase women in music.

Libraries NI is undertaking a range of events, programmes and initiatives including a talk by local author Jane Talbot in Portstewart Library on her book 'The Fairie Thorn' as well as the inspiration for her story.

The Linen Hall Library, in association with PRONI, is running a free workshop entitled 'Stand Up and be Counted' that will use archives to explore issues around suffrage, gender and democracy.

Through the Together Building a United Community Programme, DCAL's North West Team has provided seventeen thousand pounds (£17,000) to the Playhouse Theatre in Derry to deliver a programme of workshops, master classes and other events on the theme of 'Women in the Creative Industries' with the aim of encouraging women to consider this as a potential employment sector.

**Ms Hanna** asked the Minister of Culture, Arts and Leisure how many responses were received to the Consultation on the Strategy for Culture and Arts 2016-2026.

**(AQO 9745/11-16)**

**Ms Ní Chuilín:** My Department's consultation on a Culture and Arts Strategy closed on 12th February 2016 after a twelve week consultation period. At that date, over 1,700 responses had been received representing a wide range of organisations and individuals.

The overwhelming majority of respondents welcome the development of a cross-departmental strategy for culture and arts.

Engagement during the consultation period was wide ranging, inclusive and creative. I ensured that we reached out beyond the standard consultation channels to include the views of marginalised individuals whose voices are seldom heard. For example, my Department consulted with looked after young people, young people at risk of offending, young people outside of the formal education system, prisoners and older people in health care settings. The clear message from this innovative engagement was that these individuals very much valued the opportunity to contribute and make their voices heard.

We await responses from some district Councils who need to have their responses ratified by full Council. All responses will be fully analysed and I plan to publish the results of the consultation exercise in full in early March.

**Mr McKinney** asked the Minister of Culture, Arts and Leisure to outline any joint programmes that her Department supports with the Department of Health, Social Services and Public Safety which promote better mental health.

**(AQO 9748/11-16)**

**Ms Ní Chuilín:** My Department has provided significant support to the Department of Health, Social Services and Public Safety and its implementation of the Bamford Mental Health Action Plan through meeting our two commitments within that plan, specifically relevant actions under the implementation of the Sports Matters Strategy and also the Libraries NI Health in Mind Programme.

My Department also contributes towards the DHSSPS Protect Life Action Plan and has three commitments relating to suicide prevention through training for coaches and the provision and promotion of information on emotional wellbeing and suicide prevention. The Department also undertook an exercise to identify specific arts and sports interventions that have been most successful in improving mental health.

Beyond those commitments my Department has encouraged delivery of relevant support through the arts, creative industries, inland fisheries, museums and the Armagh Observatory and Planetarium. This has been achieved through programmes designed to raise awareness of mental health issues but also to offer avenues of therapeutic activities and stimulating life experiences that make a difference to people with mental health issues and learning difficulties.

Going forward, my Department is committed to delivering a wide range of activities and programmes that will raise awareness and act as proactive and preventative measures on mental health and well being.

My Department's contribution to the DHSSPS Bamford Action Plan and the Protect Action Plan has been significant and demonstrates the importance and strength of Government Departments working together to improve the mental health and wellbeing of all our citizens.

**Mr Rogers** asked the Minister of Culture, Arts and Leisure for an update on funding for sign language courses.

**(AQO 9749/11-16)**

**Ms Ní Chuilín:** My Department chairs and provides secretariat to the Sign Language Partnership Group (SLPG) which is a forum consisting of Executive departments and key Deaf organisations with the aim of improving access to services for Deaf sign language users. Each department has a responsibility to contribute to this aim through its membership of the SLPG by bringing its knowledge, expertise and resources, as well as under its statutory obligations under Section 75 of the 1998 NI Act and the Disability Discrimination Act. This applies to the provision of Sign language classes under a department's policy remit.

In my Statement to the Assembly on 1 December 2015 I announced that my department will publish and consult on a Framework for Sign Language. The Framework will include proposals for Sign Language legislation in the next Assembly mandate to provide statutory protection for Irish Sign Language and British Sign Language users and the families of Deaf people, including access to free Sign Language classes for families with deaf children.

In 2015/16, in response to requests for classes from parents of deaf children and the Deaf community my Department has committed funding to the following Sign Language courses:

Description of Course	Organisation Delivering Courses	Amount of Funding
Family Sign Language – parents/families of deaf children learn signs to communicate with deaf babies, toddlers and children	National Deaf Children's Society	£18,963
Communication is Fun – deaf children learning to communicate through play	National Deaf Children's Society	£5,146
Family Sign Language in the Home - parents/families of deaf children learn signs to communicate with deaf babies, toddlers and children delivered in their own home	British Deaf Association	£14,250
Shared Insights Project – Irish/British Sign Language courses to families of Deaf people and the local community in Derry	Foyle Sign Language Centre	£7,995
Sign Language Training for Deaf Young People & Children of Deaf Adults project	Action Deaf Youth	£5,243

Description of Course	Organisation Delivering Courses	Amount of Funding
Breaking Down the Barriers – Irish Sign Language Awareness classes to voluntary and community groups and secondary schools in Belfast	John Carberry, Deaftrainer	£7,150
Signing for Improved Deaf Awareness Courses – Accredited Deaf awareness and basic ISL/BSL classes to students in all four University of Ulster Campuses and, selected secondary schools across the north of Ireland. Courses delivered by Deaf ISL/BSL PGCE students	University of Ulster	£12,000
BSL Levels 1 and 2 courses for parents of deaf children. (Courses held straddling 2014/15 and 2015/16)	Jordanstown School	£31,000
	<b>Total</b>	<b>£101,747</b>

**Mr Frew** asked the Minister of Culture, Arts and Leisure to outline the support available to the marching band tradition and culture.

**(AQO 9750/11-16)**

**Ms Ní Chuilín:** For the past number of years my Department, through the Arts Council, provided support to the Musical Instruments for Bands Scheme. The scheme was put on hold in 2015 – 2016 as a direct consequence of my Department's capital budget position.

As I have clarified previously, the Scheme has not been withdrawn and subject to resources being available, I would expect the scheme to be reinstated in the incoming financial year, 2016 – 2017.

Groups may apply to other Arts Council programmes provided the projects fall within the eligibility criteria. Funding programmes include lottery project funding and the Small Grants Programme. In addition, the Arts Council supports the pipe band tradition through its ongoing support for the umbrella organisations such as the Royal Scottish Pipe Band Association and NI Piping and Drumming School.

The Ulster-Scots Agency provides funding for groups to deliver tuition in a range of Ulster-Scots musical disciplines through its Music and Dance Tuition Grants Scheme. This funding is regularly accessed by bands from the flute, pipe, accordion and silver genres.

I recognise that bands are an important element of our cultural and musical heritage and the role they play in strengthening and building capacity in communities and helping to celebrate cultural identity and heritage.

## Department of Education

**Mr Agnew** asked the Minister of Education how much funding is being provided to the community and voluntary sector in terms of (i) grants; (ii) grants-in-aid; and (iii) procurement in the 2015-16 financial year, including any projected spend.

**(AQW 53606/11-16)**

**Mr O'Dowd (The Minister of Education):** The funding being provided to the community and voluntary sector in terms of (i) grants; (ii) grants-in-aid; and (iii) procurement in the 2015-16 financial year, including any projected spend is as follows:

	Grants £m	Procurement £m	Total £m
2015-16*	40.7	0.1	40.8

\* based on current 2015-16 forecast

Grants-in-aid are paid by Departments to their NDPBs and not to community and voluntary organisations.

**Mr McKinney** asked the Minister of Education to detail the percentage of temporary positions of more than two years within special education schools in the areas of (i) Principal and Vice Principal; (ii) teachers; and (iii) classroom assistants in the Education Authority Belfast Region.

**(AQW 54071/11-16)**

**Mr O'Dowd:** A special exercise had to be conducted by the Education Authority to collate the information requested; therefore it took longer to respond. The answer to both questions has been set out in the table below.

**AQWs 54071 and 54072: Education Authority - percentage of temporary positions of more than two years within special education schools**

<b>Belfast Region</b>	
Principals and Vice Principals	9.52%
Teachers	6.39%
Classroom Assistants	23.90%
<b>North Eastern Region</b>	
Principals and Vice Principals	0%
Teachers	2.54%
Classroom Assistants	13.29%
<b>South Eastern Region</b>	
Principals and Vice Principals	10%
Teachers	1%
Classroom Assistants	33.07%
<b>Southern Region</b>	
Principals and Vice Principals	10%
Teachers	8.22%
Classroom Assistants	15.69%
<b>Western Region *</b>	
Principals and Vice Principals	0%
Teachers	6.36%
Classroom Assistants	5.50%

**Mr McKinney** asked the Minister of Education to detail the percentage of temporary positions held for more than two years within special education schools in the areas of (i) Principal and Vice Principal; (ii) teachers; and (iii) classroom assistants, broken down by Education Authority region.

**(AQW 54072/11-16)**

**Mr O'Dowd:** A special exercise had to be conducted by the Education Authority to collate the information requested; therefore it took longer to respond. The answer to both questions has been set out in the table below.

**AQWs 54071 and 54072: Education Authority - percentage of temporary positions of more than two years within special education schools**

<b>Belfast Region</b>	
Principals and Vice Principals	9.52%
Teachers	6.39%
Classroom Assistants	23.90%
<b>North Eastern Region</b>	
Principals and Vice Principals	0%
Teachers	2.54%
Classroom Assistants	13.29%
<b>South Eastern Region</b>	
Principals and Vice Principals	10%
Teachers	1%
Classroom Assistants	33.07%

<b>Southern Region</b>	
Principals and Vice Principals	10%
Teachers	8.22%
Classroom Assistants	15.69%
<b>Western Region *</b>	
Principals and Vice Principals	0%
Teachers	6.36%
Classroom Assistants	5.50%

**Mr Buchanan** asked the Minister of Education to detail the number of teaching posts that became available through (i) natural wastage; and (ii) any other measures in (a) 2013-14; (b) 2014-15 and (c) 2015-16.

**(AQW 54190/11-16)**

**Mr O'Dowd:** The employing authorities have advised that they do not hold records of this nature in the format requested. They have supplied information on appointments to teaching posts for 2013/14 and 2014/15 – see table below (figures are not yet available for 2015/16).

<b>Appointments</b>	<b>01/04/14 – 31/3/15</b>	<b>01/04/13 – 31/3/14</b>
Principal, permanent	103	85
Vice-principal, permanent	43	51
Teacher, permanent	407	400
Teacher, temporary (6 months+)	488	643
<b>Total</b>	<b>1041</b>	<b>1179</b>

(excluding Voluntary Grammar, and Grant Maintained integrated Schools)

**Mrs Overend** asked the Minister of Education to detail the composition of the new Statutory Assessment Referral Panel established under the Education Authority; and how this compares to the previous panels.

**(AQW 54210/11-16)**

**Mr O'Dowd:** The Statutory Assessment Referral Panel established under the Education Authority consists of officers from special education and educational psychology with different members who meet weekly. Membership of the panel is similar to previous panels.

**Mrs Overend** asked the Minister of Education how often does the Statutory Assessment Referral Panel meet to consider assessments.

**(AQW 54211/11-16)**

**Mr O'Dowd:** The Statutory Assessment Referral Panel meets on a weekly basis.

**Mrs Overend** asked the Minister of Education to detail the proportion of children referred to the Statutory Assessment Referral Panel that are progressing to stage 4; and whether this an increase or reduction compared to the previous system.

**(AQW 54212/11-16)**

**Mr O'Dowd:** No baseline figures exist on a regional basis to make a valid comparison between previous and revised arrangements.

Data is currently being collated on a regional basis on the number of children who are progressing to statutory assessment. Any data which is collated will advise the Education Authority (EA) as it moves forward, on the current profile. Over time, this can be compared to the EA's data from April 2015 onwards.

**Mr McMullan** asked the Minister of Education for a breakdown of his Department's spend in the Glens area in each year since 2010.

**(AQW 54272/11-16)**

**Mr O'Dowd:** For the purposes of answering this question the Glens area has been defined as the electoral wards of Ballycastle, Kinbane, Loughguile & Stranocum, Lurigethan, and Torr Head & Rathlin.

The following table provides details of funding provided by my Department for the Glens area in each complete financial year since 2010:

	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Resource	12,617	12,306	12,366	12,468	12,650
Capital	1,297	556	808	382	555
<b>Total</b>	<b>13,914</b>	<b>12,862</b>	<b>13,174</b>	<b>12,850</b>	<b>13,205</b>

This includes funding provided by the Education Authority for schools, Community and Youth Organisations.

Funding relating to the Education Authority's block (centre) expenditure, Middletown Centre for Autism and Area Learning Communities is not included as it cannot be disaggregated on a geographical basis.

**Mrs Overend** asked the Minister of Education to detail how much capital funding his Department has spent since 16 May 2011 on (i) Irish-medium; (ii) Integrated; (iii) Maintained; and (iv) Controlled schools at both (a) primary; and (b) post-primary level, in total and per pupil.

**(AQW 54288/11-16)**

**Mr O'Dowd:** The following table provides the information requested.

**Capital Expenditure broken down by Financial Year, School Sector & Per Pupil Number**

	2011/12 F/Y	£S Per Pupil	2012/13 F/Y	£S Per Pupil	2013/14 F/Y	£S Per Pupil	2014/15 F/Y	£S Per Pupil
<b>School Sector</b>	<b>£s</b>							
(i) Irish-Medium Total	1,634,811	1,321	879,898	556	1,469,211	4,482	2,898,020	3,518
(ii) Integrated Total	4,914,699	1,135	4,383,376	1,041	6,172,522	1,232	10,718,194	2,122
(iii) Maintained Total	28,325,684	420	29,391,078	481	23,577,965	395	56,001,898	916
(iii) Controlled Total	44,761,008	719	32,014,811	488	31,460,452	491	59,502,376	925
(a) Primary Total	59,096,497	2,494	48,074,024	1,715	43,821,366	5,354	89,602,277	5,239
(b) Post - Primary Total	20,539,705	1,102	18,595,139	852	18,858,784	1,246	39,518,211	2,241

**Mrs Overend** asked the Minister of Education to detail how much capital funding his Department has committed to (i) Irish-medium; (ii) Integrated; (iii) Maintained; and (iv) Controlled schools at both (a) primary; and (b) post-primary level, in total and per pupil, post March 2016.

**(AQW 54289/11-16)**

**Mr O'Dowd:** A total capital budget of £193.7m has been allocated for education in 2016/17.

While I have agreed capital budget allocations for specific capital programmes across the various sectors, these are not set by school type or level.

**Ms Lo** asked the Minister of Education to detail the cost of the (i) Irish-medium review; and (ii) Ministerial Advisory Group report on Shared Education.

**(AQW 54363/11-16)**

**Mr O'Dowd:** Total costs for the Irish-medium Review were £48,082.65.

Total costs for the Ministerial Advisory report on Shared Education were £36,652.17.

The Irish-medium Review made twenty-four recommendations to address the most pressing challenges and issues facing the sector. The Review recommendations were accepted in full by my Department and twenty-two are classified as fully implemented.

**Ms Lo** asked the Minister of Education how many of the Irish-medium review recommendations were agreed and implemented by his Department.

**(AQW 54364/11-16)**

**Mr O'Dowd:** Total costs for the Irish-medium Review were £48,082.65.

Total costs for the Ministerial Advisory report on Shared Education were £36,652.17.

The Irish-medium Review made twenty-four recommendations to address the most pressing challenges and issues facing the sector. The Review recommendations were accepted in full by my Department and twenty-two are classified as fully implemented.

**Mr Weir** asked the Minister of Education what assistance his Department will provide to the Youth Parliament's Don't Hate, Educate campaign against racism and religious discrimination.

**(AQW 54405/11-16)**

**Mr O'Dowd:** To date, my Department has not been approached to provide assistance to the Youth Parliament's Don't Hate, Educate campaign against racism and religious discrimination.

**Mr Weir** asked the Minister of Education to detail (i) any school with a 3G pitch, and of these, (ii) since 2011.

**(AQW 54407/11-16)**

**Mr O'Dowd:** The Education Authority (EA) has provided the following details for schools within its responsibility which have 3G pitches:

School	Date
Ashfield Boys' High School	Pre 2011
Belfast Boys' Model School	Pre 2011
Castlederg High School	Pre 2011
Fountain Primary School	Pre 2011
Lisnagelvin Primary School	Pre 2011
Lurgan Junior High School	Pre 2011
Newtownstewart Primary School	Pre 2011
Orangefield Primary School	Pre 2011
St Mary's College, Irvinestown	Pre 2011
St Patrick's College, Antrim Road, Belfast	2011
Lisnagelvin Primary School	March 2013
Devenish College	March 2013
Good Shepherd Primary School	March 2013
Rathfriland High School	2014
Drumgor Primary School	2014
Finaghy Primary School	January 2015
Drumrane Primary School	March 2015
Edenbrooke Primary School	March 2015

3G pitches have also been provided as part of public private partnership (PPP) projects in four maintained/voluntary grammar schools. These were all provided before 2011 and are at:

- Holy Cross College, Strabane;
- St Mary's College, Derry;
- Our Lady and St Patrick's College, Knock; and
- St Patrick's Grammar School, Downpatrick.

Five schools have been approved for the development of 3G pitches under the Schools Enhancement Programme.

- Belfast High School;
- St Michael's College, Enniskillen;
- Malone Integrated College;

- De la Salle College, Belfast; and
- Slemish College, Ballymena.

The scheme at Belfast High School is on site and expected to complete in 2016/17. The others are at design stage and are anticipated to move on site during 2016/17, subject to budget availability.

The Department of Education does not hold information on existing 3G pitches in maintained, voluntary grammar or grant maintained integrated schools.

**Mr Weir** asked the Minister of Education to detail the funding for the Community Education Initiatives programme.  
(AQW 54469/11-16)

**Mr O'Dowd:** The Community Education Initiatives Programme (CEIP) was funded in 2013/14 and 2014/15. The total funding made available was £4,030,000 over the two years (£2,030,000 in 2013/14 and £2,000,000 in 2014/15).

To ensure that activities were directed to the areas of greatest need the specification stipulated that the funding would be used to support activities in Neighbourhood Renewal Areas (NRAs) and a number of Super Output Areas (SOAs) experiencing high levels of educational deprivation.

Each partnership area or SOA was allocated a pro-rata share of the available funding, based on the number of eligible pupils resident in the target areas. The funding was made available under the terms and conditions used for Extended Schools funding and, therefore, a lead school was tasked with processing the payments.

**Mr Weir** asked the Minister of Education to detail the departmental funding for the Greater West Belfast schools project.  
(AQW 54470/11-16)

**Mr O'Dowd:** The funding provided to support the Greater West Belfast Schools Project is detailed in the table below.

Initiative	Cost (£000s)		
	2013/14	2014/15	2015/16
Greater West Belfast Schools Project	293	408	250

**Mr Weir** asked the Minister of Education to detail the schools that participate in the Easter schools initiative aimed at helping pupils improve their GCSE grades.  
(AQW 54471/11-16)

**Mr O'Dowd:** The Department does not operate an Easter Schools initiative.

In 2013/14, the Department provided total funding of £52,921 to four of the Belfast Area Partnerships to support the organisation and running of Easter Schools for GCSE mathematics in the city.

The West Belfast Partnership Board (WBPB) includes the provision of Easter Schools as part of its education programme and this provision has been delivered through a formal partnership with St Mary's University College since 2001.

In each of the years 2012/13, 2013/14 and 2014/15, an element (£20,000) of the Department's total funding to support the Full Service Community Network has been provided as a contribution towards the West Belfast Easter School. In 2014/15, the WBPB also used some of the funding provided by the Department for the West Belfast Community Project as a contribution to the overall cost of the West Belfast Easter School.

The WBPB has advised that pupils from the following schools participated in the 2015 Easter School:

- |                              |   |
|------------------------------|---|
| ■ Christian Brother's School | ■ Rathmore Grammar School                     |
| ■ Coláiste Feirste           | ■ St Dominic's High School                    |
| ■ Corpus Christi College     | ■ St Genevieve's High School                  |
| ■ De La Salle College        | ■ St Louise's Comprehensive College           |
| ■ Lagan College              | ■ St Mary's Christian Brothers Grammar School |
| ■ Malone College             | ■ St Roses Dominican College                  |

In addition to these schools, the Department is also aware that through the Extended Schools programme the following schools have offered Easter School provision to support their GCSE students:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| ■ Belfast Model School for Girls   | ■ Lumen Christi College, Londonderry |
| ■ Belfast Boys' Model              | ■ Strabane Academy                   |
| ■ St Brigid's College, Londonderry | ■ Glengormley HS                     |
| ■ Holy Cross College, Strabane     | ■ Edmund Rice College, Newtownabbey  |
| ■ St Joseph's Boys HS, Londonderry | ■ Movilla HS, Newtownards            |
| ■ St Mary's College, Londonderry   |                                      |

**Mr Weir** asked the Minister of Education what support his Department has given to the Easter schools initiative aimed at helping pupils improve their GCSE grades,  
(AQW 54472/11-16)

**Mr O'Dowd:** The Department does not operate an Easter Schools initiative.

In 2013/14, the Department provided total funding of £52,921 to four of the Belfast Area Partnerships to support the organisation and running of Easter Schools for GCSE mathematics in the city.

The West Belfast Partnership Board (WBPB) includes the provision of Easter Schools as part of its education programme and this provision has been delivered through a formal partnership with St Mary's University College since 2001.

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| ■ De La Salle College        | ■ St Louise's Comprehensive College           |
| ■ Lagan College              | ■ St Mary's Christian Brothers Grammar School |
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| ■ Holy Cross College, Strabane     | ■ Edmund Rice College, Newtownabbey  |
| ■ St Joseph's Boys HS, Londonderry | ■ Movilla HS, Newtownards            |
| ■ St Mary's College, Londonderry   |                                      |

**Mr Weir** asked the Minister of Education whether there will be a further tranche for the Voluntary Exit Scheme for departmental employees, and if so, to detail when this will take place.  
(AQW 54524/11-16)

**Mr O'Dowd:** The fifth tranche of exits under the NICS Voluntary Exit Scheme is the final tranche. There will be no further tranche because the Scheme has now closed.

**Mr Allister** asked the Minister of Education, pursuant to AQW 54117/11-16, whether he will now provide a response on the criteria applied by the Education Authority when admitting managers to the Voluntary Exit Scheme, given that was the original question.  
(AQW 54539/11-16)

**Mr O'Dowd:** The Education Authority's (EA) VES applications are prioritised to achieve the cost reductions identified in the EA centre budget agreed by the Board on 03 July 2015.

All VES applications must satisfy the following predetermined criteria and are considered on balance of savings delivery requirements and service provision, before staff can be approved for exit:

- it is a bona fide redundancy, that is, the post is being suppressed and it is not to be filled at a later date;
- there is a genuine reduction in the full time equivalent (FTE) staffing level and corresponding reduction in staffing budget, in line with the EA budget cost savings requirements, which is not to be increased at a later date;
- the proposal falls within the payback period of 3.25 years; and
- the proposal clearly sets out the impact that the permanent removal of a post will have on service delivery.

**Mr Agnew** asked the Minister of Education how many children that designate as no religion or none and that are entitled to free school meals, have left school without achieving five or more GCSEs including English and Maths broken down by (a) Maintained; (b) Controlled; (c) Integrated; (d) Irish-medium; and (e) gender in the last three years.  
(AQW 54557/11-16)

**Mr O'Dowd:** The answer is contained in the following table.

Number of school leavers designated as having no religion but with free school meal entitlement not achieving 5 or more GCSEs at grades A\*-C (or equivalent) including GCSE English and maths, by school and pupil characteristics, 2011/12 to 2013/14

		2011/12	2012/13	2013/14
a) Maintained		*	*	*
b) Controlled		73	107	95
c) Integrated		25	29	42
d) Irish-medium		N/A	N/A	N/A
e) Gender	Boys	52	72	79
	Girls	50	72	62

**Source:** School Leavers Survey

**Notes:**

- 1 Excludes special and independent schools.
- 2 Includes equivalent qualifications.
- 3 '\*\*' denotes fewer than 5 pupils.
- 4 'N/A' denotes no school leavers within given category.
- 5 Maintained includes Catholic Maintained and Other Maintained.
- 6 Integrated includes Controlled Integrated and Grant Maintained Integrated.

**Mrs D Kelly** asked the Minister of Education to detail the number of cases of truancy per Education and Welfare Officer.  
(AQW 54559/11-16)

**Mr O'Dowd:** Referrals are not categorised into truancy or otherwise, therefore the number of cases of truancy per Education Welfare Officer is not recorded or available.

The Education Authority Education Welfare Service (EWS) accepts referrals from schools in relation to pupils who are experiencing difficulties with regular attendance, where there is cause for concern, or where attendance has fallen below 85%.

It is the responsibility of the school to determine the nature of the absence and code the absence, in line with DE Circular 2015/02. The Circular identifies that absences from school are coded as either authorised, unauthorised or attendance not required.

**Mr Weir** asked the Minister of Education, pursuant to AQW 53717/11-16, what action he is taking to increase the proportion of nursery places in North Down.  
(AQW 54566/11-16)

**Mr O'Dowd:** The Education Authority (EA), informed by its Pre-School Education Advisory Groups, is responsible for ensuring there is adequate pre-school provision in local areas. The EA has assured me that it is working to make sure that there is sufficient provision in the North Down area to ensure that every child in their immediate pre-school year whose parent wishes to avail of a pre-school place can be accommodated. I will expect the Authority to keep the situation in North Down, and indeed across the north, under review as the pre-school admissions process continues to ensure this remains the case.

**Mr Weir** asked the Minister of Education, pursuant to AW 53717/11-16, why the figures for the overall nursery places in North Down are so low.  
(AQW 54567/11-16)

**Mr O'Dowd:** The Pre-School Education Programme (PSEP) was designed as a partnership between the statutory and voluntary/private sectors. Both sectors are equally valued for their contribution to the education of children, with both following common curriculum guidelines and subject to the same inspection standards. In considering the number of funded places in an area, therefore, it is important to include both statutory and voluntary providers.

The Education Authority (EA) is responsible for ensuring there is adequate pre-school provision in local areas. The EA has advised that it continues to work to ensure there is sufficient provision in the North Down Area.

**Mr Weir** asked the Minister of Education, pursuant to AQW 53717/11-16, to detail why full-time nursery places in North Down represent such a low percentage of overall nursery places compared to the rest of North Down.  
(AQW 54568/11-16)

**Mr O'Dowd:** Provision for pre-school provision can be part-time or full-time. The pattern of provision in local areas has developed over time, but all provision follows common curriculum guidelines and is subject to the same inspection standards.

Research has found no discernible difference in children's cognitive development at the start of primary school between those who attended full time and part-time pre-school provision.

Learning to Learn – A Framework for Early Years Education and Learning - was published on 7 October 2013. Among its key actions is placing a moratorium on any new or additional full-time provision or conversion from part-time to full-time (defined as over 4.5 hours) in advance of a review of the current levels of full-time provision, existing research and the needs of children being served by it.

**Mr Easton** asked the Minister of Education to detail any joined up approached and practices that exist between his Department and the Department of Health, Social Services and Public Safety on autism services.

**(AQW 54577/11-16)**

**Mr O'Dowd:** I fully recognise the importance of close collaboration between the Education and Health sectors in supporting all pupils with special educational needs (SEN), including those with autism. I will continue to cooperate with the Department of Health, Social Services and Public Safety (DHSSPS) to improve autism services.

The Autism Act 2011 required DHSSPS to lead on the development, implementation, monitoring and reporting of a cross-Departmental Autism Strategy and to report to the Assembly every three years. The Autism Strategy (2013-2020) and Action Plan (2013-2016) set out the NI Executive's commitment to improving services and support for people with autism, their families and carers, throughout their lives.

Since the launch of the Autism Strategy and Action Plan, in January 2014, my Department has been working closely with the Education Authority and the Middletown Centre for Autism on implementation of the education-related actions. These include delivering training programmes for teachers, educational professionals, youth workers and parents and providing ongoing effective support for pupils with autism. Formal arrangements are in place for collaborative working between the Autism Services in education and health, such as multi-disciplinary meetings; joint parental training, joint life-skills training and joint early intervention model.

My department is represented on the Autism Strategy Implementation Group which is collectively responsible for monitoring progress against actions and reflecting how implementation is progressing. My department will continue to work with other departments in supporting pupils with autism

I am confident that the education-related actions in the Action Plan will help to ensure that children and young people with autism are provided with high quality education services to meet their needs as they progress through the education system.

**Mr Agnew** asked the Minister of Education to detail the budget for his Department's arm's-length bodies, including the new Controlled Schools' Support Council in (a) 2015-16; and (b) 2016-17.

**(AQW 54583/11-16)**

**Mr O'Dowd:** My Department provided budget allocations to its Non Departmental Public Bodies in the 2015-16 financial year, as detailed in the table below:

	<b>Current 2015-16 Budget</b>
	£m
Comhairle na Gaelscolaíochta	0.8
Council for Catholic Maintained Schools	4.1
Education Authority	1,561.3
General Teaching Council for Northern Ireland	0.0
Middletown Centre for Autism	1.2
Northern Ireland Council for Integrated Education	0.6
Northern Ireland Council for the Curriculum, Examinations and Assessment	23.7
Youth Council for Northern Ireland	4.4

At present, work is progressing to establish the Controlled Schools' Support Council (CSSC) as agreed by the Executive in September 2014. As such, no budget has been allocated to the CSSC to date. In the interim period my Department continues to provide funding to support the Working Group set up to oversee the establishment of the CSSC.

In terms of 2016-17 budget allocations, I am currently working through the impact of the Budget 2016-17 outcome on the Education sector and have not yet come to any final decisions on 2016-17 allocations.

**Mr Agnew** asked the Minister of Education to detail the budget for the (i) Council for Catholic Maintained Schools; (ii) Northern Ireland Council for Integrated Education; and the (iii) Comhairle na Gaelscolaíochta in (a) 2014-15; (b) 2015-16; and (c) 2016-17; and (iv) Controlled Sector Support Council in 2016-17.

**(AQW 54587/11-16)**

**Mr O'Dowd:** My Department provided budget allocations to the Council for Catholic Maintained Schools, the Council for Integrated Education and the Comhairle na Gaelscolaíochta in the 2014-15 and 2015-16 financial years, as detailed in the table below:

	Final 2014-15 Budget £m	Current 2015-16 Budget £m
Comhairle na Gaelscolaíochta	0.8	0.8
Council for Catholic Maintained Schools	3.7	4.1
Council for Integrated Education	0.7	0.6

In terms of 2016-17 budget allocations, I am currently working through the impact of the Budget 2016-17 outcome on the Education sector and have not yet come to any final decisions on 2016-17 allocations.

**Mr Campbell** asked the Minister of Education to detail the number of times affirmative action in the form of welcome statements were included in job

advertisements in order to encourage protestant applicants to apply for posts in (a) 2014; and (b) 2015.

**(AQW 54616/11-16)**

**Mr O'Dowd:** In compliance with Article 55 of the Fair Employment and Treatment (NI) Order 1998, all 8 DE led recruitment competitions which were advertised in 2014 were referred to the Equality and Diversity Branch, Department of Finance & Personnel, for consideration as to whether it was appropriate to take positive affirmative action by including a 'welcome statement' in the job advertisements. As a result of these considerations, a 'welcome statement' was not included in any of the 8 job advertisements in 2014. There were no DE posts advertised in 2015.

**Mr McCrossan** asked the Minister of Education to detail the completion date for the Strule Shared Education Campus in Omagh.  
**(AQW 54624/11-16)**

**Mr O'Dowd:** I am pleased to advise that steady progress is being made in the delivery of the Strule Shared Education Campus, Omagh. The campus is on track to open in September 2020 with five post-primary schools relocating to the site at that time.

Construction of the first school on site, Arvalee School & Resource Centre, is well under way and the school will open in September 2016.

**Mr Easton** asked the Minister of Education to detail how much of his current budget has been assigned to deal with drug and alcohol abuse among young people.

**(AQW 54646/11-16)**

**Mr O'Dowd:** While my Department does not directly allocate funding to deal with drug and alcohol abuse among young people, it does support the development of young people's knowledge, understanding and skills to deal with issues such as drugs and alcohol.

In August 2015 the Council for the Curriculum, Examinations and Assessment (CCEA) published revised guidance on drugs education to primary and post-primary schools. CCEA has also produced resources which address the issue of drug and alcohol abuse to assist teachers in their delivery of the curriculum.

My Department provides funding to the Education Authority and the Youth Council to support youth provision. Health education programmes and interventions, which include drugs and alcohol awareness, are routinely provided for young people at youth clubs and units as part of the youth work curriculum.

It also provides funding for counselling support, available to all pupils of postprimary age, through the Independent Counselling Service for Schools (ICSS). The ICSS provides professional counselling to children and young people at vulnerable times in their lives.

The Department of Education is represented on the DHSSPS led New Strategic Direction (NSD) for Alcohol and Drugs Steering Group which oversees the ongoing policy development and delivery of the New Strategic Direction for Alcohol and Drugs Phase 2 (2011-16). The strategy outlines a fully integrated, inclusive and coordinated strategic direction for addressing alcohol and drug misuse.

**Mr Weir** asked the Minister of Education to detail the number of (i) administrative assistants; (ii) administrative officers; (iii) EO2; (iv) EO1; (v) staff officers; (vi) deputy principal; (vii) grade 7 staff currently employed in his Department.  
(AQW 54662/11-16)

**Mr O'Dowd:** The number of staff currently employed in my Department, in the requested grades, is set out in the table below.

Grade Name	Full Time Equivalent	Headcount
Administrative Assistant	17.33	18
Administrative Officer	100.29	112
Executive Officer II	76.17	82
Executive Officer I	43.21	47
Staff Officer	63.51	66
Deputy Principal	68.94	73
Grade 7	39.23	40

**Ms Sugden** asked the Minister of Education when he will confirm the North East Area Plan for primary and post-primary schools; (ii) when he will inform primary and post-primary schools of the outcome; and (iii) whether it will be in place for the 2016-17 school year.

(AQW 54693/11-16)

**Mr O'Dowd:** In line with the Area Planning cycle, I have commissioned the Education Authority (EA), working in conjunction with the Council for Catholic Maintained Schools (CCMS), and in discussion with sectoral support bodies to produce three separate regional plans; one for primary schools, one for post-primary schools and one for special schools. The Plans will cover the primary and post-primary sectors over three financial years with the next planning period commencing April 2017 through to March 2020.

The draft Area Plans along with the Year One Annual Action Plans are due to be submitted to the Department in July 2016. When the Department has endorsed the Plans, the EA will consult on them in the autumn.

**Mr Agnew** asked the Minister of Education to detail the number of staff in the (i) Education Authority; (ii) Council for Catholic Maintained Schools; (iii) Council for the Curriculum, Examinations and Assessment; (iv) Comhairle na Gaelscolaíochta; (v) General Teaching Council; and (vi) Northern Ireland Council for Integrated Education in each of the last three years.

(AQW 54701/11-16)

**Mr O'Dowd:** The number of staff (head count) in each of the organisations listed (i) – (vi) in the question, in each of the last three years, is as shown in the table below:

Organisation	Number of staff (head count) in each of the last 3 years		
	@ 31/03/13	@ 31/03/14	@ 31/03/15
(i) Education Authority (EA)	2674 <sup>1</sup>	2691 <sup>1</sup>	2707 <sup>1</sup>
(ii) Council for Catholic Maintained schools	53 <sup>2</sup>	563	62 <sup>4</sup>
(iii) Council for the Curriculum, Examinations and Assessment	370	382	397
(iv) Comhairle na Gaelscolaíochta	13	13	13
(v) General Teaching Council	15	16	17
(vi) Council for Integrated Education	13 <sup>5</sup>	11	10

1 Includes staff in EA Headquarters and out centres

2 53 staff on payroll + 3 agency staff (including 3 secondees)

3 56 staff on payroll + 8 agency staff (including 4 secondees)

4 62 staff on payroll (including 4 secondees)

5 Includes 2 International Fund for Ireland project staff

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43027/11-15, to detail (i) the rate per thousand of fifteen to seventeen year old pupils who had less than 85 per cent attendance in 2014-15, broken down by constituency.

(AQW 54734/11-16)

**Mr O'Dowd:** The answer to the question is in the table below

Table (i) The rate per thousand of pupil enrolments aged 15 – 17 years that had less than 85 per cent attendance in 2014-15 by constituency.

Constituency	Rate per thousand
Belfast East	82.0
Belfast North	125.0
Belfast South	71.5
Belfast West	122.7
East Antrim	65.2
East Derry	77.5
Fermanagh and South Tyrone	78.8
Foyle	113.3
Lagan Valley	56.3
Mid Ulster	71.8
Newry and Armagh	88.3
North Antrim	60.4
North Down	86.4
South Antrim	73.6
South Down	65.1
Strangford	82.9
Upper Bann	94.2
West Tyrone	89.5
North or Ireland	84.5

Source: School Census 2014-15

Notes to table:

- 1 Constituency refers to Northern Ireland Assembly Areas; geographic boundaries
- 2 It was not possible to assign a constituency to 285 pupil enrolments.
- 3 The rate per thousand for the 285 unassigned pupil enrolments in 2014-15 was 157.9

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43025/11-15, to detail (i) the rate per thousand of primary school pupils that had less than 85 per cent attendance in 2014-15, broken down by constituency.

**(AQW 54735/11-16)**

**Mr O'Dowd:** The answer to the question is in the table below

Table (i) The rate per thousand of primary school pupil enrolments that had less than 85 per cent attendance in 2014-15 by constituency.

Constituency	Rate per thousand
Belfast East	53.7
Belfast North	57.0
Belfast South	57.5
Belfast West	68.9
East Antrim	32.2
East Derry	27.4
Fermanagh And South Tyrone	30.5
Foyle	60.6

Constituency	Rate per thousand
Lagan Valley	33.0
Mid Ulster	36.0
Newry And Armagh	38.4
North Antrim	27.7
North Down	30.4
South Antrim	25.7
South Down	28.2
Strangford	33.1
Upper Bann	39.8
West Tyrone	33.9
North of Ireland	39.7

Source: School Census 2014-15

Notes to table:

- 4 Constituency refers to Northern Ireland Assembly Areas; geographic boundaries
- 5 It was not possible to assign a constituency to 754 pupil enrolments.
- 6 The rate per thousand for the 754 unassigned pupil enrolments in 2014-15 was 95.5

**Mr Beggs** asked the Minister of Education, pursuant to AQW 43024/11-15, to detail (i) the rate per thousand of post-primary school pupils that had less than 85 per cent attendance in 2014-15, broken down by constituency.

**(AQW 54736/11-16)**

**Mr O'Dowd:** The answer to the question is in the table below

Table (i) The rate per thousand of post-primary school pupil enrolments that had less than 85 per cent attendance in 2014-15 by constituency.

Constituency	Rate per thousand
Belfast East	94.1
Belfast North	143.7
Belfast South	71.7
Belfast West	130.5
East Antrim	89.3
East Londonderry	85.7
Fermanagh and South Tyrone	74.0
Foyle	110.9
Lagan Valley	74.2
Mid Ulster	71.9
Newry and Armagh	76.0
North Antrim	73.9
North Down	88.5
South Antrim	81.6
South Down	67.1
Strangford	98.8
Upper Bann	106.7
West Tyrone	93.4

Constituency	Rate per thousand
North of Ireland	90.9

Source: School Census 2014-15

Notes to table:

- 7 Constituency refers to Northern Ireland Assembly Areas; geographic boundaries
- 8 It was not possible to assign a constituency to 698 pupil enrolments.
- 9 The rate per thousand for the 698 unassigned pupil enrolments in 2014-15 was 204.9

**Mr McCallister** asked the Minister of Education what discussions he has had with the Secretary of State for Business, Innovation and Skills on the impact that the difference of GCSE grading systems, between Northern Ireland and England and Wales, may have on the enrolment of local students at English and Welsh universities.

(AQW 54753/11-16)

**Mr O'Dowd:** Decisions have already been taken by English Ministers to introduce a numerical GCSE grading system in England and I have no influence over that. Likewise it is for me to decide the GCSE grading system which should operate here.

Whilst I have not had direct contact with the Secretary of State for Business, Innovation and Skills in England, my officials and officials from the Council for the Curriculum, Examinations and Assessment (CCEA), as the regulator of general qualifications here, meet regularly with colleagues in the Universities and Colleges Admissions System (UCAS) in order to maintain ongoing dialogue about matters relating to university admissions.

It remains the case that individual universities determine their entry requirements and admissions policies. However, universities have made it very clear that systems are already in place to allow comparisons to be made between exam outcomes in the north of Ireland and other jurisdictions across these islands and beyond. My decision on GCSE grading does not change that.

**Mr McKay** asked the Minister of Education for an update on the proposal for a new build at Dunclug High School.

(AQW 54772/11-16)

**Mr O'Dowd:** I was delighted to announce capital investment for Dunclug High School in June 2014. The business case was approved for £18.6m, by Department of Finance and Personnel, at the end of January 2016.

The Education Authority is in the process of procuring an Integrated Design Team to take forward the design of the new build. It is currently too early in the process to give a timescale of when construction will commence.

**Mr Allister** asked the Minister of Education, given the planned relocation of Cullybackey Community College to an alternative site, whether he has considered a new build for Buick Memorial Primary School on the existing College site.

(AQW 54790/11-16)

**Mr O'Dowd:** I was delighted to announce Cullybackey College as part of my June 2014 announcement. Work is currently underway to progress the feasibility study for this project. A planning team was procured to assist with the issues for possible sites for the proposed new build for the school. A Traffic Impact Assessment has also to be carried out. Until the feasibility study has been completed, which will provide a clear indication of the most suitable site, it is not possible to consider any future use of the existing College site.

**Mr Allen** asked the Minister of Education what action his Department is taking to address educational underachievement.

(AQW 54809/11-16)

**Mr O'Dowd:** I have the correct policies such as 'Every School a Good School' and the 'Literacy and Numeracy Strategy' in place and these are being implemented with renewed vigour.

I have provided additional resources to schools serving those most at risk of underachieving, through the weighting of school funding, and through targeted programmes such as the Extended Schools and Full Service Programmes.

The Delivering Social Change (DSC) Literacy and Numeracy Signature Programme delivered tailored interventions to 18,000 young people from disadvantaged backgrounds and has made a significant contribution to the improved attainment levels in literacy and numeracy. I have funded a Legacy Programme that is currently being delivered to ensure that the best practice and learning developed through the DSC Programme can be disseminated across all schools.

I have also provided funding to support programmes aimed at improving school-parent and school-community links such as the Community Education Initiatives Programme and the West Belfast Community Project. In addition, my Education Works campaign is aimed at raising awareness of the importance of educational achievement and promoting the value of a good education whilst encouraging all parents to aspire to a better education and future for their children.

Other programmes that are impacting positively on addressing educational underachievement include the revised SEN and Inclusion framework; the full implementation of the Entitlement Framework; Sure Start; the Early Years fund; and the Achieving Belfast and Achieving Derry-Bright Futures Programmes.

However, to raise standards across our education system we need to remove the inequalities within the system, and that means removing academic selection. The continued use of academic selection is a barrier to addressing underachievement in disadvantaged communities. It damages children's confidence, their motivation to learn, and lowers their expectations of themselves, all of which contributes to the high levels of underachievement we are seeking to tackle.

**Mr A Maginness** asked the Minister of Education, pursuant to AQW 52813/11-16, why his Department does not provide funding to the Holocaust Education Trust; and whether he will consider doing so.  
(AQW 54892/11-16)

**Mr O'Dowd:** Teaching about the Holocaust is not a statutory requirement in our curriculum. The flexibility of our curriculum already provides pupils with the opportunities to explore the Holocaust and related issues under a number of Areas of Learning.

All funding applications received are prioritised according to greatest need against the available budget. I have no plans to provide funding to this organisation at present.

**Mr Craig** asked the Minister of Education to outline the impact the Investing in the Teaching Workforce scheme will have on employment opportunities for teachers that qualified more than three years ago.  
(AQO 9751/11-16)

**Mr O'Dowd:** It was the teacher unions who brought this idea to me in 2012; At the time, I did not have funding to develop this proposal further or to implement it.

Most recently, I secured agreement from the Executive, for the Public Sector Transformation Fund to be used for this Scheme. The £33 million was secured on the basis that the overall aim of the Scheme is to refresh the teaching workforce, through the release of teachers aged 55+, and recruit recently qualified teachers.

Whilst this Scheme is not about saving money, in line with all Schemes funded by the Public Sector Transformation Fund, the funding was secured on the basis that the Scheme would realise cost savings.

This Scheme will provide up to an additional 500 teaching job opportunities which would not otherwise exist.

In addition to these new jobs, in each of the last 5 years there have been in the region of 500 permanent teaching posts and in excess of 250 meaningful temporary teaching posts, which are jobs of 6 months or longer.

However, for these 750 job opportunities, teachers with the least experience, that is the most recently qualified, have often been sifted out before interview, effectively eliminating them from these opportunities. Where is the Equality for them? Who speaks for them?

I have been challenged to open up this Scheme to any teacher without a permanent post?

If that's what some members want me to do, then I could take that proposal to the Executive.

But you need to understand that by doing this the Scheme will:

- not refresh the teaching workforce;
- not provide job opportunities for those who have experienced the greatest difficulty in securing meaningful employment; and
- not save any money. In fact it will cost the public purse an additional, substantial amount of money, on top of the £33 million already secured to fund the Scheme.

If I'm able to secure that agreement from the Executive – and it is a big if - then I can assure the House that this Scheme will not run again; it will be a one off.

Because – to do it means the Executive will have to cut other services.

Or, the Scheme can run as intended, with the job opportunities open to those teachers who have qualified most recently.

This year the Scheme would run as a pilot, with every chance of being successful.

Then it could run again, given that the Public Sector Transformation Fund is available for the next few years.

**Mr McAleer** asked the Minister of Education to outline the impact the additional £20m funding in the 2016/17 Education budget will have on his Department's priorities.  
(AQO 9755/11-16)

**Mr O'Dowd:** The cuts to public expenditure by the Westminster Government continue to negatively impact on the Block Grant. Following the Executive's agreement of Budget 2016-17 on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am currently working through the impact of the Budget 2016-17 outcome on the Education sector and have not yet come to any final decisions on 2016-17 budget allocations.

My deliberations on the final budget allocations for 2016-17 will seek to maintain the provision of frontline services within the Education sector, while attempting to minimise the level of any cuts to individual schools' budget allocations.

The additional £20m announced by the Finance Minister on 12 February 2016, which will be made available to my Department as part of the June 2016-17 Monitoring round, will go some way to protecting the provision of frontline services within Education.

My aim is to have reached final decisions on my Department's 2016-17 budget allocations within the next few weeks, to allow for early notification.

**Mr Humphrey** asked the Minister of Education to outline the support his Department can provide to The Greater Shankill Children and Young People Zone.

**(AQO 9758/11-16)**

**Mr O'Dowd:** I am encouraged by the continued commitment shown by all those involved in taking forward the work to develop and implement the Children and Young People Zone.

I welcome in particular the buy-in and support that the Zone has received both from within the community and externally. I am heartened that the community itself recognises that this is more about partnerships between the community itself and local schools, and between the various statutory agencies that already provide support and fund interventions.

Schools serving the Greater Shankill area have benefitted from Departmental funded programmes such as Extended Schools, Full Service Schools, the West Belfast Community Project and Achieving Belfast.

Schools in the area will also have benefitted from the increased funding made available to support underachievement in schools serving our most disadvantaged communities.

Officials in my Department including the Education and Training Inspectorate have provided support and guidance over the past 18 months and will continue to provide that support.

An Inter-departmental Group comprising senior officials has been established to explore how support might be provided in a cross-cutting manner to the Zone and to receive updates on progress.

**Mr G Kelly** asked the Minister of Education, following changes made to the Common Funding Scheme, to outline how much funding since 2011 has been allocated to schools to specifically help target social disadvantage and underachievement.

**(AQO 9761/11-16)**

**Mr O'Dowd:** Between 2011-12 and 2015-16, £316.5 million has been distributed to schools to help them support pupils identified as being socially disadvantaged and underachieving.

Total funding distributed under the Targeting Social Need (TSN) elements of the funding formula reflect changes introduced during this time to extend eligibility criteria for entitlements to free school meals, for parents/guardians in receipt of Working Tax Credit.

Additionally, I introduced changes to the funding distributions to schools, from 2014-15, by increasing the social deprivation funding elements and including the provision of the 'Additional Social Deprivation' factor (£10m) in funding distributions. This was to address under achievement in schools serving our most disadvantaged communities.

**Mr Gardiner** asked the Minister of Education to outline the planned investment in the schools estate in Upper Bann.

**(AQO 9762/11-16)**

**Mr O'Dowd:** Since 2012 I have announced a number of Major Capital and School Enhancement Projects in the Upper Bann constituency representing an investment of some £90m.

The School Enhancement Programme projects include Donard Special School and Millington Primary School both of which are at construction stage and Ceara Special School that is about to commence on site. Also included is the project for New Bridge Integrated College, Banbridge that is currently at design stage.

I was delighted to attend the official opening of St Teresa's Primary School in Lurgan last week. This project provided an investment of some £4 million. Tannaghmore Primary School, Lurgan and St Mary's Primary School, Banbridge are currently on site at estimated total capital costs of £7.3m and £6.8m respectively.

It is anticipated that St Ronan's College will not commence construction until the 17/18 financial year. Portadown Integrated Primary School and Lismore Comprehensive will have similar timeframes.

These projects represent a significant investment for the constituency not only in economic terms but will also benefit the staff, children, parents and the community of the area. All projects that are not contractually committed will, however, be subject to funding being available to permit the project to proceed to tender stage.

I am considering making a further Major Capital announcement for primary schools before the end of this mandate. A number of schools in the Upper Bann constituency are currently being considered by my Department for inclusion in this announcement.

**Mr Ó Muilleoir** asked the Minister of Education for an update on the request of Cairnshill Primary School for new premises.  
(AQO 9763/11-16)

**Mr O'Dowd:** I visited Cairnshill Primary School on 16 February 2016 and confirmed that I am considering the merits and feasibility of making a further major capital announcement, before the end of the current mandate, for projects in the primary sector to proceed in planning. The school Managing Authorities were asked to submit a limited number of priority proposals for consideration and I can confirm that the Education Authority has included Cairnshill Primary School as one of their potential projects.

Due to the many demands on the Department's capital budget all projects that are prioritised by the Managing Authorities for investment are considered, by my Department, against a protocol to determine those that should proceed in planning at that time.

It will therefore depend on the score achieved against the protocol by the school and the budget that I consider will be available in the forthcoming years whether this school will be successful to be announced for a new build in this current mandate.

**Ms Fearon** asked the Minister of Education for an update on the new build project for St Joseph's High School, Crossmaglen.  
(AQO 9764/11-16)

**Mr O'Dowd:** The business case for this project was approved at a cost of £15m in December 2015 and an Integrated Consultant Team has been appointed to take forward the project as a 'design and build'.

The project is currently at an early design stage however a current estimate for the start of the construction phase is the spring of 2017 with completion in the summer of 2019. These timescales may be subject to change.

**Mr McElduff** asked the Minister of Education to outline his Department's main achievements since May 2011.  
(AQO 9765/11-16)

**Mr O'Dowd:** The Department of Education's main achievements since May 2011 are many and include:

#### **Programme for Government (PfG) targets**

- Improved literacy and numeracy levels among all school leavers, with additional support targeted at underachieving pupils.
- Provision of one year of pre-school education to every family that want it (99.9% of children obtained a funded pre-school place).
- All Programme for Government (PfG) commitments in relation to Shared Education were achieved, including:
  - work on the Strule Shared Education Campus; and
  - ensuring all children have the opportunity to participate in Shared Education programmes.
- PfG milestones achieved for overall proportion of school leavers achieving at least five GCSEs at A\* to C including Maths & English.

#### **Other Achievements**

- £665m in capital investment, in the education and youth estates.
- Area planning is now firmly embedded, with support structures and processes in place.
- Investing in the teaching workforce, and in new technologies in schools.
- Raising standards in schools where areas for improvement are identified through a programme of inspections.
- Addressing inequalities by closing the performance gap and tackling underachievement, including changes to the Common Funding Formula to redirect funding to where it is most needed.
- The Education Works campaign.
- Continued investment in targeted early intervention programmes such as Sure Start (including expansion to 25% most disadvantaged areas) and the Pathway Fund.
- Publication of Learning to Learn and Priorities for Youth.
- The SEND Bill and SEN review.
- Introduction of Anti-Bullying legislation to the Assembly.
- The Entitlement Framework.
- Securing additional funding, and improving the Education and Schools budgets.
- Improved administration efficiency in DE.
- Collaboration with DES in the South through the medium of the North/South Ministerial Council.

## Department for Employment and Learning

**Ms Sugden** asked the Minister for Employment and Learning to detail the student intake at the Ulster University Coleraine campus in each of the last five academic years.

**(AQW 54175/11-16)**

**Dr Farry (The Minister for Employment and Learning):** The table below shows the number of enrolments at Ulster University Coleraine campus each year from 2010/11 to 2014/15.

Academic year	Enrolments at UU Coleraine
2010/11	5,350
2011/12	5,275
2012/13	5,195
2013/14	5,330
2014/15	5,205

**Mr Allister** asked the Minister for Employment and Learning how much his Department has spent on producing material in Irish in each of the last three years.

**(AQW 54373/11-16)**

**Dr Farry:** The amount of money spent by my Department on producing material in Irish in each of the last three financial years was as follows.

- 2012 – 2013      £3,470
- 2013 – 2014      £8,595
- 2014 – 2015      £5,941

**Mr Swann** asked the Minister for Employment and Learning for a breakdown of the 353 Maximum Student Number places awarded to each regional college since 2011.

**(AQW 54432/11-16)**

**Dr Farry:** The table below details the breakdown of the 353 additional Maximum Student Number (MaSN) places allocated to the regional colleges since 2011.

College	Additional MaSN Places since 2001
Belfast Metropolitan	-57
Northern Regional	80
South Eastern Regional	47
Southern Regional	26
South West	182
North West Regional	75
<b>Total</b>	<b>353</b>

**Mr Swann** asked the Minister for Employment and Learning, pursuant to AQW 52613/11-16, how each college achieved against these figures.

**(AQW 54433/11-16)**

**Dr Farry:** The attached table (overleaf) details the Maximum Student Number (MaSN) allocation by regional college for academic years 2012 to 2015 and their performance in terms of actual enrolment against allocation in each of these years. The 2015/16 outturn figures will not be available until November 2016.

College	Enrolments 2012/13		Enrolments 2013/14		Enrolments 2014/15		Enrolments 2015/16	
	allocation	outturn	allocation	outturn	allocation	outturn	allocation	outturn
Belfast Metropolitan	1463	1433	1444	1406	1434	1470	1434	Not Available Until November 2016
Northern Regional	266	257	282	260	332	307	332	
South East Regional	533	522	557	520	580	552	580	
Southern Regional	539	538	555	543	565	516	565	
South West	420	430	542	524	565	581	565	
North West Regional	635	635	660	658	710	709	710	
<b>Totals</b>	<b>3,856</b>	<b>3815</b>	<b>4,040</b>	<b>3911</b>	<b>4,186</b>	<b>4135</b>	<b>4186</b>	

Maximum Student Number allocation and outturn by regional college for academic years 2012 to 2015

**Mr McMullan** asked the Minister for Employment and Learning, pursuant to AQO 9591/11-16, to list the stakeholders from the tourism sector that will advise on how the skills analysis should be undertaken.

**(AQW 54443/11-16)**

**Dr Farry:** My Department established a Steering Group made up of stakeholders representing the tourism sector to provide advice on how the skills analysis should be undertaken. This Steering Group has an advisory role and provides guidance to officials on the oversight of the research project.

The membership of the group reflects the multi-faceted nature of the tourism sector and includes those who can represent events, festivals, accommodation, restaurants, food service, pubs, bars, clubs, visitor attractions, arts and cultural venues, tourist and travel services and activity tourism.

Organisations represented are:-

- Finn Lough;
- North West 200;
- MCI Group
- James Street South Restaurant;
- Peak Discovery;
- Beannchor Group;
- Titanic Belfast;
- National Trust;
- Airporter;
- People 1st;
- InvestNI; and
- Tourism NI

**Mrs Cameron** asked the Minister for Employment and Learning whether Training for Women's Network has been paid for Collaboration and Innovation Fund work carried out up to 31 March 2015.

**(AQW 54503/11-16)**

**Dr Farry:** The Training for Women Network has been paid for all outstanding claims for work carried out under the Collaboration and Innovation Fund up to 31 March 2015.

**Mr Easton** asked the Minister for Employment and Learning what are the costs and challenges associated with bringing Stranmillis College up to standard.

**(AQW 54533/11-16)**

**Dr Farry:** Stranmillis University College has made considerable investment in its Estate and this has been supported by capital grant funding from my Department. The College's 2014-2017 Estates Strategy projected capital expenditure of £9.5m in the four year cycle 2013-14 to 2016-17. The College has spent £7.1m, including funding from my Department of £4.3m on its estate in the first two and a half years of this cycle, and as a result it is estimated that the percentage of buildings with Condition Status of B or above has increased by 17% to 78%.

**Mr Weir** asked the Minister for Employment and Learning to detail the statutory rates for an employee that is above the pension age when they are made redundant.

**(AQW 54569/11-16)**

**Dr Farry:** I can advise the member that responsibility for the administration of the Northern Ireland Statutory Redundancy Guarantee Scheme sits with the Department for Employment and Learning. The current statutory redundancy maximum for an employee of any age is £500 per week.

**Mr McKinney** asked the Minister for Employment and Learning (i) to detail the (a) matched; and (b) unmatched European Union funding his Department has spent in South Belfast in each of the last ten years; and (ii) where this money was spent. (AQW 54604/11-16)

**Dr Farry:** The European Social Fund (ESF) is the Department's primary source of funding from the European Union. The overall strategic aim of the current Northern Ireland ESF Programme 2014-2020 is to combat poverty; enhance social inclusion by reducing economic inactivity; and increase the skills base of those currently in work and future potential participants in the workforce. The Programme is delivered through a variety of employability-focussed projects across Northern Ireland.

Funding under the Voluntary and Community strand of the current ESF Programme is based on 40% European Commission contribution; 25% DEL contribution; and 35% private or public match funding contribution through a variety of different funding sources.

Funding under the Government Programmes strand of the ESF Programme is based on 40% European Commission contribution; and 60 % DEL contribution. However, the Programme operates on a NI-wide basis, and the Department cannot accurately identify the costs which relate to a specific constituency.

The Department is only required to retain financial records for the preceding seven years. The tables below set out the amounts of funding awarded to a variety of projects under the Voluntary and Community strand which were headquartered in South Belfast:

**Voluntary and Community Strand of ESF Programme – South Belfast**

Financial Year	European Commission ESF Contribution (40%)	DEL Contribution (25%)	Match Funding (35%)
2008/09	£2.74m	£1.71m	£2.4m
2009/10	£3.06m	£1.92m	£2.7m
2010/11	£3.17m	£1.98m	£2.77m
2011/12	£2.95m	£1.84m	£2.58m
2012/13	£3.06m	£1.91m	£2.67m
2013/14	£4.07m	£2.54m	£3.56m
2014/15	£4.17m	£2.6m	£3.65m

**Ms McGahan** asked the Minister for Employment and Learning what are the proposed legislative changes for implementing the new student support scheme; and to outline the timescale for the implementation of these changes. (AQW 54676/11-16)

**Dr Farry:** The new support package for part-time undergraduate students will require amendments to The Education (Student Support) (No.2) Regulations (Northern Ireland) 2009 and also, in all likelihood, to The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 which provide the statutory framework for making student support payments and for the collection of loan repayments respectively.

The new package will be introduced for academic year 2017/18 at the earliest, depending on the capacity of the Student Loans Company. Since students are generally able to apply for student support from the February before the start of an academic year, the Department would normally make any legislative changes well in advance to give the Student Loans Company sufficient time to implement the changes to their systems.

**Mr McAleer** asked the Minister for Employment and Learning for an update on the progress made on the European Social Fund 2014-2020. (AQO 9768/11-16)

**Dr Farry:** I am pleased to report all 66 projects under the 2014-2020 Programme are now fully up and running, with the Programme providing funding of £112million, which will significantly contribute to the Programme's overall target of supporting 42,000 people.

Many of the projects have been operational since April last year, while some other EU-funded programmes from the 2014-2020 funding round, both here and in other parts of the UK, have yet to initiate their application processes.

As the first year of the Programme draws to a close, I am also pleased at the level of match-funding support that my Department has been able to provide for a significant number of projects.

In order to ease cash-flow issues for the new projects, I have agreed to my Department implementing an interim measure, whereby 100% of the ESF/DEL contribution in unpaid claims is paid now and vouched later. Applying this process has alleviated initial financial pressures which the projects have experienced, and work continues apace to ensure that all claims are subsequently fully vouched, in line with audit requirements.

In tandem with this, the Department has brought further staff into the ESF Managing Authority, in order to assist with the vouching of all claims.

I am confident that this combination of short-term measures has gone a significant way to addressing the backlog of claims, and will soon bring the Managing Authority to a position whereby it can efficiently vouch each individual claim, as and when it arrives.

My Department's key priority in developing any element under the 2014-2020 European Social Fund Programme is to ensure that the participants receive the best possible training and education available to them.

The primary rationale is to ensure quality throughout education and training across Northern Ireland. We cannot, and should not, lose sight of the fact that it is the participants on ESF Projects, and therefore the quality of training they receive, that should remain our primary focus.

My officials are working with ESF providers to develop a policy paper, to examine where any justifiable flexibilities may lie in relation to the teaching qualification requirement. They are working to conclude this exercise before the end of March. However, it is important that the rationale for the introduction of this requirement is clearly understood.

**Mr Givan** asked the Minister for Employment and Learning how Higher Education institutions tailor courses to meet the needs of industry.

**(AQO 9769/11-16)**

**Dr Farry:** My Department's higher education strategy, Graduating to Success, recognises the need to rebalance the profile of course provision so that it more closely reflects the needs of the economy. We continue to work with the sector to achieve this and we are now seeing more enrolments in economically key science, technology, engineering and maths disciplines. In 2014/15, 22% of graduates were in STEM disciplines, up from 18% in 2008.

Universities also work in partnership with employers and other professional bodies to ensure that their course provision remains attuned to the needs of the economy.

For example, both universities have industrial advisory panels and the majority of courses are accredited by professional or regulatory bodies.

The Northern Ireland skills barometer forecasts a shortfall of skills supply at levels 4 and above, and predicts that these shortages will intensify over the next decade, particularly in the context of a lower rate of corporation tax from 2018.

Our further education colleges are already delivering many qualifications at levels 4 and 5, and my Department is taking further innovative action by piloting higher level apprenticeships, most of which are underpinned by a foundation degree.

I am also encouraged to see degree-level pilots emerge with a university as the lead provider, and I expect this to represent an important way forward for universities over the coming years, as I believe this is the model best attuned to delivering employers' skills requirements.

The nature of apprenticeships also ensures that employers are involved in the delivery of the training, and our use of sector partnerships also places them at the heart of the development process.

My Department will continue to work with the further and higher education sectors and with industry to ensure that higher education provision will meet industry needs and provide flexible models of delivery.

**Mr McCartney** asked the Minister for Employment and Learning for an update on the Developing Modern, Efficient and Effective Employment Tribunals consultation.

**(AQO 9773/11-16)**

**Dr Farry:** The consultation ran for 12 weeks from July to September last year and was the culmination of significant work to develop new tribunal rules and procedures.

The consultation included draft rules of procedure developed on the basis of recommendations from the tribunal rules committee, which consists of judiciary and legal representatives, following my request to it to make recommendations taking into account good practice developments in Great Britain and the specific needs of Northern Ireland tribunal users.

My Department received 27 responses to the consultation. Having completed preliminary analysis of these, officials briefed the Employment and Learning Committee on 17 February 2016 on their content.

Stakeholders have generally welcomed proposals to streamline and improve the rules and procedures governing tribunals. There is a welcome for the Department's commitment to improving the accessibility of the system, and constructive suggestions have been put forward not only in relation to the procedures themselves, but more broadly concerning measures to assist users, particularly vulnerable users, to access the system.

Taking account of the findings from the consultation, a final set of tribunal rules will now be developed on the basis of final engagement with the tribunal judiciary and legal advice. To give sufficient time to prepare improved guidance, refresh IT systems and establish linkages to Labour Relations Agency early conciliation, these will be introduced on 03 April 2017, subject to Ministerial approval.

A working group will be established to review and improve available information and guidance to help users better understand the system and what they can expect from a tribunal process.

**Ms Ruane** asked the Minister for Employment and Learning for an update on the Careers Strategy: Preparing for Success. (AQO 9776/11-16)

**Dr Farry:** I am pleased to announce that earlier today the Minister of Education and I launched Preparing for Success 2015-2020, the joint Careers Strategy between our Departments.

This is a comprehensive refresh of the existing strategy and takes account of the recommendations from the Employment and Learning Committee's inquiry, as well as the findings of the independent review, which Minister O'Dowd and I commissioned in 2014, and other recent publications by employer organisations.

Preparing for Success 2015-2020, sets out both Departments' strategic vision for careers education and guidance for this five year period. Last May, Minister O'Dowd and I agreed a joint action plan to be taken forward during 2015-2016.

My Department has taken forward four projects over the past year.

The first project aims to develop an accountability and quality assurance framework so that individuals, parents, employers and other stakeholders know what they can expect from the careers system. A statutory duty to ensure the provision of impartial careers guidance is also being introduced.

The second project has focused on the development of delivery mechanisms, making the best use of technology and improving the use of labour market information.

The third has produced webpages with information for pupils, parents and employers on work experience. The next stage will develop a central online system to advertise work experience opportunities.

The fourth project has further improved access to impartial careers advice including additional support for those at risk of becoming disengaged and for those with barriers, and more advice to parents.

Minister O'Dowd and I have also established a careers advisory forum consisting of representatives from business, education and other key stakeholder groups.

All of the key commitments within the action plan are now either complete or ongoing and a new action plan for 2016-2017 has been agreed.

**Mr Cree** asked the Minister for Employment and Learning for an update on the completion of the European Social Fund 2007-2013. (AQO 9777/11-16)

**Dr Farry:** My Department is continuing to process final claims from projects originally funded as part of the 2007-2013 ESF Programme. Additional staff have been brought on board to assist with this process, and to ensure that it is completed as soon as possible. Consequently, 83 of the 95 projects have now received full payment under the Programme.

Work continues apace to ensure that all remaining projects are paid up in full, and officials are continuing to work with the relevant auditors on the process of formal closure, which will continue over the coming year.

**Mr Wells** asked the Minister for Employment and Learning to outline the steps his Department is taking to address the local shortage of qualified electricians. (AQO 9778/11-16)

**Dr Farry:** Figures at the quarter ending July 2015 show occupancy on the ApprenticeshipsNI Programme in Electrical Distribution and Transmission Engineering was 75; Electrical Power Engineering, 21 and Electro Technical, 524.

Looking ahead, following the publication of new strategies for Youth Training and Apprenticeships, it is my ambition that the Northern Ireland's new system of apprenticeships and traineeships, which will be fully rolled out by 2017, will be of a gold standard and will form a key part of the skills landscape.

The new model will ensure that, for "in demand" occupations such as electricians, an apprenticeship will deliver the skills and qualifications that employers require and that individuals need to progress in their career.

**Mr Weir** asked the Minister for Employment and Learning for an update on the North Down Jobs Fair in Bangor. (AQO 9779/11-16)

**Dr Farry:** The North Down Jobs Fair, which is being facilitated by my Department with support from Ards and North Down Borough Council, will be held on Thursday 25 February 2016, in the Marine Court Hotel, Bangor and will run from 10am until 4pm.

Forty four employers have registered their interest in attending, including those who have vacancies in the aerospace, manufacturing and engineering industries. For example, The Gill Corporation Europe Ltd, Magellan Aerospace Ltd, Kane Engineering, Nitronica, TG Eakin, the Royal Air Force and British Army.

A number of Support Organisations have also been invited to attend, for example, South Eastern Regional College, Libraries NI, Prince's Trust, People 1st and North Down Training Ltd.

My Department's Careers Service, Disability Employment Service and European Employment Services will also be on hand to support jobseekers into employment.

The event will provide careers guidance, job club and online job search. British and Irish signers will also be available to assist anyone with a hearing impairment.

A free bus service will be available to the event from several locations throughout the North Down and Ards area.

I would like to take this opportunity to thank some of my assembly colleagues for their assistance with this event. In particular, I would like to thank Alex Easton MLA and Simon Hamilton, MLA for their valuable contribution in influencing employers to attend the event and promotion of this event to their constituents.

## Department of Enterprise, Trade and Investment

**Mr Boylan** asked the Minister of Enterprise, Trade and Investment how much funding his Department gave to assist with the development of Camden Glass' new facility in Antrim.

**(AQW 53580/11-16)**

**Mr Bell (The Minister of Enterprise, Trade and Investment):** Invest NI has offered support totalling £174,759 to the Camden Group in the last five years.

This support has primarily been targeted at assisting Camden develop new markets for its products and improve its marketing capability. Invest NI has also offered assistance through Carbon Trust Loans and the Resource Efficiency Programme. These offers have included support for all of the company's production facilities.

**Mr McKinney** asked the Minister of Enterprise, Trade and Investment for his assessment of the impact on rural communities of his decision to close the Renewable Heat Incentive Scheme.

**(AQW 54041/11-16)**

**Mr Bell:** Heat produced by renewable heat installations incentivised through the non-domestic Renewable Heat Incentive (RHI) is used for a wide variety of purposes. However, data relating to Standard Industrial Classification suggests that a large proportion of applications are from industries commonly associated with rural areas, in particular, the poultry sector. Similarly, various factors suggest uptake of the Domestic RHI may be higher in rural areas.

Therefore, it can be assumed that the RHI disproportionately advantages rural households and businesses.

As existing installations will continue to be supported for up to 20 years, bringing around an additional £130 million investment into Northern Ireland over the next 5 years to add to the £50 million already supplied under the schemes, this general advantage to rural communities will continue.

As I set out in the plenary debate on The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016, keeping the RHI open to new applications would place additional pressure on the Executive's budget from 2016/17. This could have negative impacts for other sectors.

**Ms Sugden** asked the Minister of Enterprise, Trade and Investment what support his Department has offered to help new businesses to set-up and expand in East Londonderry in each of the last two years.

**(AQW 54080/11-16)**

**Mr Bell:** Invest NI has offered £2.59million of support in 2013-14 and £1.53million in 2014-15 to help businesses undertake start up or expansion projects in the East Londonderry constituency area.

In addition to this almost £800,000 was offered to External Delivery Organisations or Universities based in the East Londonderry constituency area, the benefits of which will not necessarily be restricted to the constituency but also to businesses across the whole of Northern Ireland.

**Mr Murphy** asked the Minister of Enterprise, Trade and Investment to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54102/11-16)**

**Mr Bell:** The Department of Enterprise, Trade and Investment and its arms length bodies have spent the following amounts on Energy Bills in the financial years as shown:

		2011-2012	2012-2013	2013-2014	2014-2015	2015-31st Jan 2016
DETI	Gas Electricity Total	£51422 £145575 £196997	£61613 £146706 £208319	£60556 £136335 £196891	£58946 £129635 £188581	£40308 £102836 £143144
Health & Safety Executive	Gas Electricity Total	£ 5480 £ 9053 £14533	£ 6454 £20042 £26496	£ 6491 £14945 £21436	£ 5865 £13158 £19023	£ 3197 £10050 £13247
*Consumer Council	Electricity	£14473	£16184	£16634	£14323	£10128
Tourism NI	Gas Electricity Total	£ 9736 £48358 £58094	£10367 £51971 £62338	£ 9872 £57779 £67651	£12240 £37453 £49693	£7840 £31065 £38905
Invest NI	Total	£196316	£217784	£205128	£148697	N/A**

We have interpreted energy bills as major utilities and have used financial years as that is more compatible with our management systems. Financial year 2015 – 2016 figures are provided up to 31st January 2016

\* Gas heating costs for the Consumer Council's former premises in Elizabeth House were included in the service charge and therefore a discrete cost is not available. Gas figures for their new shared occupancy building Seatem House are not yet available, following their move in summer 2015.

Figures are provided for Invest NI premises within Northern Ireland. The utility charges for overseas offices are bundled with rental agreements and it is not practical to identify these costs separately.

\*\* It should be noted that the energy costs for Invest NI's HQ building are carried by the private finance initiative (PFI) and an annual reconciliation of utility charges occurs at the end of each year. This is not yet available for 15/16.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment whether his Department made any monitoring round bids since 2015 to secure funding to carry out a resource survey of the amount and quality of sand remaining within Lough Neagh Special Protection Area; and if so, (i) how much was the bid; and (ii) whether the bid was successful.

**(AQW 54122/11-16)**

**Mr Bell:** No, my Department has not made any monitoring round bids since 2015 to secure funding to carry out a resource survey of the amount and quality of sand remaining within Lough Neagh Special Protection Area.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment, in relation to Part 2 of PL1/10, whether a Firm Well Commitment was made before the Break Point; and if so, whether the associated financial and technical capacity was in place.

**(AQW 54123/11-16)**

**Mr Bell:** Under Petroleum Licence PL1/10 the Licensees were required to inform my Department by 3 March 2016 whether they wished to commit to drilling a well or to relinquish the Licence – “drill or drop”.

This drill or drop break point was satisfied on 10 February 2015 when Infrastrata plc confirmed in writing to DETI, the Licensees' intention to drill a well under PL1/10.

At this break point DETI remained satisfied of the Licence holders' capacity to fulfil its obligations under the Licence in accordance with the terms of the Licence and its enabling legislation.

**Mr Weir** asked the Minister of Enterprise, Trade and Investment to detail the quarries that are (i) operating; and (ii) no longer operating in North Down.

**(AQW 54144/11-16)**

**Mr Bell:** The Health and Safety Executive for Northern Ireland (HSENI) is responsible for inspecting active quarries.

HSENI has no responsibility for abandoned quarries (which are the responsibility of local councils).

The quarries that are currently operating in North Down (taking North Down to mean North Down and Ards District Council area) are as follows: -

- Ballybarnes Quarry, 61 Ballybarnes Road, Newtownards;
- Craigtanlet Quarry, 73 Hollywood Road, Newtownards;
- Ballystockart Quarry, Ballystockart Road, Comber;
- Miskelly's Quarry, 29 Moss Road, Ballygowan.

List of Quarries no longer operating that have registered as closed with HSENI are as follows;

- Carrowdore Quarry, 41 Manse Road, Carrowdore;
- Cairnhill Quarry, 27 Hollywood Road, Newtownards.

**Ms McGahan** asked the Minister of Enterprise, Trade and Investment to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54152/11-16)**

**Mr Bell:**

Financial Year	Type of Funding	Amount of Funding £
2011/12	Telecommunications infrastructure and services* Invest NI assistance**	5,087,258 2,990,000
2012/13	Tourism NI Capital Funding Programmes Tourism Events Funding Tourism NI Regional Development Telecommunications infrastructure and services* Renewable Heat Incentive Invest NI assistance**	159,527 100,000 400,000 709,386 19,460 5,040,000
2013/14	Tourism Events Funding Telecommunications infrastructure and services* Renewable Heat Incentive Invest NI assistance**	90,000 4,897,324 216,143 6,570,000
2014/15	Tourism NI Capital Funding Programme Tourism Events Funding Tourism NI Regional Development Telecommunications infrastructure and services* Renewable Heat Incentive Invest NI assistance**	698,500 167,200 15,000 11,000,001*** 1,362,632 10,770,000
2015/16****	Tourism Events Funding Telecommunications infrastructure and services* Renewable Heat Incentive Invest NI assistance**	130,050 4,391,809 4,617,503 Not yet available
	<b>Total</b>	<b>59,431,793</b>

\* While postcode areas within the Fermanagh and South Tyrone are included in the intervention area for these projects, due to the nature of the deployment, it is not possible to disaggregate the level of investment by constituency. The figures shown therefore reflect total expenditure across Northern Ireland.

\*\* Invest NI figures are rounded and 2014-15 are the latest available Invest NI figures

\*\*\* includes £5m from DARD

\*\*\*\* 2015/16 part year figures

**Ms Sugden** asked the Minister of Enterprise, Trade and Investment to detail the (i) total investment in; and (ii) economic output from tourism in each constituency for each of the last three years.

**(AQW 54173/11-16)**

**Mr Bell:**

(i) Tourism NI and Invest NI's total investment in tourism in each constituency for each of the last three years is as follows:

**Tourism Northern Ireland:**

**Table 1: Capital Funding Programmes**

Constituency	2012/13	2013/14	2014/15	Total
Belfast East	£255,907.80	£859,950.48	£3,148,393.00	£4,264,251.28
Belfast North	-	£215,160.12	-	£215,160.12
Belfast South	£747,311.00	£18,564,400.00	-	£19,311,711

Constituency	2012/13	2013/14	2014/15	Total
Belfast West	£223,305.00	-	-	£223,305.00
East Antrim	£85,305.00	£266,006.19	£1,393,120.00	£1,744,431.19
East Londonderry	£513,400.01	£923,233.50	-	£1,436,633.51
Fermanagh & South Tyrone	£159,527.00	-	£698,500.00	£858,027.00
Foyle	£1,034,984.00	-	£810,891.75	£1,845,875.75
Lagan Valley	-	-	-	-
Mid Ulster	-	-	-	-
Newry & Armagh	£65,041.48	£253,500.00	-	£318,541.48
North Antrim	£797,412.00	-	-	£797,412.00
North Down	£257,508.00	£27,500.00	-	£285,008.00
South Antrim	-	-	-	-
South Down	£458,545.00	-	£180,000.00	£638,545.00
Strangford	£38,325.00	-	-	£38,325.00
Upper Bann	-	-	£35,042.50	£35,042.50
West Tyrone	£120,448.00	-	-	£120,448.00
<b>Total</b>	<b>£4,757,019.29</b>	<b>£21,109,750.29</b>	<b>£6,265,947.25</b>	<b>£32,132,716.83</b>

**Table 2: Tourism Events Funding Programme**

Constituency	2012/13	2013/14	2014/15	Total
Belfast East	£1,580,000	£30,000	£88,000	£1,698,000
Belfast North	£160,500	£105,000	£111,600	£377,100
Belfast South	£82,000	£130,000	£253,000	£465,000
Belfast West	£100,000	£90,000	£130,000	£320,000
East Antrim	£25,000	£15,000	£30,000	£70,000
East Londonderry	£150,000	£80,000	£193,500	£423,500
Fermanagh & South Tyrone	£100,000	£95,000	£182,200	£377,200
Foyle	£617,163	£810,000	£603,950	£2,031,113
Lagan Valley	£207,000	£115,000	£148,000	£470,000
Mid Ulster	£30,000	£15,000	£27,000	£72,000
Newry & Armagh	£45,000	£35,000	£90,000	£170,000
North Antrim	£2,114,955	£119,500	£211,000	£2,445,455
North Down	-	-	£36,500	£36,500
South Antrim	-	-	£24,000	£24,000
South Down	£15,000	£45,000	£84,000	£144,000
Strangford	-	£15,000	£27,000	£42,000
Upper Bann	-	-	£6,000	£6,000
West Tyrone	£15,000	£15,000	£34,000	£64,000
<b>Total</b>	<b>£5,241,618</b>	<b>£1,714,500</b>	<b>£2,279,750</b>	<b>£9,235,868</b>

**Table 3: Other investment in tourism events**

In addition, Tourism NI supports tourism events across Northern Ireland which occur in multiple locations. Therefore, it is not possible to disaggregate the investment in these events on a constituency by constituency basis. They are as follows:

Location	2012/13	2013/14	2014/15	Total
Belfast (Various)	£270,000	£45,000	£3,336,500	£3,651,500
Northern Ireland (Various)	£337,218	£55,000	£249,400	£641,618
<b>Total</b>	<b>£607,218</b>	<b>£100,000</b>	<b>£3,585,900</b>	<b>£4,293,118</b>

**Table 4: Regional Development Funding**

Constituency	2012/13	2013/14	2014/15	Total
Belfast East	£2,880	£6,000	-	£8,880
Belfast North	-	-	-	-
Belfast South	-	-	-	-
Belfast West	-	-	-	-
East Antrim	£880	-	-	£880
East Londonderry	£1,400	-	-	£1,400
Fermanagh & South Tyrone	£400,000	-	£15,000	£415,000
Foyle	£15,000	-	£5,220	£20,220
Lagan Valley	-	-	-	-
Mid Ulster	-	-	-	-
Newry & Armagh	£5,000	-	-	£5,000
North Antrim	£13,209	£9,100	-	£22,309
North Down	-	-	-	-
South Antrim	-	-	-	-
South Down	£65,787	£55,750	£71,696	£193,233
Strangford	£3,500	-	-	£3,500
Upper Bann	-	-	-	-
West Tyrone	-	-	-	-
<b>Total</b>	<b>£507,656</b>	<b>£70,850</b>	<b>£91,916</b>	<b>£670,422</b>

**Other investment in tourism**

In addition, Tourism NI invests in national tourism programmes such as the Industry Development Programme; Quality Grading Scheme and Promotion & Marketing Campaigns at a national level. However, it is not possible to disaggregate this investment on a constituency by constituency basis.

**Invest Northern Ireland:****Table 5: Invest NI Assistance Offered Within the Tourism Industry (2012-13 to 2014-15)**

PCA:	2012-13			2013-14			2014-15		
	Capital	Other	Total Assistance	Capital	Other	Total Assistance	Capital	Other	Total Assistance
Belfast East	60,375	107,908	168,283	0	271,244	271,244	0	23,208	23,208
Belfast North	0	54,074	54,074	0	25,656	25,656	0	4,524	4,524
Belfast South	0	148,422	148,422	0	94,444	94,444	0	158,268	158,268
Belfast West		0		0	0			0	
East Antrim		0		240,000	3,664	243,664		0	

PCA:	2012-13			2013-14			2014-15		
	Capital	Other	Total Assistance	Capital	Other	Total Assistance	Capital	Other	Total Assistance
East Londonderry	0	32,822	32,822	0	13,944	13,944	0	34,494	34,494
Fermanagh & South Tyrone	14,175	237,115	251,290	30,000	179,239	209,239	135,536	133,399	268,935
Foyle	137,450	46,116	183,566	0	45,603	45,603	0	138,820	138,820
Lagan Valley	0	1,566	1,566	0	8,328	8,328	0	4,676	4,676
Mid Ulster	0	49,000	49,000	0	6,366	6,366	0	12,052	12,052
Newry & Armagh	0	18,617	18,617	0	1,618	1,618	0	5,909	5,909
North Antrim	0	30,306	30,306	650,000	176,083	826,083	0	32,503	32,503
North Down	0	6,810	6,810	0	21,201	21,201	0	4,310	4,310
South Antrim	0	66,184	66,184	0	25,766	25,766		0	
South Down	0	25,289	25,289	0	28,600	28,600	0	15,265	15,265
Strangford	0	61,819	61,819	0	19,565	19,565	0	10,436	10,436
Upper Bann	0	698	698	0	1,600	1,600	0	5,234	5,234
West Tyrone	0	2,550	2,550	0	34,290	34,290	0	54,500	54,500
<b>Total</b>	<b>212,000</b>	<b>889,296</b>	<b>1,101,296</b>	<b>920,000</b>	<b>957,211</b>	<b>1,877,211</b>	<b>135,536</b>	<b>637,598</b>	<b>773,134</b>

**Notes:**

- 1 Other Assistance includes all Invest NI support, both direct and indirect. (E.g. It includes loans made by Carbon Trust.)
  - 2 The Tourism sector is based on Invest NI's internal sector structure and includes accommodation providers and other tourism businesses.
  - 3 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.
- (ii) My Department; Tourism NI or Invest NI does not hold this information. Economic output from tourism in each constituency is the responsibility of The Northern Ireland Statistics & Research Agency (NISRA), an Agency within The Department of Finance & Personnel (DFP).

**Ms Sugden** asked the Minister of Enterprise, Trade and Investment how he is supporting the growth of social enterprises in East Londonderry; and for a list of the social enterprises his Department has financially supported in this area in the last three years. (AQW 54174/11-16)

**Mr Bell:** In terms of supporting the growth of social enterprises in East Londonderry, since January 2013 some 14 groups from the community/voluntary sector have participated on Invest NI's Social Entrepreneurship Programme. Five of the groups progressed to start up stage, creating 10 jobs. In addition, from April 2014 to December 2015 there have been 70 participants that engaged with the services offered through the Social Enterprise hubs.

Six social enterprises have been financially supported in East Londonderry in the last three years, these are the Rural Area Partnership in Derry Ltd, Claudy Rural Development Ltd, Timber Tots, Stendhal Festival Limited, Causeway Enterprise Agency and Big Telly Theatre Company. Financial assistance provided has included employment grant (under the Jobs Fund), export development assistance, management information support, innovation vouchers and finance vouchers.

**Mr McMullan** asked the Minister of Enterprise, Trade and Investment for a breakdown of his Department's spend in the Glens area in each year since 2010. (AQW 54214/11-16)

**Mr Bell:**

Financial Year	Spend	Amount £
2010/11	Telecommunication infrastructure and services* Tourism NI Capital Funding Programme Tourism NI Regional Development Invest NI assistance**	5,294,617 37,683 40,000 80,000
2011/12	Telecommunication infrastructure and services* Tourism Events Funding Programme Tourism NI Regional Development Invest NI assistance**	5,087,258 15,000 25,000 230,000
2012/13	Rathlin West Lighthouse Telecommunication infrastructure and services* Tourism Events Funding Programme Tourism NI Regional Development Renewable Heat Incentive Invest NI assistance**	2,200,000 709,386 40,000 20,000 10,640 200,000
2013/14	Telecommunication infrastructure and services* Tourism Events Funding Programme Tourism NI Regional Development Renewable Heat Incentive Invest NI assistance**	4,897,324 15,000 25,000 45,430 230,000
2014/15	Telecommunication infrastructure and services* Tourism Events Funding Programme Tourism NI Regional Development Renewable Heat Incentive Invest NI assistance**	11,000,001*** 40,000 21,250 419,977 100,000
2015/16****	Telecommunication infrastructure and services* Tourism NI Events Funding Tourism NI Regional Development Renewable Heat Incentive (to end January 2016) Invest NI assistance**	4,391,809 45,000 21,250 1,809,726 Not yet available
	<b>Total</b>	<b>37,051,351</b>

\* While postcode areas within the Glens of Antrim are included in this investment, due to the nature of the deployment, it is not possible to disaggregate the expenditure to this level of detail.

\*\* Invest NI figures are rounded and 2014-15 are the latest available Invest NI figures

\*\*\* includes £5m from DARD

\*\*\*\* 2015/16 part year figures

**Mrs Dobson** asked the Minister of Enterprise, Trade and Investment to detail the number of (i) faulty unit; and (ii) fire risk complaints relating to tumble driers made to the Consumer Council, in each of the last five years.  
(AQW 54267/11-16)

**Mr Bell:** The Consumer Council's records show that it has received one complaint about a faulty tumble dryer in the last five years. This was in 2016.

**Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment to detail the specific measures his Department has introduced to help small businesses since May 2011.  
(AQW 54327/11-16)

**Mr Bell:** Invest NI offers a wide range of specific support measures to small businesses across Northern Ireland both financial and non-financial.

In September 2011 the Boosting Business campaign was launched to promote support available to businesses, this included the Jobs Fund, specifically designed to help businesses create jobs quickly. At the Fund's close it had exceeded its targets, helping create 6,663 jobs and promote 10,713 jobs.

Financial support is available to help create jobs, address specific skills needs, fast track potential global start businesses, set up collaborative networks or improve leadership capabilities. Non-financial support includes business health checks, workshops, productivity improvement consultancy and people solutions advice.

The Regional Start Initiative (RSI) launched in October 2012, is free and open to all potential entrepreneurs delivering advice, mentoring and the preparation of a business plan as one of the key early steps to starting a business and moving into self-employment.

The Access to Finance suite of funds, incorporating four equity funds and two debt funds, ensures that businesses have access to financial support needed to grow their business.

Under the European Sustainable Competitiveness Programme, Invest NI worked with Councils to develop initiatives that support the needs of local small businesses. This support has helped more than 13,000 businesses across Northern Ireland get advice, mentoring and essential skills to develop and grow their business. The new Investment for Growth and Jobs Programme (IGJ) 2014-2020 will help build on this success with a further £15m ERDF funding for local economic development.

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment what degree of interest has been expressed in developing hotels and other accommodation in the Causeway coastal area prior to the Open Golf Championship in 2019.  
(AQW 54333/11-16)

**Mr Bell:** There have been no formal applications for support for new accommodation projects in the past 18 months. However, Invest NI has had enquiries from, and discussions with, a number of interested parties, the detail of which would be commercially confidential.

Invest NI is happy to engage with any promoter who may meet the criteria for support for the development of new tourism accommodation projects in the Causeway coastal area. Support is aimed at encouraging the development of new accommodation in line with forecast future demand.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment to detail the number of (i) full time; and (ii) part time staff in (a) his Department; and (b) each of its arm's-length bodies that have availed of each tranche of the voluntary exit scheme, broken down by grade.  
(AQW 54338/11-16)

**Mr Bell:**

	Tranche 1: Exit Date 30/9/15	Tranche 2: Exit Date 30/11/15	Tranche 3: Exit Date 31/1/16	Tranche 4: Exit Date 31/3/16
HSENI	1 x AO FT	2 x G7 (1 FT / 1 PT)	1 x AO FT	
	1 x Physiotherapist FT	1 x AO PT	1 x EO1 FT	1 x AA FT (accepted)
	1 x G7 PT	1 x SO PT	2 x DP (1 FT / 1 PT)	
Tourism NI	2 x AO FT			
	1 x EO2 FT	1 x AO FT	Nil	Nil
	2 x EO1 FT			
	3 x SO ( 1 FT / 2 PT)			
Consumer Council	1 x AO FT			
	5 x SO (4 FT / 1 PT)	Nil	Nil	Nil
	2 x DP PT			
DETI HQ	1 x AA PT	1 x AA FT	2 x AO FT	
	3 x AO ( 1 FT / 2 PT)	4 x AO (1 FT / 3 PT)	1 x EO2 PT	1 x AA FT (accepted)
	1 x EO2 PT	4 x EO2 (2 FT / 2 PT)	6 x EO1 ( 2FT / 4 PT)	
	5 x EO1 (4 FT / 1 PT)	5 x EO1 ( 4 FT / 1 PT)	1 x SO FT	
	1 x SO FT	1 x SO PT	2 x DP FT	
	2 x DP PT	2 x DP FT		

FT – full time

PT – part time

Grades: AA=Administration Assistant. AO=Administration Officer. EO2= Executive Officer level 2. EO1=Executive Officer Level 1. SO=Staff Officer. DP=Deputy Principal. G7=Principal.

**Mr Agnew** asked the Minister of Enterprise, Trade and Investment to detail the number of full time equivalent agency staff employed by (i) his Department; and (ii) each of its arm's-length bodies in each week since June 2015, broken down by grade. (AQW 54339/11-16)

**Mr Bell:** The Department of Enterprise, Trade and Investment has employed 2 full time agency staff since June 2015 at the grade of Staff Officer. One has been in employment from week commencing 1 June 2015 to date, while the other was in employment for 2 days in the week commencing 18 January 2016.

#### **Arm's-Length Bodies**

**Invest NI** has employed 1 full time agency staff member since June 2015 at the grade of Administrative Officer (AO). The AO was in employment from week commencing 1 June 2015 until end of week commencing 20 July 2015.

**Tourism NI** has employed 1 full time agency staff member since June 2015 at the grade of Administrative Officer (AO). The AO was in employment from week commencing 11 January 2016 until end of week commencing 25 January 2016.

**Consumer Council for NI** has employed 2 part-time agency staff members since June 2015.

A Deputy Principal was employed from week commencing 28 September 2015 until end of week commencing 8 February 2016 (not employed for 1 week of this period, the week commencing 28 December 2015). The full time equivalent for each week worked was 0.80.

An Executive Officer 1 was employed from week commencing 30 November 2015 to date. The full time equivalent for each week worked is 0.50.

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment following InvestNI's International Team visits to the North and North West area in March 2011 and May 2013, what step are being taken to ensure potential inward investors are aware of the advantages that are available in the region. (AQW 54369/11-16)

**Mr Bell:** Invest NI's International Investment team has had additional visits to the North and North West since 2013, including Londonderry in April 2015 and Causeway Coast & Glens in October 2015. These visits enable the councils and other stakeholders to provide updates on their local proposition ensuring Invest NI is fully up-to-date on the offering available.

This information is used to match against the needs of a potential investor and provide the investor with a number of options to consider as potential locations for their investment in Northern Ireland. The investor then chooses which areas to visit and, ultimately, where to locate their investment.

**Mr McCrossan** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 53981/11-16, to publish the impact assessment and rural proofing. (AQW 54372/11-16)

**Mr Bell:** The final Regulatory Impact Assessment and Rural Proofing assessment have been published on my Department's website.

**Mr Allister** asked the Minister of Enterprise, Trade and Investment how much his Department has spent on producing material in Irish in each of the last three years. (AQW 54377/11-16)

**Mr Bell:** My Department has not spent any money on producing material in Irish in each of the last three years.

**Mr McCallister** asked the Minister of Enterprise, Trade and Investment what steps his Department has taken to encourage an increased spend per head of tourists participating in walking and hiking holidays. (AQW 54388/11-16)

**Mr Bell:** Increasing visitor spend is a key objective across all tourism products in Northern Ireland and will directly contribute towards attaining our target of £1billion to the Northern Ireland economy by 2020.

Tourism NI encourages accommodation providers to join the Walkers Welcome Scheme which aims to direct visitors to suitable establishments that pay particular attention to their various needs. In terms of increasing revenue, the scheme, as part of the overall Quality Grading assessment, encourages upselling of maps, food options and other relevant products. Tourism NI currently has 190 accommodation providers signed up to the Walkers Welcome Scheme.

In regards to capital funding, Tourism NI has funded multiple walking projects in recent years, which have mainly focused on updating, implementing and interpreting new or existing trails. Trassey Track Amenity Facility, which benefited from £180,000 of Tourism NI Capital Funding will open in Spring 2016. This will bring an extra element of visitor services provision to the Mourne with showers, changing rooms and a Coffee Shop available to visitors to increase the opportunity for Visitor Spend.

Tourism NI's consumer website [www.discovernorthernireland.com](http://www.discovernorthernireland.com) has a direct link with [www.walkni.com](http://www.walkni.com) a consumer facing website which specialises in providing specific information to walkers and hikers from all levels. This website highlights key walks, associated accommodation, walking tours and events for different areas across Northern Ireland.

**Mr McCallister** asked the Minister of Enterprise, Trade and Investment what assessment has been made of the value of walking and hiking tourism to the economy.

**(AQW 54390/11-16)**

**Mr Bell:** Neither my Department nor Tourism NI has specifically assessed the value of walking and hiking tourism to the economy.

**Mr Lyttle** asked the Minister of Enterprise, Trade and Investment for his assessment of the importance of prioritising a walking strategy in the next Programme for Government, to realise the economic and tourism benefits that could be realised through a dedicated focus on walking.

**(AQW 54429/11-16)**

**Mr Bell:** The Tourism Strategy for Northern Ireland is currently in the process of being developed. This strategy is based on research, market intelligence and wide consultation with our industry, and will provide direction on the best tourism opportunities in the future.

At present, there is no research to indicate that walking, as a dedicated standalone activity, is a key motivator as a means of attracting visitors to Northern Ireland. However, research highlights that it is an important part of any visit.

**Mr McGlone** asked the Minister of Enterprise, Trade and Investment how much money has been drawn down by his Department from EU funding streams; and how this has been spent in (i) 2013-14; and (ii) 2014-2015

**(AQW 54456/11-16)**

**Mr Bell:**

(i) How much was drawn down

- £3,112,154 in 2013/14 under Interreg IVa;
- £6,107,983 in 2014/15 under Interreg IV;
- £25,345,925.00 in 2013/14 under the Sustainable Competitiveness Programme;
- £72,745,421.77 in 2014/15 under the Sustainable Competitiveness Programme;
- £90,000 in 2013/14 under Framework Programme 7 (FP7);
- £47,000 since July 2013/14 by Invest NI under the FP7 supported BEWISER (Building Enterprises – Wireless and Internet Security in European Regions) project;
- £125,500 drawn down in 2014/15 under Horizon 2020;
- Through Invest NI's participation in the Enterprise Europe Network, the following monies have also been drawn down under the Competitiveness & Innovation Programme (CIP), Competitiveness of SME's (COSME) Programme and Horizon 2020;
- £324,000 across 2013/14 & 2014/15 by Invest NI under CIP;
- £393,000 across 2014/15 & 2015/16 by Invest NI under COMSE;
- £115,000 down across 2014/15 & 2015/16 by Invest NI under Horizon 2020.

(ii) How these monies were spent

Interreg - Monies drawn down against a range of Enterprise, Tourism and Energy projects. Further information can found at: <http://successes.eugrants.org>

Sustainable Competitiveness - In addition to projects funded directly by DETI (Energy, Telecoms, Innovation Policy and Programme delivery), projects were implemented by Invest NI, Tourism NI, DARD, DSD, and DRD.

Details of all projects funded can be found at: <http://successes.eugrants.org>

The FP7 monies drawn down were used in relation to a coordination and support action project.

Horizon 2020 monies drawn down were used for an industrial leadership project and also for a coordination and support action project.

The EEN grants (from CIP, COSME and Horizon 2020) have enabled Invest NI to employ specialist personnel to support local organisations to: access European markets, take part in transnational collaborative R&D, access information relating to the EU regulations and feedback opinions to the EU. The funding also supports Invest NI to host EU-specific events and to network with partners across Europe for exchange of information and best practice.

The BEWISER project funded under FP7 involves 12 partners, from 7 European countries and aims to strengthen the research, innovation potential and global competitiveness of European regions by bringing together research actors, enterprises, institutions and policy makers into a collaboration network. Funding has been spent by Invest NI on agreed project deliverables - while the technical focus is on wireless internet security, the organisational challenge of the project focuses on how to utilise triple helix clusters (containing policy makers, researchers and business) in regional innovation processes more effectively.

**Ms Fearon** asked the Minister of Enterprise, Trade and Investment when his Department will address the lack of broadband services in the BT35 0 post code area; and how his Department can provide assistance to these residents in accessing broadband.

**(AQW 54482/11-16)**

**Mr Bell:** My Department has implemented a number of projects which have delivered improvements for homes and businesses located in the BT35 0\*\* postcode district. This includes the Next Generation Broadband Project and the Northern Ireland Broadband Improvement Project (NIBIP). Information on these projects can be found at <https://www.detini.gov.uk/articles/history-broadband-development-northern-ireland> and <https://www.detini.gov.uk/articles/northern-ireland-broadband-improvement-project-respectively>.

In addition to the infrastructure made available through these projects, fixed-wireless and satellite broadband services are available in the area from a number of operators on a commercial basis. In relation to the latter, in January of this year, my Department launched a Satellite Broadband Support Scheme. Falling under the auspices of the NIBIP, this scheme allows residents and businesses which are experiencing speeds below 2Megabits per second to apply for a subsidy of up to £350 towards the cost of installing a satellite broadband connection from a list of registered suppliers. Details of the scheme can be found at <https://www.detini.gov.uk/articles/satellite-broadband-support-scheme-northern-ireland>

**Mr McCallister** asked the Minister of Enterprise, Trade and Investment to detail the number of businesses in each constituency that have accessed the Innovation Voucher scheme in each year since its creation.

**(AQW 54638/11-16)**

**Mr Bell:** The following table provides the number of businesses per constituency that have accessed Innovation Voucher support since the launch of the Innovation Vouchers Programme in 2008.

**Businesses that Have Accessed Innovation Vouchers Each Year per Constituency**

Constituency	Pilot	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Total
Belfast East	12	10	9	11	17	18	11	7	95
Belfast North	9	0	4	10	13	11	7	10	64
Belfast South	17	9	13	21	40	34	20	16	170
Belfast West	11	2	4	7	9	11	8	4	56
East Antrim	17	4	8	12	12	8	8	7	76
East Londonderry	7	5	8	14	18	19	9	11	91
Fermanagh & South Tyrone	9	6	13	22	17	17	8	16	108
Foyle	18	5	7	14	20	14	9	17	104
Lagan Valley	11	10	10	23	18	19	11	7	109
Mid Ulster	23	17	25	32	31	28	20	15	191
Newry & Armagh	19	10	8	30	20	19	13	17	136
North Antrim	15	4	8	15	14	16	12	6	90
North Down	14	5	2	15	15	11	10	11	83
South Antrim	12	9	8	12	13	7	9	8	78
South Down	14	9	8	38	27	35	19	17	167
Strangford	12	6	10	12	22	10	10	11	93
Upper Bann	16	8	7	21	17	20	10	11	110
West Tyrone	14	8	9	14	19	20	10	9	103

**Note:** Businesses may have received more than 1 voucher in any year. Businesses may receive a maximum of 3 innovation vouchers overall.

**Mr McNarry** asked the Minister of Enterprise, Trade and Investment what schemes exist to make satellite broadband available to rural areas.

**(AQW 54651/11-16)**

**Mr Bell:** On 22 January 2016, my Department launched a Satellite Broadband Support Scheme which allows residents and businesses currently experiencing connection speeds below 2 Megabits per second to apply for a subsidy of up to £350 towards the cost of installing a satellite broadband connection from a list of registered suppliers. Details of the scheme have

been made available on the DETI website at <https://www.detini.gov.uk/articles/satellite-broadband-support-scheme-northern-ireland> and in a factsheet which has been distributed to all Northern Ireland MEPs, MPs, MLAs and District Councils.

In addition to this scheme, some parts of Northern Ireland are also benefitting from a pilot project supported by the UK Government's £10million fund to test alternative technology solutions in 'hardest to reach areas'. Project Promoter, Avanti Communications, has chosen counties Fermanagh and Antrim as the test-bed due to their geography and is working with the local councils to recruit 500 participants in the target areas for a high speed satellite broadband initiative. Further details can be found at [www.better-broadband.co.uk](http://www.better-broadband.co.uk).

**Mr Campbell** asked the Minister of Enterprise, Trade and Investment, following the Broadband Improvement Project with BT, what further steps he can take to assist businesses in the Causeway Coast area who continue to experience difficulty in accessing enhanced broadband services.

**(AQW 54733/11-16)**

**Mr Bell:** In January 2016, under the auspices of the Northern Ireland Broadband Improvement Project, I announced that my Department had launched a Satellite Broadband Support Scheme which allows residents and businesses currently experiencing connection speeds below 2 Megabits per second to apply for a subsidy of around £350 towards the cost of installing a satellite broadband connection from a list of registered suppliers. The scheme will be available for applications until the end of 2017. Satellite broadband services provided under the scheme will be available to use until (at least) 2022. Further details of the scheme have been made available on the DETI website at <https://www.detini.gov.uk/articles/satellite-broadband-support-scheme-northern-ireland> and in a factsheet which has been distributed to all Northern Ireland MEPs, MPs, MLAs and District Councils.

Furthermore, in February 2015, my Department signed a contract with BT for the delivery of the Superfast Roll-out Programme which will provide superfast broadband improvements for almost a further 39,000 premises across Northern Ireland by December 2017, including premises in the Causeway Coast area. An extensive survey and design process is underway and will take several months to complete. Further details on roll-out will be published on the NI Direct platform, as it becomes available.

## Department of the Environment

**Mr Easton** asked the Minister of the Environment to detail all grants available through his Department.

**(AQW 53890/11-16)**

**Mr Durkan (The Minister of the Environment):** Below is a list of grants available through my Department:

- |  |   |
|--|---|
| ■ Listed Building Grant  | ■ Road Safety Grant                             |
| ■ De-rating Grant  | ■ Challenge Fund                                |
| ■ Rates support Grant  | ■ Natural Environment Fund                      |
| ■ Emergency Planning Grant   | ■ Waste Resources Action Programme (WRAP) Grant |
| ■ Emergency Financial Assistance Grant   | ■ Rethink Waste Grant                           |
| ■ Transferred Functions Grant  | ■ EU Interreg IVa and Va grant                  |
| ■ Grants to bodies providing assistance in relation to certain planning policy or development proposals. | ■ Grants to Councils                            |
|  | ■ Coastal Communities Fund                      |

**Ms McGahan** asked the Minister of the Environment to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54208/11-16)**

**Mr Durkan:** Details of the investment my Department has made in Fermanagh and South Tyrone since 2011 have been placed in the assembly library.

**Mr McMullan** asked the Minister of the Environment for a breakdown of his Department's spend in the Glens area in each year since 2010.

**(AQW 54215/11-16)**

**Mr Durkan:** A breakdown of my Department's spend in the Glens area in each year since 2010 has been placed in the assembly library.

**Mr Agnew** asked the Minister of the Environment what in year departmental cuts have been made to community and voluntary sector funding; and how this compares to cuts to other services.

**(AQW 54249/11-16)**

**Mr Durkan:** Under the opening Budget for 2015-16, my Department's non ring-fenced Resource DEL budget was reduced by 10.7% to £104.2 million, the highest percentage reduction of all the Departments.

Consequently tough decisions had to be taken initially; in order for me to ensure that my Department could manage within the limited financial resources available to it for the financial year. This meant that opening reductions were made in a number of areas including grants to local government, listed building grants and grants to the community and voluntary sector.

Following this initial allocation no further in year cuts were made and indeed at the start of the year I gave a commitment that I would do all I could to seek to restore at least some of these cuts during the year if funding became available. As a result of staff reductions in the department under the civil service voluntary exit scheme, in-year savings in my Department's salary costs became available, allowing me to restore funding across a wide number of areas including the community and voluntary sector.

## Department of Finance and Personnel

**Mr McMullan** asked the Minister of Finance and Personnel for a breakdown of his Department's spend in East Antrim in each year since 2010.

**(AQW 54091/11-16)**

**Mr Storey (The Minister of Finance and Personnel):** My Department had the following spend in East Antrim since 2010.

	2010-11	2011-12	2012-13	2013-14	2014-15
£000s	73	67	55	78	63

**Ms Sugden** asked the Minister of Finance and Personnel to detail the number of businesses and organisations in East Londonderry that have benefited from vacant property rate relief in the last twelve months, having taken possession of a property which has been vacant for over 1 year.

**(AQW 54220/11-16)**

**Mr Storey:** Empty Premises Relief was paid on 18 non-domestic properties in the East Londonderry Parliamentary Constituency area at some point in the twelve months from 1st February 2015 to 31st January 2016.

**Mr McKinney** asked the Minister of Finance and Personnel to detail the number of patients that have died due to hospital acquired infection, broken down by Health and Social Care Trust in each of the last three years.

**(AQW 54233/11-16)**

**Mr Storey:** Table 1 below details the number of deaths registered in Northern Ireland where a Healthcare-Associated Infection<sup>1</sup> was mentioned on the death certificate between 2012 and 2014 by Health Trust.

**Table 1: Number of deaths with MRSA or CDI/F mentioned on the death certificate by Health Trust of Usual Address and Year of Registration**

Health	MRSA			CDI/F		
Trust	2012	2013	2014	2012	2013	2014
Belfast	6	3	3	20	19	18
Northern	5	1	3	27	27	12
South Eastern	1	2	2	12	15	10
Southern	3	1	1	6	8	11
Western	3	3	3	9	11	13

Table 2 details the number of deaths registered in Northern Ireland where a Healthcare-Associated Infection<sup>1</sup> was recorded as the main underlying cause of death between 2012 and 2014 by Health Trust.

**Table 2: Number of deaths from MRSA or CDI/F as the main Underlying cause of death by Health Trust of Usual Address and Year of Registration**

Health	MRSA			CDI/F		
Trust	2012	2013	2014	2012	2013	2014
Belfast	1	1	2	8	9	8
Northern	0	1	1	8	14	3
South Eastern	1	0	2	2	10	6

Health	MRSA			CDIFF		
Trust	2012	2013	2014	2012	2013	2014
Southern	1	0	0	2	5	4
Western	1	0	0	3	3	7

- 1 Whilst the deaths presented in these tables were due to either MRSA or CDIFF, known as Healthcare-Associated Infections, it is not possible to determine where the infection was acquired.

**Mr McNarry** asked the Minister of Finance and Personnel to detail by how much the aggregate rateable valuations for business rates have declined or increased in (i) Belfast; (ii) Lisburn; (iii) Newtownards; (iv) Bangor; (v) Carrickfergus; (vi) Larne; (vii) Ballymena; (viii) Lurgan; (ix) Portadown; (x) Banbridge; (xi) Newry; (xii) Antrim; (xiii) Newtownabbey; (xiv) Omagh; (xv) Dungannon; (xvi) Enniskillen; (xvii) Coleraine; (xviii) Ballymoney; and (xix) Armagh.

**(AQW 54284/11-16)**

**Mr Storey:** The information is not collated for the cities or towns as requested. However, the table overleaf details the total Net Annual Value (NAV) at 31st March for each of the years 2011 to 2015 at district council level and the percentage increase over this period.

**Total Net Annual Value (NAV) at the end of the last five financial years and the percentage increase over this period by District Council**

District Council	As at 31/03/11	As at 31/03/12	As at 31/03/13	As at 31/03/14	As at 31/03/15	Percentage Increase
Antrim	46,256,118	46,446,455	46,407,435	46,678,675	47,407,056	2.5
Ards	32,022,803	33,005,789	33,301,546	33,421,131	32,963,329	2.9
Armagh	26,770,090	26,926,725	26,954,615	27,128,805	27,357,893	2.2
Ballymena	49,060,174	49,674,184	49,623,692	49,856,787	49,995,276	1.9
Ballymoney	10,793,970	10,838,895	10,537,777	11,230,587	11,331,677	5.0
Banbridge	19,989,342	20,243,081	20,288,508	20,315,138	21,511,092	7.6
Belfast	436,374,342	439,437,453	443,578,280	443,664,836	443,984,660	1.7
Carrickfergus	21,047,749	21,173,655	21,064,494	21,161,149	21,448,777	1.9
Castlereagh	47,851,552	48,718,566	49,587,867	49,574,362	49,110,066	2.6
Coleraine	43,396,498	43,246,479	43,455,660	43,256,195	43,676,623	0.6
Cookstown	22,038,202	22,187,830	22,229,259	22,768,701	22,895,140	3.9
Craigavon	62,788,522	63,995,053	64,760,194	64,675,554	64,792,065	3.2
Derry	88,480,875	88,542,745	88,251,282	88,214,697	88,686,377	0.2
Down	31,234,271	31,747,571	31,832,233	32,004,703	32,927,001	5.4
Dungannon & South Tyrone	35,422,621	35,992,906	36,390,308	37,104,411	37,555,619	6.0
Fermanagh	43,119,341	43,381,154	46,594,900	46,789,517	46,961,422	8.9
Larne	23,467,791	23,651,899	23,679,372	23,294,773	23,479,467	0.0
Limavady	14,553,381	14,876,331	14,698,918	14,967,974	14,709,357	1.1
Lisburn	81,066,745	83,022,534	82,896,076	83,082,896	84,509,998	4.2
Magherafelt	21,367,148	21,330,982	21,758,729	21,805,452	21,787,799	2.0
Moyle	6,231,650	6,121,656	6,457,831	6,626,022	6,648,963	6.7
Newry & Mourne	57,390,315	58,050,492	58,761,561	59,980,256	60,346,054	5.2
Newtownabbey	62,483,329	62,957,657	62,960,389	62,904,569	62,962,933	0.8
North Down	52,985,404	53,834,543	54,001,670	54,763,210	56,312,920	6.3
Omagh	34,385,553	34,581,394	34,691,354	34,721,355	35,167,518	2.3

District Council	As at 31/03/11	As at 31/03/12	As at 31/03/13	As at 31/03/14	As at 31/03/15	Percentage Increase
Strabane	17,115,805	17,214,620	17,307,688	17,342,993	17,248,518	0.8
<b>NI Total</b>	<b>1,387,693,591</b>	<b>1,401,200,649</b>	<b>1,412,071,638</b>	<b>1,417,334,748</b>	<b>1,425,777,600</b>	<b>2.7</b>

**Mr Easton** asked the Minister of Finance and Personnel to detail the projected increase of the population of older people in the North Down area.

**(AQW 54355/11-16)**

**Mr Storey:** Table 1 details the mid-year population statistics for persons aged 65 or over resident in the former North Down Local Government District. Population estimates are provided for mid-2012, as well as projections for each of the years mid-2014, mid-2016, mid-2018, mid-2020, and mid-2022. The latest available projected figures for areas within Northern Ireland use the mid-2012 population estimates as the base population. Population projections are not produced for Assembly Areas.

Table 1: Estimates, projections and percentage change for the population aged 65 and over in the former North Down Local Government District, mid-2012 to mid-2022

	Population aged 65 and over	Projected percentage change since 2012
<b>Estimated</b>		
2012	15,000	-
<b>Projected</b>		
2014	15,800	5.4
2016	16,600	10.5
2018	17,300	15.4
2020	18,000	19.9
2022	18,800	25.0

Statistics of this nature are routinely published by the Northern Ireland Statistics and Research Agency (NISRA). These statistics, including further age breakdowns for the North Down Local Government District and each of the 11 new Local Government Districts, can be accessed on the NISRA website.

**Mr McCallister** asked the Minister of Finance and Personnel to rank the top five physical activities which overnight visitors to Northern Ireland participated in over the last three years.

**(AQW 54389/11-16)**

**Mr Storey:** The top five physical activities participated in during overnight trips to Northern Ireland are shown in the attached table.

**Table: The top five physical activities participated in during overnight trips (excluding business trips) in Northern Ireland (2012-2014).**

Physical Activity	Rank
Hiking/ Cross Country Walking	1
Cycling and Mountain Biking	2
Golf	3
Fishing	4
Other Land Based Adventure Activities e.g. Climbing, High Ropes, Archery	5

**Ms Sugden** asked the Minister of Finance and Personnel whether he has met with stakeholders in the Charity sector to discuss their concerns regarding proposed changes to the rates paid by charities.

**(AQW 54413/11-16)**

**Mr Storey:** As the Member is aware, my Department is currently undertaking a review of the non-domestic rating system. The treatment of charity shops was an issue that various business organisations, district councils and many others commented on during the related consultation. One of the points identified through that process is the fact that we are the only part of the UK that fully exempts virtually all charity shops. In England, Wales and Scotland the majority pay 20% rates.

This is a sensitive matter and my officials are now in the process of thoroughly analysing the responses on this issue, alongside all the other issues that emerged from the consultation.

Any policy outcomes from the review on this subject, however, will be a matter for the new Executive in the next mandate and I can confirm that I will not be changing the policy in the meantime.

I have already met with Seamus McAleavey of NICVA and Robin Osterley from the Charity Retail Association and have another meeting with NICVA scheduled for 29 February.

**Ms Sugden** asked the Minister of Finance and Personnel for an update on any plans or proposals to amend rates payments by charities.

**(AQW 54414/11-16)**

**Mr Storey:** As the Member is aware, my Department is currently undertaking a review of the non-domestic rating system. The treatment of charity shops was an issue that various business organisations, district councils and many others commented on during the related consultation. One of the points identified through that process is the fact that we are the only part of the UK that fully exempts virtually all charity shops. In England, Wales and Scotland the majority pay 20% rates.

This is a sensitive matter and my officials are now in the process of thoroughly analysing the responses on this issue, alongside all the other issues that emerged from the consultation.

Any policy outcomes from the review on this subject, however, will be a matter for the new Executive in the next mandate and I can confirm that I will not be changing the policy in the meantime.

I have already met with Seamus McAleavey of NICVA and Robin Osterley from the Charity Retail Association and have another meeting with NICVA scheduled for 29 February.

**Mrs D Kelly** asked the Minister of Finance and Personnel whether a business case has been submitted by the Minister of Agriculture and Rural Development to access funds for the expansion of the emergency grant scheme for flooding incidents.

**(AQW 54444/11-16)**

**Mr Storey:** A business case for the expansion of the emergency grant scheme for flooding incidents has not been submitted to my Department by the Minister of Agriculture and Rural Development.

**Mr McGlone** asked the Minister of Finance and Personnel how much money has been drawn down by his Department from EU funding streams; and how this has been spent in (i) 2013-14; and (ii) 2014-2015

**(AQW 54454/11-16)**

**Mr Storey:** My Department is accountable for a number of themes of the PEACE III and INTERREG IVA Programmes, which are managed by the Special EU Programmes Body.

The attached table below shows the amount of money drawn down under these themes in 2013-14 and 2014-15.

Year	Programme	Theme	Amount drawn down (£)
2013-14	PEACE III	Technical Assistance	579,665
	INTERREG IVA	Public Sector Collaboration	271,276
		Enterprise	45,398
		Tourism	7,674
		Technical Assistance	65,113
	<b>Total</b>		<b>969,126</b>
2014-15	PEACE III	Technical Assistance	1,158,910
	INTERREG IVA	Public Sector Collaboration	3,341,137
		Enterprise	4,543,373
		Tourism	778,552
		Technical Assistance	1,007,775
	<b>Total</b>		<b>10,829,747</b>

Technical Assistance provides support for programme management, monitoring and evaluation, and information and communication.

**Mr Swann** asked the Minister of Finance and Personnel, pursuant to AQW 54082/11-16, to detail the limited reallocations completed under urgent procedure as agreed by the Office of the First and deputy First Minister.

**(AQW 54458/11-16)**

**Mr Storey:** The First Minister and deputy First Minister recently agreed a small number of allocations under urgent procedure, that included £6.1 million of ring-fenced Financial Transactions Capital to DSD for Co-Ownership housing, to reallocate a reduced requirement declared by DETI in the January Monitoring technical exercise. This reallocation will help to ensure that no funding is surrendered to HM Treasury in the form of year-end underspend.

On Resource DEL, allocations included £0.3 million to AOCC for Judicial Review costs and £0.2 million to PPS for its transformation plan. PPS also received £0.5 million Capital DEL for its transformation plan.

**Mr Allister** asked the Minister of Finance and Personnel for his assessment of whether English Votes for English Laws has any implications for the Barnett formula as it affects Northern Ireland.

**(AQW 54486/11-16)**

**Mr Storey:** The introduction of English Votes for English Laws will not directly impact upon operation of the Barnett Formula. However, under the Barnett Formula the level of funding available to the Northern Ireland Executive is directly linked to UK government spending decisions, some of which in future may be influenced by the introduction of English Votes for English Laws.

Whilst it is not possible to speculate how the introduction of English Votes for English Laws will impact upon the level of funding available to the Executive, I do have concern that this measure will diminish the capacity of MPs from Northern Ireland, Scotland and Wales to influence policy decisions that will have implications for devolved administrations.

**Mr Dickson** asked the Minister of Finance and Personnel, pursuant to AQW 53517/11-16, how many Grade 7 positions were allowed to leave under the Voluntary Exit Scheme during the same period; and whether they have not and will not be replaced by newly promoted staff.

**(AQW 54493/11-16)**

**Mr Storey:** 128 Grade 7 and analogous grades have accepted offers to leave the NICS under tranches 1-4 of the Voluntary Exit Scheme. The closing date for accepting offers under tranche 5 is 29 February 2016.

The decision as to whether those that leave are replaced and by what method is for individual Departmental Accounting Officers, taking account of the need to balance protecting the pay-bill savings achieved through the Voluntary Exit Scheme and to maintain business continuity.

**Mr Dickson** asked the Minister of Finance and Personnel, pursuant to AQW 53516/11-16, to detail the reasons for the 6 promotions during the freeze period, given the Northern Ireland Civil Service is expected to be downsizing and streamlining its total workforce.

**(AQW 54496/11-16)**

**Mr Storey:** The terms of the current embargo on recruitment and substantive promotions in the NICS are that any recruitment or promotion can only be approved by the relevant Departmental Accounting Officer. Therefore DFP can only give the reasons for any DFP appointments during the embargo. As advised in response to AQW 53516/11-16, between 1 April 2015 and 28 January 2016, a total of 6 people have been appointed to Grade 7 or analogous level in the NICS. One of these was a DFP promotion and the reason for this promotion is as follows:-

Central Procurement Directorate (CPD) is currently managing a number of experienced Principal Professional and Technical Officer (PPTO) staff leaving under the Voluntary Exit Scheme. As such, CPD needed to fill a critical PPTO vacancy involving a promotion of an internal Senior Professional and Technical Officer (SPTO) candidate from within CPD. Whilst this critical PPTO post was filled, it was offset by a subsequent headcount reduction at SPTO level within CPD.

The details of the other five appointments are as follows:-

- IRC202476 – DE - Internal Audit G7
- IRC203577 – DARD – DHR G7
- IRC203877 – DHSSPS – DHR G7
- IRC204585 – DOE – PPTO Planning Officer
- IRC203597 – DOJ – G7 Economist.

The Member would, therefore, need to contact these Departments for information on the reasons for these appointments.

**Mr Weir** asked the Minister of Finance and Personnel whether there are any other wider Northern Ireland Civil Service appeal mechanisms or opportunities for a wider re-evaluation of cases where an internal departmental appeal for unsuccessful applications to the Northern Ireland Civil Service Voluntary Exit Scheme fails.

**(AQW 54520/11-16)**

**Mr Storey:** As set out at paragraph 37 of the published Scheme Information Booklet, there is only one opportunity to appeal the decision of the Scheme Selection Panel. No other appeal mechanism is available.

**Mr Weir** asked the Minister of Finance and Personnel whether there will be any further tranches of the Voluntary Exit Scheme across the Northern Ireland Civil Service, and if so, to detail when they will take place.

**(AQW 54521/11-16)**

**Mr Storey:** No. In line with the note issued to all staff by the Head of the Civil Service on 6 January 2016, tranche 5 was the final tranche. The NICS Voluntary Exit Scheme is closed to further offers as the Executive's pay-bill reduction business objective will be met.

**Mr Weir** asked the Minister of Finance and Personnel to detail why there was no differentiation in pay bill savings between the lowest three grades in the Northern Ireland Civil Service Voluntary Exit Scheme.

**(AQW 54522/11-16)**

**Mr Storey:** The Voluntary Exit Scheme did differentiate between the pay bill savings for staff in the lowest three grades as this was informed by an applicant's grade and position on the relevant pay scale.

However, there was no differentiation in the salary used to calculate compensation, which was based on the 'deemed minimum' salary level, set as the maximum of the EOII pay scale, as outlined in the published Scheme Information Booklet. This level, which represented the preferred option within the scheme business case, was approved by the Executive.

**Mr Weir** asked the Minister of Finance and Personnel whether all Departments followed the same procedure when selecting staff that exited under the Northern Ireland Civil Service Voluntary Exit Scheme.

**(AQW 54523/11-16)**

**Mr Storey:** The same selection criteria, as set out in paragraph 14 of the published Scheme Information Booklet, was applied by all NICS Departments. However, staff selection was conducted on a departmental basis, as each department had to generate different pay-bill savings and balance this with the need to take account of business continuity and minimise future redeployment consequences. The departmental selection procedure is a matter for individual departments. As regards my own Department, I can confirm that DFP applied the total number of post reductions required to secure the necessary payroll reductions for 2015/16 on a pro-rata basis across all eligible grades and disciplines within the Department.

**Mr Gardiner** asked the Minister of Finance and Personnel whether there will be a Barnett consequential from the Prime Minister's announcement of extra funding for mental health; and if so to detail how much.

**(AQW 54636/11-16)**

**Mr Storey:** The funding announced by the Prime Minister is part of the Spending Review allocation to the Department of Health in England and has already been included in the Northern Ireland Spending Review settlement.

**Mr Weir** asked the Minister of Finance and Personnel to detail the number of (i) administrative assistants; (ii) administrative officers; (iii) EO2; (iv) EO1; (v) staff officers; (vi) deputy principal; (vii) grade 7 staff currently employed in the Northern Ireland Civil Service.

**(AQW 54661/11-16)**

**Mr Storey:** Details of the numbers and grades of staff employed in the Northern Ireland Civil Service are routinely published on a quarterly basis by the Northern Ireland Statistics & Research Agency in its publication 'Employment in the Northern Ireland Civil Service' at Table 3(a), which is available on the DFP website. The information can be accessed at the following link:- [http://www.nisra.gov.uk/publications/Employment\\_in\\_the\\_NICS.html](http://www.nisra.gov.uk/publications/Employment_in_the_NICS.html)

**Mr Middleton** asked the Minister of Finance and Personnel when the first call for applicants to PEACE IV funding will be announced.

**(AQW 54670/11-16)**

**Mr Storey:** The Special EU Programmes Body (SEUPB), as Managing Authority for the PEACE IV Programme, is planning to issue the first calls for applications on 3 March 2016. Full details will be available on the SEUPB website ([www.seupb.eu](http://www.seupb.eu)).

**Mr Hussey** asked the Minister of Finance and Personnel whether industrial injury awards are taken into consideration when a member of the Northern Ireland Civil Service is awarded a pension as a result of an injury received while working as a civil servant.

**(AQW 54756/11-16)**

**Mr Storey:** I can confirm that industrial injury awards are taken into consideration when a member of the Northern Ireland Civil Service is awarded a pension as a result of an injury received while working as a civil servant.

Details of this are available at: <https://www.dfpni.gov.uk/sites/default/files/publications/dfp/csibs-ni-rules.pdf>

**Mr McCallister** asked the Minister of Finance and Personnel to detail the projected increase in the population of older people in South Down.

**(AQW 54787/11-16)**

**Mr Storey:** Population projections are not produced for Assembly Areas. They are however produced for Local Government Districts and the closest approximation to South Down Assembly area is Newry, Mourne and Down Local Government District.

Table 1 details the mid-year population statistics for persons aged 65 or over resident in the Newry, Mourne and Down Local Government District. Population estimates are provided for mid2012, as well as projections for each of the years mid2014, mid-2016, mid-2018, mid-2020, and mid-2022. The latest available projected figures for areas within Northern Ireland use the mid-2012 population estimates as the base population.

Table 1: Estimates, projections and percentage change for the population aged 65 and over in the Newry, Mourne and Down Local Government District, mid-2012 to mid-2022

	Population aged 65 and over	Projected percentage change since 2012
<b>Estimated</b>		
2012	23,800	-
<b>Projected</b>		
2014	25,300	6.3
2016	26,800	12.6
2018	28,300	18.8
2020	30,000	25.8
2022	31,700	33.2

Statistics of this nature are routinely published by the Northern Ireland Statistics and Research Agency (NISRA). These statistics, including further age breakdowns for the Newry, Mourne and Down Local Government District and each of the 11 new Local Government Districts, can be accessed on the NISRA website.

**Mr Lyttle** asked the Minister of Finance and Personnel to detail (i) the criteria for eligibility for the Community Finance Fund; (ii) the amount of grant aid available per application to the Community Finance Fund; (iii) when the Community Finance Fund will open; and (iv) why the Social Innovation Fund was not progressed.

**(AQW 54824/11-16)**

**Mr Storey:**

- (i) As required under the Dormant Bank and Building Society Accounts Act 2008, my Department will now direct the Big Lottery to develop a Strategic Plan for the utilisation of the fund in Northern Ireland. This Strategic Plan will be laid before the Assembly and will include details of how the Fund will operate including criteria for accessing the Fund.
- (ii) I am of the view that a loan or grant/loan hybrid funding model would be the most effective use of the Fund in Northern Ireland. I will therefore be asking the Big Lottery to collaborate with a third party to deliver the Community Finance Fund on behalf of the NI Executive. This is a non lottery funded programme.
- (iii) It is intended that the Fund will open to applications in late 2016.
- (iv) The Social Innovation Fund was a working title announced as part of Budget 2015-16. That Fund has now been renamed as the Community Finance Fund to better reflect the nature and role of the Fund.

## Department of Health, Social Services and Public Safety

**Mr McGlone** asked the Minister of Health, Social Services and Public Safety what protocols exist at Business Service Organisation, Health and Social Care NI, to respond to enquiries, including electronic mail, including those from elected representatives.

**(AQW 45913/11-15)**

**Mr Hamilton (The Minister of Health, Social Services and Public Safety):** A range of protocols exist within the BSO to ensure that enquiries are responded to in a timely and courteous manner, including monitoring/tracking of communications, allocating to the appropriate directorate for response and oversight by senior management.

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail (i) what progress has been made on moving toward generic rather than branded prescriptions; and (ii) the savings made as a result of these changes, in each of the last three years.

**(AQW 48635/11-16)**

**Mr Hamilton:** Increasing generic prescribing in primary care is a key element of the Health and Social Care Board's Pharmaceutical Clinical Effectiveness Programme. The generic prescribing rate was 75% in April 2011, and increased to 78% in April 2012 and to 81% in October 2015.

Savings made by dispensing generic items rather than branded items in the last three financial years in primary care are as follows:

Financial Year	Savings
2012/2013	£21.6m
2013/2014	£8.4m
2014/2015	£9.3m

**Mr Agnew** asked the Minister of Health, Social Services and Public Safety (i) what engagement he has had with the public in relation to the ongoing Unconventional Gas Exploration and Extraction study into shale gas; and (ii) if he intends to consider the health impacts included in the study.

**(AQW 49802/11-16)**

**Mr Hamilton:** My Department is aware of the Unconventional Gas Exploration and Extraction (UGEE) research programme commissioned by the Environmental Protection Agency in the Republic of Ireland but has no direct involvement. Officials from DHSSPS and the Public Health Agency continue to monitor developments in this area.

**Mr Frew** asked the Minister of Health, Social Services and Public Safety whether there are any plans to make nebulisers free of charge on the NHS.

**(AQW 49822/11-16)**

**Mr Hamilton:** Nebulisers are not available on prescription in Northern Ireland and there are no plans to make nebulisers available free of charge in primary care. However, some secondary/tertiary care services provide nebulisers on a loan basis for patients who clinically require them.

## Department of Justice

**Mr Agnew** asked the Minister of Justice what consideration has been given to making stalking a stand alone offence, separate from harassment.

**(AQW 54478/11-16)**

**Mr Ford (The Minister of Justice):** There is currently no specific offence of stalking in Northern Ireland, although three offences, namely, harassment; breach of an injunction prohibiting harassment; and causing another to fear violence may be prosecuted under the Protection from Harassment (Northern Ireland) Order 1997.

In addition to the 1997 Order, the Malicious Communications Act 1998 and the Communications Act 2003 contain powers that apply to offences in relation to sending offensive messages, threats or obscene material, or causing anxiety by the sending of messages.

At this stage I have no plans to create a specific stand-alone offence of stalking, although my Department is planning to undertake a review of aspects of the criminal law later this year. That would allow any change in the law that might be required to be made in the next Assembly mandate.

**Mr Wells** asked the Minister of Justice how many barristers practising in Northern Ireland use the title Senior Counsel as opposed to the more usual title Queen's Counsel.

**(AQW 54508/11-16)**

**Mr Ford:** The generic terms senior and junior Counsel are used in legislative and other contexts to denote the two ranks within the profession however appointment to the senior rank is only as Queen's Counsel and no other formal title would be recognised.

**Mr Allister** asked the Minister of Justice to detail the uptake under the Housing Possession Court Duty Scheme; and for his assessment of its performance.

**(AQW 54585/11-16)**

**Mr Ford:** In the first nine months of the service, from its commencement on 1 April 2015 to the end of December 2015, there were 201 acts of assistance under the Housing Possession Court Duty Scheme at the High Court and County Courts.

Although uptake of the Scheme has been lower than expected, this is in part due to a lower number of possession cases in the High Court.

The Scheme assists many vulnerable people allowing them to enter into arrangements with their landlord or mortgage lender. It has made a positive contribution to the smooth and efficient running of the court lists and secured positive outcomes for unrepresented litigants.

**Mr McCrossan** asked the Minister of Justice to outline any plans he has to upgrade Omagh courthouse.  
(AQW 54758/11-16)

**Mr Ford:** Some minor work will be taken forward at Omagh Courthouse to facilitate the court rationalisation programme.

One of the courtrooms at Omagh Courthouse will be altered to facilitate family and youth court business which will allow another courtroom to be used primarily for tribunals and proceedings where disabled access is required. Two additional consultation rooms will be made available along with improved waiting facilities.

It is planned to make minor adjustments to the main office accommodation to facilitate staff relocating from Enniskillen Courthouse when it becomes a Hearing Centre.

**Mr Weir** asked the Minister of Justice what percentage of anti-social behaviour orders in the last five years were issued by (i) youth; and (ii) adult courts.

(AQW 54763/11-16)

**Mr Ford:** The percentage of anti-social behaviour orders made in (i) youth; and (ii) adult courts during the period 2011 to 2015 are outlined below.

Year	Total number of ASBOs made	% of ASBOs made in youth courts	% of ASBOs made in adult courts
2011	18	39%	61%
2012	12	50%	50%
2013	11	27%	73%
2014	13	38%	62%
2015 <sup>P</sup>	2	0%	100%

**Source:** Integrated Court Operations System (ICOS)

<sup>P</sup> Data are currently provisional and may be subject to change.

**Mr Allister** asked the Minister of Justice what measures he has taken to ensure the memorial to murdered RUC and PSNI officers has been restored to its original position in Strand Road PSNI Station and that similar incidents of damage cannot occur in the future.

(AQW 54966/11-16)

**Mr Ford:** This is an operational matter for the Chief Constable, for which he is accountable to the Northern Ireland Policing Board, and I am committed to respecting his operational independence. You may wish, therefore, to direct your question to the Chief Constable.

## Department for Regional Development

**Mr Agnew** asked the Minister for Regional Development how nearby rivers will be protected from pollution from silt during construction of the A5.

(AQW 52895/11-16)

**Miss M McIlveen (The Minister for Regional Development):** The Environmental Statement for the A5 Western Transport Corridor (A5WTC) project includes the findings of assessments on the potential contamination of watercourses arising from construction of the proposed scheme. These assessments identified potential activities which could result in the deposition of silt with consequential impacts on water quality, associated habitats and fauna, including fish.

A comprehensive set of industry recognised mitigation measures relating to the handling and storage of soils, undertaking of earthworks and working in close proximity to watercourses have been identified. These commitments have been included within a draft Construction Environmental Management Plan and a draft Silt Management Plan, both of which must be adhered to by the appointed contractors in terms of managing risks to nearby watercourses.

I would invite you to view the A5WTC Environmental Statement (Chapter 18 in particular) as it provides detail in relation to mitigation of the risks to watercourses. This document was published for consultation on 16 February 2016 and representations are invited up to 4 April 2016. It can be accessed via the scheme specific website [www.a5wtc.com](http://www.a5wtc.com).

**Mr McMullan** asked the Minister for Regional Development for a breakdown of his Department's spend in East Antrim in each year since 2010.

(AQW 54020/11-16)

**Miss M McIlveen:** My Department's budget, including that of its arm's-length bodies (Northern Ireland Water and Translink), does not maintain an analysis of its expenditure on a parliamentary constituency basis, therefore the information provided is an approximation based on an analysis of expenditure by District Council area.

Estimated expenditure in the East Antrim area for the last six financial years is outlined below.

#### Spend in East Antrim since 2010

	2010-11		2011-12		2012-13		2013-14		2014-15		2015 -16 (up to Dec 2015)	
	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m
Department *	8.3	6.3	13.5	8.1	47.1	8.1	60.8	7.0	65.9	5.0	13.4	1.5
NI Water **	1.2	-	10.9	-	2.8	-	7.2	-	11.9	-	5.2	-
Translink **	1.3	-	1.1	-	1.1	-	0.2	-	0.6	-	0.6	-
<b>Total</b>	<b>10.8</b>	<b>6.3</b>	<b>25.5</b>	<b>8.1</b>	<b>51.0</b>	<b>8.1</b>	<b>68.2</b>	<b>7.0</b>	<b>78.4</b>	<b>5.0</b>	<b>19.2</b>	<b>1.5</b>

\* Capital and resource expenditure on department's roads maintenance activities is shown. Details of the works undertaken are available on the Department's website under publications. <https://www.drdni.gov.uk/publications/type/corporatereports/topic/5244?search=council>

The new Councils of Mid & East Antrim and Causeway Coast & Glens came into being on 1st April 2015 and at this time it is not possible to accurately report on expenditure within the new Council. The spend quoted as at 31 December 2015 therefore represents our best estimate of spend within the Mid & East Antrim and Causeway Coast & Glens Council areas.

The figures supplied for 2010-11 to 2014-15 are consolidated expenditure for elements of Larne, Carrickfergus, Newtownabbey and Moyle Councils pre Local Government Reform. The new Councils of Mid & East Antrim and Causeway Coast & Glens came into being on 1st April 2015 and at this time it is not possible to accurately report on expenditure within the new Council. The spend quoted as at 31 December 2015 therefore represents the best estimate of spend within the Mid & East Antrim and Causeway Coast & Glens Council areas and excludes expenditure by TransportNI's internal contractor and other apportioned costs.

\*\* Resource expenditure is not available by council area therefore only capital expenditure is shown.

**Mr Campbell** asked the Minister for Regional Development, given that the policy of 20mph limit at rural schools has now been in place for some time, how many other schools have indicated an interest in being part of a similar scheme.

(AQW 54148/11-16)

**Miss M McIlveen:** The policy for road safety at schools was updated and published on 25 June 2014 and included part time 20mph speed limits at schools. These, along with other road safety engineering measures such as traffic calming, are available for use at schools.

I can advise that, within your constituency, there is one school in Londonderry (Groarty Integrated Primary School) where there has been an interest in part-time 20mph speed limits. Due to resource constraints and the likely cost of implementation of a 20mph scheme (estimated at £40k) a more detailed assessment of the site has not been progressed.

In Southern Division there are three sites which are currently working through the legislative process with the intention of delivering part-time 20mph limits in the coming months.

I can further advise that we have received an additional nine requests for 20mph speed limits at rural schools in the Southern and Northern Divisions, while interest has been expressed in this measure from a number of schools through different channels, mainly at meetings about traffic management issues.

**Ms McGahan** asked the Minister for Regional Development to detail the investment her Department has made in Fermanagh and South Tyrone since 2011.

(AQW 54155/11-16)

**Miss M McIlveen:** My Department's budget, including that of its arm's-length bodies (Northern Ireland Water and Translink), does not maintain an analysis of its expenditure on a parliamentary constituency basis, rather it produces analysis on a District Council basis.

Estimated expenditure in Fermanagh and South Tyrone for the last five financial years is outlined below.

#### Spend in Fermanagh and South Tyrone since 2011

	2011-12		2012-13		2013-14		2014-15		2015 -16 (upto Dec 2015)	
	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m
Department *	19.9	8.9	27.5	9.1	16.8	7.6	13.8	7.4	6.6	1.9
NI Water **	5.0	-	3.8	-	10.6	-	13.9	-	4.7	-
Translink ***	0.2	-	0.4	-	0.1	-	0.1	-	-	-
<b>Total</b>	<b>25.1</b>	<b>8.9</b>	<b>31.7</b>	<b>9.1</b>	<b>27.5</b>	<b>7.6</b>	<b>27.8</b>	<b>7.4</b>	<b>11.3</b>	<b>1.9</b>

\* Capital and resource expenditure on department's roads maintenance activities is shown. Details of the works undertaken are available on the Department's website under publications. <https://www.drdni.gov.uk/publications/type/corporatereports/topic/5244?search=council>

The figures supplied for 2011-12 to 2014-15 are consolidated expenditure for elements of Fermanagh and Dungannon Councils pre Local Government Reform.

The new Councils of Fermanagh and Omagh and Mid Ulster came into being on 1st April 2015 and at this time it is not possible to accurately report on expenditure within the new Council. The spend quoted as at 31 December 2015 therefore represents the best estimate of spend within the Fermanagh and Omagh and Mid Ulster Council areas and excludes expenditure by TransportNI's internal contractor and other apportioned costs.

The Resource figures also include revenue funding on Rural Transport Schemes.

\*\* Resource expenditure is not available by council area therefore only capital expenditure is shown.

\*\*\* It is not possible to allocate the revenue subvention or capital spending on new buses or trains received by Translink to individual constituencies

**Mr McMullan** asked the Minister for Regional Development for a breakdown of her Department's spend in the Glens area in each year since 2010.

**(AQW 54161/11-16)**

**Miss M McIlveen:** My Department's budget, including that of its arm's-length bodies (Northern Ireland Water and Translink), does not maintain an analysis of its expenditure on a parliamentary constituency basis, rather it produces analysis on a District Council basis.

Estimated expenditure in the Glen's area for the last six financial years is outlined below.

#### Spend in Glen's area since 2010

	2010-11		2011-12		2012-13		2013-14		2014-15		2015 -16 (up to Dec 2015)	
	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m
Department *	1.1	1.9	1.6	2.5	1.8	2.3	2.0	2.4	1.8	2.4	4.7	2.0
NI Water **	9.5	-	10.2	-	10.4	-	9.4	-	4.8	-	1.8	-
Translink ***	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>10.6</b>	<b>1.9</b>	<b>11.8</b>	<b>2.5</b>	<b>12.2</b>	<b>2.3</b>	<b>11.4</b>	<b>2.4</b>	<b>6.6</b>	<b>2.4</b>	<b>6.5</b>	<b>2.0</b>

- \* Capital and resource expenditure on department's roads maintenance activities is shown. Details of the works undertaken are available on the Department's website under publications. <https://www.drdni.gov.uk/publications/type/corporatereports/topic/5244?search=council>

Pre Local Government Reform the Glens was an electoral ward within Moyle District Council. The figures supplied for 2010-11 to 2014-15 are consolidated expenditure for Moyle District Councils pre Local Government Reform. The new Causeway Coast & Glens Council (of which the Glens is now a ward) came into being on 1st April 2015 and at this time it is not possible to accurately report on expenditure within this new Council. The spend quoted as at 31 December 2015 therefore represents the best estimate of spend within the Causeway Coast & Glens Council area and excludes expenditure by TransportNI's internal contractor and other apportioned costs.

The Resource figures also include revenue funding on Rural Transport Schemes and Rathlin Ferry costs.

- \*\* Resource expenditure is not available by council area therefore only capital expenditure is shown.
- \*\*\* It is not possible to allocate the revenue subvention or capital spending on new buses or trains received by Translink to individual constituencies.

**Mr Murphy** asked the Minister for Regional Development to detail how much her (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54163/11-16)**

**Miss M McIlveen:** The amount spent on energy bills for the Department and its arm's length bodies in each of the last five years is detailed below:

Year	Annual Spend (£m)			
	Department*	NIWater	Translink	DFP**
2010-11	11.5	33.9	2.3	0.3
2011-12	12.1	29.5	2.5	0.4
2012-13	12.2	34.3	2.7	0.5
2013-14	12.5	34.1	2.8	0.5
2014-15	13.0	32.7	2.5	0.4

- \* The Department's totals include TransportNI (previously Roads Service). 92% of the Department's five year spend relates to Non Accommodation Energy costs including street lighting, with 95% of NIWater's five year spend relating to operational costs including provision of water and sewerage services.
- \*\* The DFP element details the amount spent by the Department of Finance and Personnel on energy bills in the last 5 financial years for areas of the NICS Estate occupied by DRD.

**Mr Easton** asked the Minister for Regional Development whether she would consider introducing a weight restriction on traffic using the Rathgael Road, Bangor.

**(AQW 54194/11-16)**

**Miss M McIlveen:** Weight restrictions are normally only provided where there is a structural reason such as a weak bridge or culvert. In the case of Rathgael Road, Bangor, my Department is not aware of any structural reason for the provision of a weight restriction and therefore has no proposals to implement such a restriction.

**Mr Easton** asked the Minister for Regional Development what criteria TransportNI uses to determine which schemes and works proceed.

**(AQW 54195/11-16)**

**Miss M McIlveen:** The prioritisation of investment in transport at a strategic level is directed by the "Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation" strategy. This Strategy outlines high level aims and objectives for transport which align with the Programme for Government and aim to maximise the economic, social and environmental contribution that transport can make to society.

My Department is currently progressing a balanced programme of major road improvements. Schemes in the Strategic Road Improvement Programme have been prioritised on the basis of five main criteria; impact on the environment, safety, economy, accessibility and integration. Additional importance is attributed to schemes which improve Key Transport Corridors, Link Corridors and Trunk Roads.

My Department also has a statutory duty to maintain public roads in a safe and serviceable condition. To that end, my Department undertakes an annual programme of reconstruction and resurfacing works, subject to the availability of financial resources, and my officials operate a system of regular safety inspections to ensure that essential response maintenance is identified and completed, as necessary.

These safety inspections help identify the condition of public roads, and this information is then used in the preparation and prioritisation of the annual reconstruction and resurfacing programme.

The programme is prepared on the basis of a number of factors encompassing usage, general surface condition, structural deformation, public enquiries and public liability claims.

**Mr Allister** asked the Minister for Regional Development whether there are any plans to bring the speed limits applicable to lorries over 7.5 tonnes into line with those in the rest of the UK, which also approximate to those in the Republic of Ireland. (AQW 54223/11-16)

**Miss M McIlveen:** Following public consultation exercises, the Department for Transport (DfT), increased speed limits for Large Goods Vehicles (LGVs) in April 2015. This resulted in speed limits on single carriageways being increased from 40 mph to 50 mph and on dual carriageways from 50 mph to 60 mph. The increases only apply in England and Wales.

The Scottish Government elected not to adopt this blanket approach to a rise in speed limits and will only consider increases on specific routes if they are constructed to a high standard and are enforced by average speed safety cameras. In the Irish Republic, the speed limit for LGVs is 80kph (50mph) for all roads except motorways where a limit of 90kph (56mph) exists.

Due to the legacy nature of a high percentage of our road network, and that it has not been designed to modern standards, my Department would have road safety concerns if these increased speed limits were introduced in Northern Ireland. I agree with this advice and am content to adopt the same position as the Scottish Government and await the outcome of the DfT's post implementation assessment before deciding whether to mirror the changes in England and Wales and increase the LGV speed limits here.

**Mr McNarry** asked the Minister for Regional Development what steps her Department has taken to combat the coastal erosion of roads in counties Down and Antrim in each of the last five years; and the cost involved in each year. (AQW 54240/11-16)

**Miss M McIlveen:** I can advise that extensive coastal erosion work has been undertaken by my Department in the past five years comprising of sea defence strengthening, rock armouring, rock face netting, slope stabilisation and repairs to sea walls in County Down and along the A2 Coast Road in County Antrim. The need for and importance placed on these engineering works by my Department is illustrated by the significant expenditure detailed below over the past five years;

- 2011 \ 2012 - £287,000
- 2012 \ 2013 - £1,052,000
- 2013 \ 2014 - £2,026,000
- 2014 \ 2015 - £764,500
- 2015 \ 2016 - £266,000 (Year to date).

**Mr McNarry** asked the Minister for Regional Development how many unsatisfactory road reinstatements following road openings have been detected by her Department in each of the last three years; and how much in fines was levied for unsatisfactory road reinstatements in each year. (AQW 54242/11-16)

**Miss M McIlveen:** Details of the number of unsatisfactory road reinstatements detected, and the amounts charged for follow up inspections in each of the last three years and in 2015/16 to the end of January 2016 are set out in the table below:

Year	Number of reinstatements identified as unsatisfactory	Amounts charged for follow up inspections
2012/13	759	£75,000
2013/14	704	£87,000
2014/15	634	£95,000
2015/16 to end of January 2016	568	£90,000 (to be charged)

In addition, the Courts imposed fines of £250 in 2013/14 and £500 in 2014/15 for offences under the Street Works (Northern Ireland) Order 1995, in relation to reinstatement of road openings. There were no fines imposed in 2012/13 or in 2015/16 to date.

Those failing to meet the required standard of reinstatement must also bear their own costs in carrying out the necessary remedial works.

**Mr McNarry** asked the Minister for Regional Development how many potholes in each constituency are listed for repair. (AQW 54243/11-16)

**Miss M McIlveen:** My Department does not hold information by constituency, nor do they maintain statistics specifically in relation to potholes

**Mr Weir** asked the Minister for Regional Development to list the schools that have a 20 mph speed limit imposed on the surrounding roads.

**(AQW 54313/11-16)**

**Miss M McIlveen:** The following schools fall within areas where there is a mandatory 20mph speed limit:

- |  |  |
|--|--|
| ■ De la Salle College, Belfast                       | ■ Southern Regional College, Armagh                              |
| ■ Holychild Primary School, Belfast                  | ■ Devenish College, Enniskillen                                  |
| ■ Holy Cross Primary School, Belfast                 | ■ Holy Trinity Primary School, Enniskillen                       |
| ■ St Bernadettes Primary School, Belfast             | ■ Magherafelt Primary School                                     |
| ■ Bunscoil An Tsleibhe Duibh Primary School, Belfast | ■ Gaelscoil – ui – dhochartaigh, Strabane                        |
| ■ Botanic Primary School, Belfast                    | ■ Hezlett Primary School, A2 Mussenden Road, Castlerock          |
| ■ Holy Trinity Primary School, Belfast               | ■ Kilmoyle Primary School, B67 Benvardin Road, Ballybogey        |
| ■ Gaelscoil Na Mona, Belfast                         | ■ Templepatrick Primary School, C27 Lylehill Road, Templepatrick |
| ■ City of Armagh High School, Armagh                 |  |
| ■ Lisanally Special School, Armagh                   |  |

**Mr Flanagan** asked the Minister for Regional Development whether the closure of the A4 dual carriageway at Cabragh on 11 February 2016 due to dangerous driving conditions and multiple accidents was a result of the failure of a private company to carry out sufficient treatment of the road surface.

**(AQW 54317/11-16)**

**Miss M McIlveen:** The difficult driving conditions on the A4 at Cabragh on 11 February 2016 were due to what has been described as freak weather conditions. These weather conditions had not been forecast and the operating company had no reason to plan treatment of the road surface that afternoon.

Despite everyone's best efforts there is no guarantee that roads will always be completely free of ice or slush.

**Mr Lyttle** asked the Minister for Regional Development why details of how to access the photographic evidence relating to a Penalty Charge Notice (PCN) are first outlined to an individual issued with a PCN in the Notice to Owner, rather than during the 50 per cent discount period.

**(AQW 54318/11-16)**

**Miss M McIlveen:** Photographs captured when PCNs are issued are available to view within 24 hours of being taken via the NIDirect website. A maximum of 5 working days are required before video clips, which are taken as a result of bus lane contraventions, become available and these can also be viewed via the NIDirect website. The discount period expires 14 days after a PCN has been issued but may be extended for a further period after a challenge, which has been received within the initial discount period, has been rejected.

To avoid inappropriate and unauthorised viewing of these images, access to them can only be gained online via the NIDirect website by entering the unique PCN reference number and vehicle registration mark.

Information advising drivers how to access photos and video clips is contained within the Parking Enforcement Protocol document which is also available to view on the NIDirect website.

Opportunities are continually being sought to improve the provision of information to members of the public, including that relating to PCNs within the NIDirect website.

**Mr Hazzard** asked the Minister for Regional Development how her Department will co-operate with Rivers Agency in developing a suitable flood alleviation scheme for Downpatrick.

**(AQW 54348/11-16)**

**Miss M McIlveen:** My Department works closely with DARD Rivers Agency in addressing flooding issues and will fully input to any Rivers Agency study designed to help alleviate flooding within Downpatrick.

**Mr Easton** asked the Minister for Regional Development what was the cost of installing the pedestrian crossing on the Clandeboye Road, Bangor.

**(AQW 54368/11-16)**

**Miss M McIlveen:** The cost of providing a controlled pedestrian crossing is site specific; it varies depending on the extent of engineering works required, the availability of a suitable power supply and other local factors.

My Department has recently provided two new controlled crossing on Clandeboye Road, at Clandeboye Primary School and at St. Malachy's Primary School.

Both schemes were funded through my Department's Safer Routes to Schools programme and cost £27,900 and £36,100 respectively.

**Mr Ó hOisín** asked the Minister for Regional Development whether she has considered coastal defences for the Point Road at Magilligan Point.

**(AQW 54391/11-16)**

**Miss M McIlveen:** The sea defences currently in place to protect a short section of Point Road from erosion are regularly inspected by TransportNI and are intact. Should erosion occur at some point in the future my Department's officials will consider what measures are necessary to reinstate or strengthen the existing defence, depending on the conditions at that time. There are no works planned at present.

**Mr Lyttle** asked the Minister for Regional Development for her assessment of the importance of prioritising a walking strategy in the next Programme for Government, to achieve the benefits around active travel that could be realised through a dedicated focus on walking.

**(AQW 54428/11-16)**

**Miss M McIlveen:** Increasing rates of active travel offers real benefits for health and wellbeing. Walking and cycling provide opportunities to build moderate, pleasant exercise into people's lives, bringing immediate and longer-term benefits to physical and mental health and quality of life. They also offer economic, social and environmental benefits, reducing the costs incurred by factors such as poor physical health and heavy congestion and improving accessibility for local retailers and businesses, increasing the attractiveness of areas as locations in which to live and work. So I strongly support including walking and cycling projects in the Programme for Government.

My Department has already developed strategies for walking and cycling. For example, a high level strategy for walking is an integral part of my Department's Active Travel Strategy 'Building an Active Travel Future for Northern Ireland' (January 2013). This strategy aims to put walking and cycling at the heart of our local transport arrangements, encouraging a healthier, less stressful, lower cost alternative to the private car for many shorter daily journeys. Given the considerably lower number of cycling journeys, my Department also developed a specific Bicycle Strategy which was published in August 2015.

**Mr Campbell** asked the Minister for Regional Development what the approximate capital expenditure will be in the 2016/17 year on major road improvements; and what proportion of the total capital expenditure will be spent on the A6 and A5 schemes.

**(AQW 54438/11-16)**

**Miss M McIlveen:** The Budget 2016-17 settlement has provided the Department for Infrastructure with a capital budget of £384.1 million. However internal allocations are still being finalised and a definitive budget figure for major roads improvements in 2016-17 has not been established.

The Executive's 2016-17 Budget did however confirm the funding for the two roads 'Flagship Projects', namely the A5 and A6; with a budget of £13.2 million and £21 million respectively in 2016/17.

The £13.2 million in the Budget Statement for the A5 Western Transport Corridor was the level of funding, estimated in mid 2015, required to progress the development of the scheme through the financial year 2016-17. The extent of the scheme to be delivered, arising from "A Fresh Start: The Stormont Agreement and Implementation Plan", and the timescale for development have now revised with a reduced level of funding, yet to be determined, required in 2016-17.

There is also a committed funding requirement for the A26 Glarryford – A44 Dualling and A31 Magherafelt Bypass projects which are currently under construction. In 2016-17 this funding is in the region of £30 million.

Funding for other projects has still to be determined.

**Mr Wells** asked the Minister for Regional Development to detail the costs incurred by her Department from the Declan Gormley legal case.

**(AQW 54440/11-16)**

**Miss M McIlveen:** I can confirm that the total costs are £88,779.70. This includes irrecoverable VAT on the claimant's legal costs.

**Mr McGlone** asked the Minister for Regional Development how much money has been drawn down by her Department from EU funding streams; and how this has been spent in (i) 2013-14; and (ii) 2014-2015

**(AQW 54452/11-16)**

**Miss M McIlveen:** My Department has secured a total of £98.57m of European Union funding during the last ten years. This includes £50m secured over 2013 – 2015.

Annex A provides a full breakdown of the funding detailing the projects it relates to, the European contribution and the year it was secured.

#### Annex A

EU Programme	2013	2014	2015	Grand Total
DETI European Sustainable Competitiveness Programme	10,735,500.00	7,185,000.00		17,920,500.00

EU Programme	2013	2014	2015	Grand Total
A2 Upgrade - Belfast Shore Road to Greenisland	5,485,500.00			5,485,500.00
A2 Upgrade - Belfast Shore Road to Greenisland Extension		3,450,000.00		3,450,000.00
Extended Bus Replacement Project	5,250,000.00			5,250,000.00
Optares and Goldlines		3,735,000.00		3,735,000.00
Replacement of Goldline & Metro Fleet				
<b>INTERREG IVA</b>	<b>10,278,822.00</b>			<b>10,278,822.00</b>
Drogheda Viaduct	3,168,072.00			3,168,072.00
Enterprise Phase 3 Overhaul Programme- Stage 2	7,110,750.00			7,110,750.00
<b>TEN-T</b>		<b>2,860,472.67</b>	<b>18,917,874.86</b>	<b>21,778,347.53</b>
Belfast Inter-modal Transport Hub		2,860,472.67		2,860,472.67
Bottleneck Alleviation and Cross Border Connectivity Works Knockmore to Lurgan			7,576,200.15	7,576,200.15
Technical Equipment & Infrastructure Upgrade: Londonderry to Coleraine Rail Line			11,341,674.70	11,341,674.70
<b>Grand Total</b>	<b>21,014,322.00</b>	<b>10,045,472.67</b>	<b>18,917,874.86</b>	<b>49,977,669.53</b>

**Mr Allister** asked the Minister for Regional Development how much his Department has spent on producing material in Irish in each of the last three years.

**(AQW 54483/11-16)**

**Miss M McIlveen:** Expenditure on producing material in Irish since 1 April 2012 within my Department is as follows:-

2012-2013	£298.92
2013-2014	£264.18
2014-2015	£179.00
2015-2016	£0.00

\* No expenditure has been incurred to date this year.

**Mr Easton** asked the Minister for Regional Development what are the current laws and guideness for parking cars on public footpaths.

**(AQW 54580/11-16)**

**Miss M McIlveen:** Apart from article 30 of the Road Traffic (Northern Ireland) Order 1995 which prohibits heavy commercial vehicles parking on a footway there is no general offence preventing the parking of vehicles on footways. The general principle is that it is legal to park at the side of the road everywhere except where there are local restrictions in place such as individual waiting restriction orders made under Article 4 of The Road Traffic Regulation (Northern Ireland) Order 1997. Such orders relating to specific footways prohibit vehicles waiting on the lengths of road specified in those Orders. In addition there are:

- The Footways and Verges (Prohibition of Waiting) (Bushmills) Order (Northern Ireland) 2004 which prohibits vehicles waiting on the footways or verges of the Causeway Road;
- The Footways (Prohibition of Waiting) Order (Northern Ireland) 2015 which prohibits motor vehicles waiting wholly or partly on a footway adjacent to a clearway or a controlled area at Zebra, Pelican and Puffin crossings;
- Article 3 of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982 which prohibits vehicles waiting in a public road in contravention of a traffic sign;
- Article 88 of the Roads (Northern Ireland) Order 1993 which makes it an offence to obstruct a road including a footway or footpath;
- Article 30 of the Road Traffic (Northern Ireland) Order 1995 which prohibits heavy commercial vehicles parking on a footway;
- Article 32 of The Road Traffic (NI) Order 1995 (only where a vehicle has been left in a way that involves a danger of injury to other persons using the road); and

- Article 5(c) of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982 in relation to obstructing access to premises; and
- Regulation 119 of The Motor Vehicles (Construction and Use) Regulations 1999 prohibiting a person in charge of a motor vehicle or trailer from causing or permitting the vehicle to stand on a road so as to cause any unnecessary obstruction of the road

General guidance on parking on footways can be obtained from the NIDirect Website at <http://www.nidirect.gov.uk/parking-enforcement> or in specific cases by contacting the Department's Parking Enforcement Unit.

**Mr Frew** asked the Minister for Regional Development to detail the traffic management measures that are being considered to improve road safety at the Woodgreen junction with the A26 Lisnevenagh Road.

**(AQW 54592/11-16)**

**Miss M McIlveen:** As you are aware the review of road safety along the A26 between Dunsilly and Ballee roundabouts, including the Woodgreen junction, is now complete. This review has recommended a number of collision remedial measures at three junctions along the A26, (Cromkill Road, Woodgreen/Maine Road and Creevery Road/Barnish Road). The report also recommends a review of signs and lines along the route to enhance driver information and ensure consistency of provision.

As a number of local elected representatives have expressed concern with safety on the A26, I propose to hold a briefing with interested MPs and MLAs, prior to the meeting with the Council, to detail the site specific measures.

**Mr Frew** asked the Minister for Regional Development for an update on the road safety review of the A26 from Dunsilly to Ballee.

**(AQW 54593/11-16)**

**Miss M McIlveen:** I can advise you that the review of road safety along the A26 between Dunsilly and Ballee roundabouts, including the Woodgreen junction, is now complete. This review has recommended a number of collision remedial measures at three junctions along the A26, (Cromkill Road, Woodgreen/Maine Road and Creevery Road / Barnish Road). The report also recommends a review of signs and lines along the route to enhance driver information and ensure consistency of provision.

My Department intends to present these proposals to the members of Mid and East Antrim Council for their endorsement at the earliest opportunity.

**Mr McNarry** asked the Minister for Regional Development how much public money has been expended on the Strangford ferry in each of the last five years.

**(AQW 54597/11-16)**

**Miss M McIlveen:** The following public money has been expended on the Strangford Lough Ferry Service in each of the last five years is as follows;

2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
1,369,492	1,517,732	1,916,397	1,496,101	1,504,838	1,383,781

Expenditure includes the following –

- wages for staff employed on the ferry;
- fuel costs;
- repairs and maintenance costs;
- accommodation costs (includes running costs of the ferry terminal, including rates, water, electricity telephone and contract cleaning); and
- general administrative costs.

Notional costs and depreciation of the ferry have not been included within the above costs.

**Mr McNarry** asked the Minister for Regional Development how many vehicles have used the Strangford Ferry for a (i) north-south; and (ii) south-north journey, in each of the last five years.

**(AQW 54598/11-16)**

**Miss M McIlveen:** The available information on vehicles travelling in each direction is given in the table below.

The figures for 2012/13, 2013/14 and 2014/15 financial years have been compiled from records of vehicle counts on board each sailing. Information on the numbers of vehicles travelling by direction is not available for the 2010/11 and 2011/12 financial years, however, estimated figures have been provided based on ticketing information.

	2010/11	2011/12	2012/13	2013/14	2014/15
North to South (Portaferry to Strangford)			94,872	99,044	95,321

	2010/11	2011/12	2012/13	2013/14	2014/15
South to North (Strangford to Portaferry)			91,753	94,892	91,702
<b>Total</b>	<b>181,812</b>	<b>176,641</b>	<b>186,625</b>	<b>193,936</b>	<b>187,023</b>

**Mr Beggs** asked the Minister for Regional Development what assessment has been made of the effect on water quality in the Woodburn dams catchment area of the permitted development rights granted to Infrastrata; and why NI Water has allowed this exploration to go ahead.

**(AQW 54611/11-16)**

**Miss M McIlveen:** I have been advised by Northern Ireland Water (NI Water) that the exploration project at Woodburn Forest has been designed as 'zero discharge'. This will be achieved through the development of a fully bunded site, lined with a specialised geosynthetic clay liner which prevents liquids on site from soaking into the ground below, thereby protecting local watercourses and ensuring there will be no adverse impact on Woodburn River and Dams catchment.

NI Water has in place Drinking Water Safety Plans (DWSP) for all of its water treatment works and associated supply areas. Drinking Water Safety Plans identify the potential for risk to water quality of the raw water supply treatment works from all potential sources within the catchment area.

NI Water is therefore satisfied that the proposed work will have no detrimental impact upon the impounding reservoirs or the public water supply.

The 'Consent to Drill' has been granted by the Department for Enterprise, Trade and Investment and a separate consent was issued by the Northern Ireland Environment Agency (Water Management Unit) under the Water (Northern Ireland) Order 1999, which regulates the well in terms of surface water and groundwater impacts and includes the implementation of a monitoring plan to verify that no adverse impacts arise on neighbouring waterbodies from the exploratory activity. Infrastrata also produced a detailed Project Environmental Report, addressing all aspects of biodiversity and environmental impact, which was considered and approved by NIEA.

**Mr Craig** asked the Minister for Regional Development what plans her Department has to resurface the Lurganure Road, Lisburn; including the approximate date of commencement and the portion of the road to be resurfaced.

**(AQW 54762/11-16)**

**Miss M McIlveen:** I am pleased to advise that a scheme to resurface Lurganure Road from approximately 150 metres east of Gravelhill Road to the speed limit sign at the beginning of Halfpenny Gate Road is programmed to commence early in the 2016/17 financial year subject to the availability of the necessary funding.

**Mr Easton** asked the Minister for Regional Development for an update on the plans to improve road safety at the Newtownards Road, Cotton Road and Bailies Terrace Junction in North Down.

**(AQW 54969/11-16)**

**Miss M McIlveen:** I can confirm that TransportNI has proposed a scheme involving the provision of two sections of footway along the A48 Newtownards Road, at the junction of Bailie Terrace, which will also provide improvements to sightlines at the junction.

I should advise that whilst the scheme is included in the current Minor Improvement Programme for the Ards and North Down area, progression of works will be dependent upon the successful acquisition of land from a number of individual landowners and securing the necessary finance.

## Department for Social Development

**Mrs Dobson** asked the Minister for Social Development to detail how much his Department has realised as a result of the sale of lands adjacent to Kernan Gardens, Portadown.

**(AQW 52976/11-16)**

**Lord Morrow (The Minister for Social Development):** The land at Kernan, Portadown is divided into two discrete plots. My Department completed the sale of the land at Plot A, located at Kernan Gardens, Portadown in July 2015 for £2500. Plot B, fronting onto Kernan Road is a considerably larger site, the sale of which recently completed for £60,000.

**Mr McMullan** asked the Minister for Social Development for a breakdown of his Department's spend in East Antrim in each year since 2010.

**(AQW 54019/11-16)**

**Lord Morrow:** The table below provides details of the breakdown for the Departments spend in East Antrim.

	2010-11	2011-12	2012-13	2013-14	2014-15
DSD	1,567,626	2,335,032	2,658,955	1,066,032	1,158,899

The Department is leading in the Delivering Social Change signature project to deliver at least one Social Enterprise incubation Hub in each of the Social Investment Fund zones. The Northern Zone hub, while based in Ballymena, covers the entirety of the East Antrim constituency and Glens area of Antrim.

**Ms McGahan** asked the Minister for Social Development to detail the investment his Department has made in Fermanagh and South Tyrone since 2011.

**(AQW 54156/11-16)**

**Lord Morrow:** Please find below a table outlining the Departments spend within Fermanagh and South Tyrone in each financial year from 2011-12 – 2014-15.

	2011-12	2012-13	2013-14	2014-15
DSD	2,787,638	2,904,867	3,569,116	3,728,346

DSD is leading in the Delivering Social Change signature project to deliver at least one Social Enterprise Incubation Hub in each of the Social Investment Fund zones. The Fermanagh & South Tyrone constituency is covered by both the Western and Southern SIF zones and is included in the figures above.

In addition to the funding above £8.6m was provided by the Department to three projects in Fermanagh and South Tyrone during this period under Peace 111 Priority 2.1 Theme- Creating Shared Public Space. However it is not possible to provide a breakdown by year.

**Mr McMullan** asked the Minister for Social Development for a breakdown of his Department's spend in the Glens area in each year since 2010.

**(AQW 54160/11-16)**

**Lord Morrow:** Please find below a table outlining the Departments spend within the Glens area since 2010.

	2010-11	2011-12	2012-13	2013-14	2014-15
DSD	812,286	834,003	559,081	396,491	471,009

The Department is leading in the Delivering Social Change signature project to deliver at least one Social Enterprise incubation Hub in each of the Social Investment Fund zones. The Northern Hub, while based in Ballymena, covers the entirety of the East Antrim constituency and Glens area of Antrim.

**Mr Murphy** asked the Minister for Social Development to detail how much his (a) Department; and (b) its arm's-length bodies has spent on energy bills in each of the last five years.

**(AQW 54166/11-16)**

**Lord Morrow:** The table below provides details of energy bill expenditure within the Department and Arm's-length bodies.

	2010-11	2011-12	2012-13	2013-14	2014-15
DSD	1,922,366	2,267,340	2,350,416	2,278,731	1,996,138
Charity Commission for Northern Ireland	2,550	2,635	5,622	5,948	6,956
Housing Executive	888,577	1,014,359	982,322	1,180,812	940,893

**Mr Frew** asked the Minister for Social Development to detail (i) the external cyclical maintenance schemes for Northern Ireland Housing Executive properties that commenced in the 2015-16 financial year, broken down by constituency; and (ii) the date the properties last availed of external cyclical maintenance.

**(AQW 54302/11-16)**

**Lord Morrow:** The Housing Executive has provided the following information in relation to its External Cyclical Maintenance (ECM) Programme, by constituency, for the 2015/16 financial year. Also included is the date that the properties last had external cyclical maintenance works carried out. The 2015/16 programme includes those properties in schemes that have either started or that are due to start before the end of the 2015/16 financial year.

**ECM Programme 2015/16**

Constituency	Dwellings	Date works last undertaken
Belfast East	154	2004
Belfast North	713	2000/07
Belfast South	92	2002
Belfast West	1177	1993/2007
East Antrim	0	N/A
East Londonderry	673	2003/06
Fermanagh & South Tyrone	121	2004
Foyle	1083	2003/05
Lagan Valley	239	2002
Mid Ulster	251	2003
Newry & Armagh	223	2004
North Antrim	607	2003/06
North Down	329	2003
South Antrim	594	2002/06
South Down	0	N/A
Strangford	724	2001/03
Upper Bann	644	2004
West Tyrone	264	2003/04
<b>Total</b>	<b>7888</b>	

**Mr Frew** asked the Minister for Social Development to detail the (i) kitchen replacement schemes for Housing Executive properties planned for the 2016-17 financial year, broken down by constituency; and (ii) date these properties last availed of a kitchen replacement scheme.

**(AQW 54303/11-16)**

**Lord Morrow:** The Housing Executive has provided the following information in relation to its Kitchen Replacement Programme, by constituency, for the 2016/17 financial year. Also included is the date that these properties were last included in a Kitchen Replacement Scheme.

The 2016/17 programme numbers are indicative only at this stage, and are subject to confirmation of funding for the programme next year.

**Kitchen replacement programme: 2016/17**

Constituency	Dwellings	Date last installed
Belfast East	261	1990/95
Belfast North	521	1989/96
Belfast South	264	1990/95
Belfast West	329	1990
East Antrim	280	1992/97
East Londonderry	483	1992/96
Fermanagh & South Tyrone	223	1990/94
Foyle	648	1992/97
Lagan Valley	291	1993/97
Mid Ulster	165	1992/94
Newry & Armagh	386	1991/94

Constituency	Dwellings	Date last installed
North Antrim	294	1994/97
North Down	42	1993
South Antrim	97	1995
South Down	260	1991/94
Strangford	207	1993/94
Upper Bann	294	1992
West Tyrone	214	1991/92
<b>Total</b>	<b>5,259</b>	

**Mr Frew** asked the Minister for Social Development to detail the (i) external cyclical maintenance schemes for Northern Ireland Housing Executive properties planned for the 2016-2017 financial year, broken down by constituency; and (ii) date these properties last availed of external cyclical maintenance.

**(AQW 54304/11-16)**

**Lord Morrow:** The Housing Executive has provided the following information in relation to its External Cyclical Maintenance (ECM) Programme, by constituency, for the 2016/17 financial year. Also included is the date that the properties last had external cyclical maintenance works carried out. The 2016/17 numbers are indicative only at this stage and are subject to confirmation of funding for the programme next year.

**ECM programme planned 2016/17**

Constituency	Dwellings	Date works last undertaken
Belfast East	1691	2002/07
Belfast North	793	1996/2004
Belfast South	655	2000/02
Belfast West	1480	1999/2008
East Antrim	560	2003/06
East Londonderry	569	2004/06
Fermanagh & South Tyrone	937	2005/06
Foyle	2130	2003/06
Lagan Valley	407	2001/02
Mid Ulster	536	2005/06
Newry & Armagh	1290	2004/05
North Antrim	500	2003/07
North Down	330	2002
South Antrim	581	2004/06
South Down	142	2003
Strangford	1398	2002/03
Upper Bann	943	2005
West Tyrone	0	N/A
<b>Total</b>	<b>14942</b>	

**Mr Frew** asked the Minister for Social Development to detail the (i) kitchen replacement schemes for Northern Ireland Housing Executive properties that commenced in the 2015-16 financial year, broken down by constituency; and (ii) date these properties last availed of a kitchen replacement scheme.

**(AQW 54305/11-16)**

**Lord Morrow:** The Housing Executive has provided the following information in relation to its Kitchen Replacement Programme, by constituency, for the 2015/16 financial year. The 2015/16 programme includes those properties in schemes

that have either started or that are due to start before the end of the 2015/16 financial year. Also included is the date that the properties were last included in a Kitchen Replacement Scheme.

**Kitchen replacement programme: 2015/16**

Constituency Area	No of Dwellings	Date last installed
Belfast East	436	1992/95
Belfast North	130	1992/95
Belfast South	0	0
Belfast West	397	1990/95
East Antrim	157	1991/97
East Londonderry	175	1992/94
Fermanagh & South Tyrone	118	1992/93
Foyle	494	1991/94
Lagan Valley	80	1992/94
Mid Ulster	157	1991/92
Newry & Armagh	0	0
North Antrim	194	1992/96
North Down	155	1994/99
South Antrim	275	1991/96
South Down	0	0
Strangford	0	0
Upper Bann	161	1992/93
West Tyrone	141	1989/90
<b>Total</b>	<b>3,070</b>	

**Mrs D Kelly** asked the Minister for Social Development to detail the budget in 2016-17 for Neighbourhood Renewal in the Lurgan, Brownlow & Portadown West, as designated areas in Upper Bann.

**(AQW 54326/11-16)**

**Lord Morrow:** I expect to finalise the 2016-17 Neighbourhood Renewal budget shortly however I am not yet in a position to provide the information requested on budgets for specific Neighbourhood Renewal areas. When this information becomes available, my officials will be in contact with the relevant groups to update them accordingly.

**Mr Easton** asked the Minister for Social Development to detail what has been delivered in Beechfield Estate, Donaghadee, under the Areas at Risk Programme.

**(AQW 54354/11-16)**

**Lord Morrow:** Since the Area at Risk Programme was launched in 2011 my Department has overseen the delivery of 4 projects in the Beechfield Estate, Donaghadee with a total Funding allocation of £96,038.32. During the last 2 years the only project supported by DSD has been the delivery of the Beechfield Community Programme which provides financial assistance for the running costs of the Beechfield Community House and for a number of community development activities involving local residents.

**Mr Lynch** asked the Minister for Social Development to detail (i) the number of homeless people; (ii) the average waiting time for the allocation of accommodation; (iii) the number of homeless and temporary accommodations available in each District; and (iv) the average length of stay in temporary accommodation, in each of the last two years.

**(AQW 54395/11-16)**

**Lord Morrow:** The Northern Ireland Housing Executive (NIHE) has provided the information below in response to this question.

- (i) The number of homeless people.

The number of homeless people in each NIHE District is outlined in the table below:

District	2012/13		2013/14		2014/15	
	Presented	Awarded	Presented	Awarded	Presented	Awarded
Belfast CSU					17	8
Belfast West	986	516	912	447	1085	665
Belfast East	742	352	1276	560	926	469
Belfast North	1395	813	1254	769	1249	732
Shankill	550	309	529	310	517	290
Belfast South	926	446	438	239	568	316
HSU	728	179	830	181	1049	317
Bangor	782	384	735	433	830	534
Newtownards	676	447	695	421	736	522
Castlereagh	652	366	483	273	559	371
Lisburn	1259	586	1348	687	1301	682
Dairyfarm	420	209	357	206	432	267
Downpatrick	528	259	523	283	545	327
Banbridge	316	156	324	156	280	149
Newry	761	402	767	402	777	423
Armagh	259	126	252	127	260	103
Brownlow	483	119	461	125	538	147
Portadown	282	113	293	106	341	135
Dungannon	469	256	449	251	470	318
Fermanagh	361	153	374	175	409	197
Antrim	615	383	494	276	470	328
Ballymena	750	414	695	385	763	441
Nowtownabbey1	456	222	405	198	412	291
Newtownabbey2	650	358	563	307	484	294
Carrickfergus	463	251	456	216	452	237
Larne	252	114	266	123	274	136
Moyle	121	94	138	110	132	102
Ballymoney	185	117	143	97	138	92
Coleraine	529	295	533	321	567	377
Waterloo Place	576	301	619	368	582	373
Waterside	525	333	556	289	638	385
Collon Terrace	570	334	600	332	591	376
Limavady	295	139	270	127	287	165
Magherafelt	204	119	196	99	199	111
Strabane	209	96	236	131	296	157
Omagh	206	63	188	56	240	93
Cookstown	173	54	204	63	207	86
N. Ireland	19354	9878	18862	9649	19621	11016

- (ii) The average waiting time for the allocation of accommodation.

The table below shows the Mean & Median Average Months\* for Applicants on the Waiting List at the Point of Allocation for Allocations for 1 Year to 31st March 2014 and for Allocations for 1 Year to 31st March 2015 by NIHE District Office:

NIHE District	Allocations for 1 year to 31st March 2014			Allocations for 1 year to 31st March 2015		
	Number	Mean av months on the waiting list at the Point of Allocation	Median av months on the waiting list at the Point of Allocation	Number	Mean av months on the waiting list at the Point of Allocation	Median av months on the waiting list at the Point of Allocation
Antrim	242	15.7	9.0	252	19.6	11.0
Armagh	225	15.3	8.0	182	16.2	7.5
Ballycastle	80	21.9	9.0	71	12.5	3.0
Ballymena	293	22.4	16.0	267	19.9	11.0
Ballymoney	104	13.4	7.0	63	15.6	10.0
Banbridge	159	12.9	7.0	156	12.3	6.0
Bangor	314	20.3	10.0	338	18.6	10.0
Carrickfergus	213	19.3	9.0	178	18.3	10.5
Castlereagh	286	19.7	12.0	274	18.2	10.0
Coleraine	240	23.2	12.0	245	18.0	8.0
Cookstown	76	17.2	7.0	65	14.3	5.0
Londonderry 1	312	29.1	20.5	198	26.7	17.0
Londonderry 2	194	16.4	12.0	165	18.8	13.0
Londonderry 3	263	21.3	17.0	258	23.4	17.5
Downpatrick	308	24.9	17.5	229	19.5	12.0
Dungannon	215	19.8	14.0	178	18.8	10.0
East Belfast	533	20.0	12.0	550	20.4	11.0
Fermanagh	258	12.4	5.5	249	10.7	5.0
Larne	137	12.6	6.0	127	12.3	8.0
Limavady	122	14.7	9.0	88	14.8	8.0
Lisburn Antrim Street	544	20.5	11.0	456	18.7	11.0
Lisburn Dairy Farm	140	31.5	24.0	141	32.7	29.0
Lurgan	204	15.7	10.0	220	15.6	7.0
Magherafelt	124	18.1	9.0	118	10.8	4.0
Newry	284	24.4	15.0	282	26.0	16.0
Newtownabbey1	168	17.7	10.0	148	18.3	7.0
Newtownabbey2	225	16.1	8.0	184	16.1	8.5
Newtownards	360	16.7	8.0	390	13.8	8.0
North Belfast	757	19.2	12.0	633	17.9	11.0
Omagh	129	14.3	8.0	118	12.6	7.0
Portadown	154	13.0	6.0	153	13.6	6.0
Shankill	296	15.4	8.0	353	14.3	7.0
South Belfast	369	20.6	13.0	332	20.5	11.5
Strabane	119	12.0	7.0	158	14.4	8.0

NIHE District	Allocations for 1 year to 31st March 2014			Allocations for 1 year to 31st March 2015		
	Number	Mean av months on the waiting list at the Point of Allocation	Median av months on the waiting list at the Point of Allocation	Number	Mean av months on the waiting list at the Point of Allocation	Median av months on the waiting list at the Point of Allocation
West Belfast	362	35.0	25.0	312	34.8	26.0
N.I. Total	8809	19.8	12.0	8131	18.7	11.0

\* NB When a question of "average waiting times" occurs then MEAN and MEDIAN averages are provided. The reasons for this are that the MEAN is the arithmetic average and as a statistic can often be unreliable, having been skewed by significant outliers, i.e. applicants who have been on the waiting list for a number of years. This degree of skewing makes the arithmetic average, the MEAN, unreliable. Therefore, following expert advice on this matter, the NIHE Board has approved a methodology that utilises the MEDIAN (a measure of central tendency) as a more reliable indicator in relation to Waiting Lists and Allocations.

(iii) The number of homeless and temporary accommodations available in each District.

The number of homeless and temporary accommodations available in each NIHE District is outlined in the table below:

<b>Belfast</b>	<b>Total Units*</b>
West Belfast	382
South & East Belfast	419
North Belfast	357
Lisburn Antrim Street	173
Dairyfarm	116
Castlereagh	61
<b>Total</b>	<b>1508</b>

<b>North Region</b>	<b>Total Units</b>
Londonderry/Strabane	265
Ballymena	121
Antrim	23
Ballycastle	6
Coleraine	46
Newtownabbey 1	9
Newtownabbey 2	5
Carrickfergus	10
Ballymoney	2
<b>Total</b>	<b>487</b>

<b>South Region</b>	<b>Total Units</b>
Bangor	88
Newtownards	61
Downpatrick	65
Armagh	41
Banbridge	5
Lurgan	12
Portadown	36

South Region	Total Units
Newry	164
Dungannon	49
Fermanagh	26
Cookstown	31
Omagh	49
Magherafelt	1
<b>Total</b>	<b>628</b>

\* Total units include Temporary/Homeless accommodation for families and singles across NIHE Hostels, Voluntary Sector Hostels and Temporary Accommodation secured in the private rented sector.

(iv) The average length of stay in temporary accommodation, in each of the last two years.

The average length of stay in temporary accommodation in each of the last 2 years based on all households placed in temporary accommodation by the NIHE within a set period of time is detailed below. Households placed by the NIHE in temporary accommodation before the start of this set period are also included as are households who have left temporary accommodation within the set period.

Dates	Average length of stay in temporary accommodation
01 Feb 14 to 31 Jan 15	38.4 Weeks
01 Feb 15 to 31 Jan 16	37.2 Weeks

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 Sugden** asked the Minister for Social Development, pursuant to AQW 53958/11-16, to detail when groups can expect to hear of the outcome regarding funding for the continuation of their projects.

**(AQW 54411/11-16)**

**Lord Morrow:** As previously advised the decisions on which Neighbourhood Renewal projects will continue to be supported during 2016-17 will be made through an exercise to determine which projects most effectively demonstrate they meet the objectives of the Neighbourhood Renewal programme. As we approach the beginning of the new financial year I appreciate the concerns that groups have whilst this process is ongoing. I can give assurance that my Officials are working to progress this as quickly as possible and will advise groups of the outcome of the process when completed.

**Ms Sugden** asked the Minister for Social Development, pursuant to AQW 53958/11-16, to detail (i) the criteria his Department will use to decide which projects continue to receive funding; and (ii) any plans his Department has to provide alternative support to projects that no longer receive funding.

**(AQW 54412/11-16)**

**Lord Morrow:** My Department will make decisions regarding each application for funding for Neighbourhood Renewal projects thorough an assessment and appraisal processes in line with the Northern Ireland Guide to Expenditure Appraisal and Evaluation and Managing Public Money NI. This process includes an assessment of how projects effectively demonstrate they meet the objectives of the Neighbourhood Renewal programme. Continued support for projects will only be made following the successful outcome of this assessment and appraisal process.

My Department presently has no plans to provide alternative support to projects that no longer receive funding following this process.

**Mr Agnew** asked the Minister for Social Development what steps has he taken to ensure Social Security Agencies are not operating 0845 numbers.

**(AQW 54426/11-16)**

**Lord Morrow:** As part of its number rationalisation programme the Social Security Agency has been gradually phasing out the use of 0845 contact numbers for enquiry lines and moving to services based on 0300 numbers. All new services implemented since 2013 have followed this approach. Future services to be introduced later this year as a consequence of Welfare Changes, including Benefit Cap, Personal Independence Payment, Discretionary Support and Universal Credit will also operate in this way.

For older enquiry services where system constraints have not permitted the full replacement of 0845 numbers the Social Security Agency has introduced additional 0300 numbers to mirror these. Revised messages have been added to these

lines advising customers to ring whichever number is cheaper depending on the call package they have. Currently these arrangements are in place for the following services:

- Employment and Support Allowance Enquiry line
- Employment and Support Allowance MLA line
- Pensions Centre Enquiry line

**Mr Campbell** asked the Minister for Social Development to detail the number of landlords (i) that have registered with the Landlord Registration Scheme; and (ii) that have not yet registered.

**(AQW 54435/11-16)**

**Lord Morrow:** To date over 46,000 landlords have registered with the Landlord Registration Scheme and provided details of over 97,500 private tenancies. I assess this as a positive indication that the majority of landlords have now registered with the scheme. Using figures from the 2011 Census and 2011 House Conditions survey we estimate that approximately 98% of private tenancies have been registered with the scheme.

My Department will continue to work with local councils to monitor and enforce the Landlord Registration Scheme to ensure full compliance is achieved.

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 Campbell** asked the Minister for Social Development whether any follow up action has been taken as a result of landlords that failed to register under the Landlord Registration Scheme.

**(AQW 54437/11-16)**

**Lord Morrow:** Since the introduction of the Landlord Registration scheme in 2014, over 46,000 landlords have registered with the scheme providing details of over 97,500 tenancies, which equates to approximately 98% of all private tenancies.

My Department has spoken to Councils, who are responsible for enforcement action against landlords, on follow up action that they have taken. They have advised that the work that they are carrying out with landlords and the threat of prosecution is having an impact on landlords registering with the scheme. There continues to be on average approximately 400 landlords registering per month which indicates that their actions are having an impact.

Landlord Registration and actions taken by local councils is one of number issues that will be considered as part of the current review of the role and regulation of the Private Rented Sector.

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 McCallister** asked the Minister for Social Development, pursuant to AQW 45640/11-15, for an update on the review of the Caravans Act (Northern Ireland) 2011.

**(AQW 54514/11-16)**

**Lord Morrow:** The Department has commenced the review of the Caravans Act (NI) 2011 and the Terms of Reference have been drafted.

Data has been received from all eleven Councils, the Department of Enterprise Trade and Investment (DETI) and the Department of Environment (DOE) to confirm the location of holiday and residential sites and the number of pitches on each.

The Department has also met with DETI and members of the Caravan & Camping Forum Northern Ireland to discuss the review and to seek their input on the way forward.

It is anticipated that the review will be finalised by September 2016 and will take account of the findings and views of all interested parties.

**Mr Campbell** asked the Minister for Social Development to detail the number of people that have been prosecuted for being fraudulently in receipt of benefits each year between 2010 and 2015.

**(AQW 54517/11-16)**

**Lord Morrow:** The table below shows the number of people who have been prosecuted for benefit fraud for each financial year from 01 April 2010 to 31 January 2016.

Financial Year	Prosecuted
2010 - 11	549
2011 - 12	527
2012 - 13	570

Financial Year	Prosecuted
2013 - 14	459
2014 - 15	302
2015 - (up to 31/01/16)	233
<b>Total</b>	<b>2640</b>

During the period stated above, the Department has also applied Administrative Penalties for fraudulent behaviour in a further 3252 cases.

NB: This information provided is an Official Statistic. 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 Campbell** asked the Minister for Social Development to detail the number of Housing Associations that will be engaged in the construction of new build social accommodation in the 2016-17 financial year; and how many homes will be built.

**(AQW 54519/11-16)**

**Lord Morrow:** Based on the current gross Social Housing Development Programme (SHDP) for 2016/17, the construction of new build social housing will be delivered by 14 housing associations. The social housing starts target for 2016/17 will be a minimum of 1,600 units.

**Mr Beggs** asked the Minister for Social Development following the review of the Regional Infrastructure Support Programme, to detail the target date for new funding arrangements to be in place.

**(AQW 54550/11-16)**

**Lord Morrow:** Following the review of the Regional Infrastructure Support Programme it is planned that the new funding arrangements will be in place by April 2017.

**Mr Beggs** asked the Minister for Social Development to detail the timeframe for the public consultation and completion of the Regional Infrastructure Support Programme Review process.

**(AQW 54551/11-16)**

**Lord Morrow:** Formal consultation is planned to go live around June 2016, with a view to the new support arrangements coming into effect in April 2017.

**Mr Beggs** asked the Minister for Social Development whether organisations currently funded under the Regional Infrastructure Support Programme will have at least 6 months notice regarding their funding situation post 1 October 2016.

**(AQW 54554/11-16)**

**Lord Morrow:** It is planned that organisations currently funded under the Regional Infrastructure Support Programme will shortly receive notification of the funding situation.

**Mr Beggs** asked the Minister for Social Development whether support for volunteering and for regional infrastructure support to enhance volunteer involvement will be a priority for the new Regional Infrastructure Support Programme.

**(AQW 54555/11-16)**

**Lord Morrow:** New arrangements for supporting the Voluntary and Community Sector, to include volunteering, will not be finalised until after formal consultation. It is expected that the importance placed on volunteering will continue within any policy development undertaken during the next mandate.

**Mr Beggs** asked the Minister for Social Development whether the importance placed on volunteering by the existing strategy will be sustained through a new volunteering strategy and a new 2020 vision for volunteering.

**(AQW 54556/11-16)**

**Lord Morrow:** While the existing Strategy remains current, it is expected that the importance placed on volunteering will continue to be sustained within any policy development process undertaken during the next mandate.

**Mr Campbell** asked the Minister for Social Development to detail the number of instances that the Tenancy Misuse/Fraud Strategy has resulted in the termination of tenancies, in each of the last twelve months.

**(AQW 54619/11-16)**

**Lord Morrow:** Tenancy Fraud is the use of Social Housing by someone who is not entitled to it or does not need it. All cases of suspected fraud, including abandonment and non-occupation are recorded on a Tenancy Fraud Register. Investigations are then commenced and where appropriate the relevant statutory notices served to recover such properties.

It should be noted that whilst investigations may commence due to a suspicion of tenancy fraud in some cases the investigation uncovers a genuine set of circumstances which also leads to the house being vacated. Examples include the tenant being deceased or having gone into a nursing home (initially with the intention of returning, but ultimately being unable to return home).

The following information has been provided by the NIHE and Housing Associations in the format available (on a quarterly basis) for the last 12 months from January to December 2015. Investigations take some time and a number of investigations which commenced in Quarter 4 will still be ongoing at this time.

Quarter ending	NIHE Properties	Housing Association Properties
March 2015	117	16
June 2015	114	13
Sept 2015	117	28
Dec 2015	51	29
<b>Total</b>	<b>399*</b>	<b>86</b>

\* NIHE figures include 54 properties recovered during by Tenancy Fraud investigation where the keys were returned for genuine reasons e.g. tenant deceased/moved to nursing home etc.

**Ms Sugden** asked the Minister for Social Development how he is supporting organisations and their employees that are on protective notice pending his Department's decision on funding for Neighbourhood Renewal projects in 2016-2017.  
(AQW 54714/11-16)

**Lord Morrow:** Whilst the process of assessing Neighbourhood Renewal applications is ongoing, I recognise the uncertainty that exists during the process. I can give assurance that my Officials are working to complete the process in order so that organisations are made aware of the outcome as soon as is possible.

With regards to supporting employees it should be noted as the employer, funded organisations are responsible for any decision to place staff on protective notice. Accordingly the organisation assumes all statutory employment responsibilities for their employees.

**Mr Easton** asked the Minister for Social Development to detail how much of his current budget is dedicated to addressing drug and alcohol abuse.  
(AQW 54717/11-16)

**Lord Morrow:** Whilst my Department does not have lead responsibility for addressing drug and alcohol abuse it does through the NIHE Supporting People programme fund £3.8m and £365k through its Neighbourhood Renewal programme to support people with alcohol and drug related problems.

In addition both these programmes also provide support to a number of organisations that may indirectly target drug and alcohol abuse issues through secondary means such as support for homeless people, youth intervention work, counselling and health and well being projects. Given the broad nature of such funding support and the range of services these projects provide it is not possible to disaggregate this funding and determine the amount attributable to directly address drug and alcohol issues.

**Mr Easton** asked the Minister for Social Development what action his Department will take to reduce anti-social behaviour within Northern Ireland Housing Executive properties.  
(AQW 54719/11-16)

**Lord Morrow:** The Housing Executive recognises that Community Safety is a quality of life issue which impacts on all of society, individually and collectively. It is widely recognised that responsibility for crime prevention and community safety cannot be viewed as the exclusive responsibility of the Criminal Justice system.

The Housing Executive has had a Community Safety Strategy since 2008. A public consultation in 2014 led to the development of 'Safer Together', the Housing Executive's Community Safety Strategy 2015-2017.

In tackling anti-social behaviour (ASB), the Housing Executive strives to:

- do more than is legally required under the conditions of tenancy;
- actively encourage reporting of incidents;
- quickly and formally acknowledge all reports of ASB;
- investigate all reported cases of ASB in a timely manner;
- provide advice and support to victims;
- engage support for perpetrators with complex needs to address offending behaviour;
- attempt to identify and interview all interested parties;

- establish inter agency working where appropriate;
- use legal action in appropriate circumstances;
- take action on behalf of our tenants if they are victims of ASB perpetrated by non-Housing Executive tenants; and
- take full account of serious ASB when considering applications for rehousing, both on the part of the applicant or any member of their household, to the extent that it is legal to do so.

The Housing Executive employs an incremental and proportionate approach at all times through a range of Statutory and Non-Statutory interventions. Non-statutory interventions include warning letters (an estimated 70% of reported Anti-Social Behaviour cases cease following initial interview and the issuing of a warning letter), mediation, and the use of Acceptable Behaviour Contracts - a voluntary written agreement between the Housing Executive and a person who has been involved in ASB. Statutory Interventions include eviction, though this is viewed as a last resort. A range of interventions will be used in an attempt to keep the individual within their home, whilst at the same time addressing the offending behaviour. However, if these interventions do not work, there are legal powers available to ensure victims of Anti-Social Behaviour are protected and the unacceptable behaviour is stopped. These range from injunctions to stop the nuisance or repossession of the property.

The Housing Executive attends a range of inter-agency fora working in the ASB arena, for example, ASB Delivery Group chaired by the Department for Justice and ASB Forums specific to each of their Local Offices. These meetings are attended by Housing Executive officers from the Community Safety Department and Local Offices along with representatives from the PSNI, NI Federation Housing Association, Councils, Youth Justice Agency. The agenda for these meetings is wide ranging, e.g. ASB and crime statistics, Information Sharing Protocols, legislative changes, best practice and on-going work of the various agencies working in the ASB arena and in the case of the ASB Forums, individual cases.

**Mr Lyttle** asked the Minister for Social Development, pursuant to AQW 44300/11-15, to detail (i) when Northern Ireland Housing Executive Planned Maintenance Programme Project number 2578095 (Lower Braniel) scheduled for October 2013 will be delivered; (ii) what works it will deliver; and (iii) whether it will include cavity wall insulation.

**(AQW 54721/11-16)**

**Lord Morrow:** The Housing Executive has advised that the project in question is an External Cyclical Maintenance Scheme (ECM) which is currently programmed for 2017.

The works will generally consist of the repair, or replacement, of various external elements which may include, but are not confined to, windows, doors, roofs, external walls, sundry site works, communal areas and the decoration/re-decoration of existing or new surfaces.

The Housing Executive cannot confirm at this time whether this scheme will include work on cavity wall insulation. The position on cavity wall insulation throughout the Housing Executive's stock will be established via its ECM programme. As part of a pre works survey representative samples of cavity inspections will be undertaken to determine if the cavity has been filled and, if it has, what condition the insulation is in.

**Mr Lyttle** asked the Minister for Social Development where residents can access copies of the Belfast City Council and Lisburn and Castlereagh City Council annual Housing Investment Plans.

**(AQW 54722/11-16)**

**Lord Morrow:** Housing Investment Plans for council areas are available on the Northern Ireland Housing Executive at [www.nihe.gov.uk](http://www.nihe.gov.uk) under the heading 'Plans'

For residents who do not have access to the internet, a copy of the plans can be requested from the NIHE at 2 Adelaide Street Belfast BT2 8PB or by phoning their Strategic Planning team at 02890318551.

**Mr Campbell** asked the Minister for Social Development to detail the number of previously empty homes that have been refurbished and sold, under the Affordable Home Loans Fund.

**(AQW 54730/11-16)**

**Lord Morrow:** Apex Housing Association is the only association that has received funding from the Affordable Home Loans Fund for the refurbishment of previously empty homes for sale. To date, they have purchased a total of 17 properties with this funding, 12 of which have been sold on as affordable homes and 5 that are currently in the process of refurbishment.

**Mr Campbell** asked the Minister for Social Development what provision has been made to facilitate people that have inquiries about the new State Pension which is due to commence in April 2016.

**(AQW 54732/11-16)**

**Lord Morrow:** Officials have developed and are implementing a comprehensive communication and engagement plan to effectively inform Northern Ireland citizens about the changes to State Pensions and introduction of the new State Pension from 6 April 2016.

People who have inquiries about new State Pension have a number of options to gain information;

The nidirect website has a dedicated page for State Pension which differentiates between the current State Pension and new State Pension to help people access the correct information. Depending on the user's gender and date of birth they can immediately make a distinction about which system is relevant to them.

There is also information on nidirect to allow users to calculate their State Pension

age, how to obtain a State Pension statement and further information on new State Pension.

People can also contact the Northern Ireland Pension Centre by telephone, post or email if they have any inquiries about the new State Pension. Contact details can be found on nidirect.

Officials have also liaised with the advice and voluntary sector so they can support claimants effectively who approach them with inquiries.

**Mr McCrossan** asked the Minister for Social Development what plans he has to provide extra support services in Omagh and Strabane following the implementation of Welfare Reform.

**(AQW 54761/11-16)**

**Lord Morrow:** The Professor Evason Working Group Report contains proposals for additional services for the advice sector to support the implementation of welfare reform.

My officials are having ongoing discussions with Advice Sector representatives on developing a service model to support claimants through the programme of welfare changes which will include the Omagh and Strabane areas.

There are also plans in place to engage with local councils including those covering Omagh and Strabane about what the service will look like. This will contain a face to face service to meet the demands of welfare reform.

**Mr Clarke** asked the Minister for Social Development to detail (i) the number of properties owned by the Northern Ireland Housing Executive that have Economy 7 installed, broken down by constituency; and (ii) whether his Department has analysed how much it costs a household per week.

**(AQW 54767/11-16)**

**Lord Morrow:** The Housing Executive has provided the following information detailing the number of its properties with Economy 7 heating installed broken down by constituency.

Constituency	Dwellings with Economy 7
Belfast East	484
Belfast North	857
Belfast South	225
Belfast West	288
East Antrim	205
East Londonderry	348
Fermanagh & South Tyrone	118
Foyle	73
Lagan Valley	155
Mid Ulster	50
Newry & Armagh	87
North Antrim	152
North Down	181
South Antrim	71
South Down	142
Strangford	217
Upper Bann	170
West Tyrone	18
<b>Total</b>	<b>3841</b>

The Housing Executive has advised that the Sutherland Tables are the only independent comparative heating cost tables in the UK. The Northern Ireland tables for January 2016 indicate that a two bedroom house, requiring 10,000kwh of space

heating and 2,000kwh of water heating using Economy 7, would cost £1,188 per annum to heat. The majority of Housing Executive dwellings with Economy 7 are flats and the two bedroom house example, used in the tables, is the closest in size to that dwelling type.

It should be noted that whilst it would cost £1,188 to deliver the heating demand stated above not all two bedroom flats or houses would actually require that amount of heat, and one bedroom flats would require even less. For comparison purposes the cost of providing the same level of heat in a two bedroom house using other fuels is as follows:

Type of Heating	Approximate cost per annum (£) for 2 bedroom house
Economy 7	1,188
House Coal	1,035
Natural Gas (Non Condensing)	845
Natural Gas (Condensing)	699
Liquid Petroleum Gas (Non Condensing)	1,501
Liquid Petroleum Gas (Condensing)	1,239
Oil (Non Condensing)	621
Oil (Condensing)	514

The above figures should be read with the caveat that in the last year oil has dropped in price to a 12 year low. Before that, a two bedroom house in the above example would have cost around £1,200 to heat. Gas prices which are also index linked to oil would also have been higher.

**Ms Hanna** asked the Minister for Social Development whether his Department has carried out an economic assessment or undertaken any preparatory work on a potential change to the local licensing laws in the context of later opening hours.  
(AQW 54785/11-16)

**Lord Morrow:** In 2012 the Department for Social Development consulted on a wide range of proposed changes to the law regulating the sale and supply of alcohol in Northern Ireland.

A Partial Regulatory Impact Assessment was carried out as part of that consultation which determined there was no "substantial information currently available on which to quantify the impact of the proposed reforms".

Following the publication of "Proposed changes to the law regulating the sale and supply of alcohol in Northern Ireland – Way Forward" report, my officials drafted a Bill that proposed minor changes to opening hours.

**Ms Hanna** asked the Minister for Social Development whether his Department has assessed the economic impact of licensing legislation over the Easter weekend.  
(AQW 54788/11-16)

**Lord Morrow:** The Department has not made an assessment of the economic impact of licensing legislation over the Easter weekend.

**Ms Sugden** asked the Minister for Social Development for an update on proposals to change the housing allocations system.  
(AQW 54791/11-16)

**Lord Morrow:** My officials continue to gather evidence and work up proposals for changes to the allocations system, following publication of independent recommendations on this issue. Any proposals for change will be subject to a full public consultation.

**Mr Easton** asked the Minister for Social Development to detail the cost of benefit fraud to his Department in each of the last three years.  
(AQW 54797/11-16)

**Lord Morrow:** The most recently published information on the estimated cost of benefit fraud to the Department is set out in the table below. The estimated levels of benefit fraud are shown in terms of loss and are also expressed as a percentage of benefit expenditure.

**Estimated cost of benefit fraud including Housing Benefit Fraud**

	2012 £ million	2013 £ million	2014 £ million
Total Benefit Expenditure	5,334	5,512	5,670

	2012 £ million	2013 £ million	2014 £ million
Estimated Benefit Fraud	26.9	28.2	43.6
Estimated Benefit Fraud %	0.5%	0.5%	0.8%

**NB:** This information provided is an Official Statistic. 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 Allen** asked the Minister for Social Development whether the Northern Ireland Housing Executive or his Department hold securely, any information that would identify a person as being a former member of the British Armed Forces.

**(AQW 54800/11-16)**

**Lord Morrow:** The Housing Executive has advised me that it holds information on housing and homelessness applications which could potentially identify a former member of the British Armed Forces.

In respect of the Department, the Child Maintenance Service (CMS) holds a history of all CMS Non Resident Parents' employment histories, which could potentially identify a former member of the British Armed Forces.

The Social Security Agency (SSA) holds securely information on all benefit claimants, including information in respect of past or present employment where that is relevant to a benefit claim. These records are not marked specifically or categorised for the purposes of identifying members of the British Armed Forces or any other particular type of occupation.

In all cases this information is held securely and is handled in strict accordance with the Data Protection Act 1998.

**Mr Allen** asked the Minister for Social Development what action his Department is taking to address the lack of social and affordable housing.

**(AQW 54808/11-16)**

**Lord Morrow:** The Housing Executive is responsible for the identification and calculation of social housing need which is used to formulate the Social Housing Development Programme. The Housing Executive's annual assessment of housing need across all district councils is used to determine the supply and demand for new social housing across Northern Ireland.

The Housing Executive, through its review of the current arrangements for the delivery of the Social Housing Development Programme, is assessing if there may be alternative mechanisms that will improve the delivery of social housing in Northern Ireland. This review is underway and the findings will be reported to me in due course.

I have recently approved the rolling three year gross Social Housing Development Programme covering the period 2016/17 to 2018/19. However you may wish to note that the Housing Executive has set an indicative target to deliver 8,000 new starts by 2020.

In respect of affordable housing, the Northern Ireland Co-Ownership Housing Association (NICHHA) continues to be my Department's main delivery partner. Over the last year, my Department has secured nearly £95 million in Financial Transactions Capital (FTC) loan funding for the Co-Ownership Scheme for the period 2015/16 to 2018/19. It is anticipated that this funding, in conjunction with its private finance, will permit NICHHA to deliver over 2,600 additional affordable homes.

My Department has also secured £31 million in FTC loan monies to pilot the Affordable Home Loans Fund (AHLF) and Co-Ownership's Rent to Own Initiative (formerly Rent to Purchase). These two programmes are collectively expected to deliver over 700 additional affordable homes over the coming 3 to 4 years.

My Department recognises that there continues to be significant supply barriers hampering the delivery of housing of all tenures in the wake of the economic downturn. To this end, the Department is actively working in conjunction with the NIHE and other Executive Departments to provide surplus public land sites to Housing Associations for the provision of social and affordable housing.

**Mr McKinney** asked the Minister for Social Development to detail how much his Department spent on adjudicating appeals tribunals in each of the last three years.

**(AQW 54818/11-16)**

**Lord Morrow:** The table below details the total amount paid for panel members fees for adjudicating appeal tribunals in each of the last three years.

Panel Members fees	2012/13	2013/14	2014/15
Total	£2,774,080.75	£3,429,371.34	£2,760,549.00

**Mr Agnew** asked the Minister for Social Development to detail the average number of people that have been turned away from each homeless shelter in Belfast, in the last twelve months.

**(AQW 54841/11-16)**

**Lord Morrow:** The Northern Ireland Housing Executive ( NIHE) has responsibility to ensure that temporary accommodation is made available for eligible homeless people with a priority need, pending an investigation in to what longer term accommodation duties may be owed to that person under the homelessness legislation. The NIHE has referral arrangements in place with a range of accommodation providers to ensure that this duty is met. The portfolio of temporary accommodation options includes: private single lets, NIHE and Voluntary Sector Hostels, Dispersed Intensively Managed Emergency Accommodation (DIME) and, in exceptional circumstances, Bed & Breakfast or Hotel accommodation.

Homeless Shelters and Hostels are generally managed by independent providers who operate their own access and referral policies. Temporary accommodation providers in Belfast are asked to report vacancies to the NIHE on a daily basis but do not report any refusals/unsuccessful placements. Information relating to unsuccessful referrals or placements at NIHE hostels is not readily available.

Providers may refuse referrals for a number of reasons (for example, no spaces, unsuitability of accommodation available, previous behaviour of applicant being referred). However, where the NIHE has a duty to ensure that accommodation is made available for eligible applicants it will continue to work to source appropriate accommodation.

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 McElduff** asked the Minister for Social Development for his assessment of the potential impact of a number of strategic sites becoming vacant, including school sites, on Omagh Town Centre.

**(AQW 54845/11-16)**

**Lord Morrow:** I believe that vacant or derelict sites can have a significant detrimental impact on the vibrancy and vitality of any town centre. Vacant or derelict properties indicate that a town's assets are not being fully utilised. Also in the case of Omagh town centre the relocation of the post primary schools to the Strule Shared Education Campus may result in further vacancy and a significant shift of footfall, traffic and associated retail activity from one side of the town to the other.

My Department will continue to work closely with the new Fermanagh & Omagh District Council and other relevant stakeholders to assist, where it can, with the delivery of regeneration activities on these strategic vacated sites.

**Mr Easton** asked the Minister for Social Development how many people applied to the Co-Ownership scheme in the 2015-16 financial year.

**(AQW 54853/11-16)**

**Lord Morrow:** As of the end of January 2016, the Co-Ownership scheme had received 1093 applications to its core scheme shared ownership programme in the 2015/16 financial year.

**Mr Easton** asked the Minister for Social Development to detail the Co-Ownership budget for the 2015-16 financial year.

**(AQW 54855/11-16)**

**Lord Morrow:** My Department has secured a total of nearly £94.5 million in Financial Transaction Capital (FTC) loan funding to support the Co-Ownership programme for the period 2015/16 to 2018/19. It is anticipated that £25 million of this funding will be utilised in the current financial year. Additionally, Co-Ownership also received just over £8 million in a Housing Association Grant derived from recycled receipts as part of the January monitoring round.

**Mr McCrossan** asked the Minister for Social Development to detail the number of people that have died whilst going through the benefit appeal process or a tribunal.

**(AQW 54886/11-16)**

**Lord Morrow:** The information requested is not available as statistical information relating to benefit appeals is not captured on this basis.

**Mr McElduff** asked the Minister for Social Development to detail his Department's policy on teenage discos being held on licensed premises.

**(AQW 54957/11-16)**

**Lord Morrow:** My Department's budget, including that of its arm's-length bodies (Northern Ireland Water and Translink), does not maintain an analysis of its expenditure on a parliamentary constituency basis, rather it produces analysis on a District Council basis.

Estimated expenditure in Fermanagh and South Tyrone for the last five financial years is outlined below.

#### Spend in Fermanagh and South Tyrone since 2011

	2011-12		2012-13		2013-14		2014-15		2015 -16 (upto Dec 2015)	
	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m	Capital £'m	Resource £'m
Department *	19.9	8.9	27.5	9.1	16.8	7.6	13.8	7.4	6.6	1.9
NI Water **	5.0	-	3.8	-	10.6	-	13.9	-	4.7	-
Translink ***	0.2	-	0.4	-	0.1	-	0.1	-	-	-
<b>Total</b>	<b>25.1</b>	<b>8.9</b>	<b>31.7</b>	<b>9.1</b>	<b>27.5</b>	<b>7.6</b>	<b>27.8</b>	<b>7.4</b>	<b>11.3</b>	<b>1.9</b>

\* Capital and resource expenditure on department's roads maintenance activities is shown. Details of the works undertaken are available on the Department's website under publications. <https://www.drdni.gov.uk/publications/type/corporatereports/topic/5244?search=council>

The figures supplied for 2011-12 to 2014-15 are consolidated expenditure for elements of Fermanagh and Dungannon Councils pre Local Government Reform.

The new Councils of Fermanagh and Omagh and Mid Ulster came into being on 1st April 2015 and at this time it is not possible to accurately report on expenditure within the new Council. The spend quoted as at 31 December 2015 therefore represents the best estimate of spend within the Fermanagh and Omagh and Mid Ulster Council areas and excludes expenditure by TransportNI's internal contractor and other apportioned costs.

The Resource figures also include revenue funding on Rural Transport Schemes.

\*\* Resource expenditure is not available by council area therefore only capital expenditure is shown.

\*\*\* It is not possible to allocate the revenue subvention or capital spending on new buses or trains received by Translink to individual constituencies

**Mr Allen** asked the Minister for Social Development, when a member of the British Armed Forces is leaving service, at what point can their housing needs be fully assessed under the Housing Selection Scheme.

**(AQW 55054/11-16)**

**Lord Morrow:** When a member of the Armed Forces is leaving service, the Ministry of Defence issues a "Certificate of Cessation of Entitlement to Occupy Service Living Accommodation" six months prior to the member's discharge. The member may apply to the Housing Executive for assistance at any time following the issue of the certificate, which will be accepted by the Executive as evidence that the member is threatened with homelessness and therefore falls within the scope of the Executive's statutory duties.

## Northern Ireland Assembly Commission

**Mr Allister** asked the Assembly Commission, pursuant to AQW 53526/11-16, to specify its precise findings on how Research Services Ireland operated; and for whose benefit.

**(AQW 54257/11-16)**

**Mrs McKevitt (The Representative of the Assembly Commission):** The Assembly Commission assesses the admissibility of all claims by Members in light of the requirements specified in any Determination formerly issued by the Assembly Commission and, since 2012, by the Independent Financial Review Panel. The mode of operation of a supplier or the intended benefits received from a supplier are not defined as factors that affect the admissibility of any claim.

**Mr Allister** asked the Assembly Commission, pursuant to AQW 53526/11-16, how its review of the Spotlight programmes confirmed that the payments to Research Services Ireland, as reported in the programme, were made for admissible expenditure.

**(AQW 54260/11-16)**

**Mr Gardiner (The Representative of the Assembly Commission):** The Assembly Commission assesses admissibility of all claims by Members in light of the requirements specified in any Determination formerly issued by the Assembly Commission and, since 2012, by the Independent Financial Review Panel. In this role, the Commission assessed the claims to be compliant with the relevant Determinations.

**Mr Allister** asked the Assembly Commission, pursuant to AQW 53525/11-16, to specify its precise findings as to whether these cultural societies existed; and how much rent each received.

**(AQW 54371/11-16)**

**Mrs McKevitt (The Representative of the Assembly Commission):** The Assembly Commission assesses admissibility of all claims by Members in light of the requirements specified in any Determination issued by the Independent Financial Review Panel and, in particular, paragraphs 9(11) to 9(13) of the current Determination. The Commission also places a number of administrative requirements on Members such as the provision of a signed lease and the requirement for an independent valuation of the rented premises. As such, all claims for rental payments must be supported by the presentation of a valid lease agreement to the Commission.

All claims for rental payments are published on the Assembly website annually for each Member along with details of the landlord.

**Mr Allister** asked the Assembly Commission what response was made to correspondence from the PSNI on the subject of payments to Research Services Ireland.

**(AQW 54643/11-16)**

**Mrs McKevitt (The Representative of the Assembly Commission):** The Assembly Commission has not received any correspondence from the PSNI on the subject of payments to Research Services Ireland.

The PSNI wrote in general terms to the Independent Financial Review Panel in January 2016 regarding the BBC Spotlight broadcast in 2014. This correspondence was passed to the Assembly Commission. In response the PSNI were advised that two matters had been referred to the PSNI in 2014. The first was in relation to oil usage at a constituency office which is currently before the Courts. The second was in relation to historic travel claims by an MLA which were not processed for payment.



# 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.



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# Northern Ireland Assembly

## Revised Written Answers

### Department for Social Development

*In Bound Volume 112, page WA 257 please replace AQW 53784/11-16 with:*

**Mr Allen** asked the Minister for Social Development to detail the number of planned new build houses, broken down by (a) the year they are to commence; and (b) their location.

**(AQW 53784/11-16)**

**Lord Morrow:** The total number of social housing schemes programmed as part of Social Housing Development Programme (SHDP) 2016/17 to 2018/19 and Parliament Constituency is as follows.

Parliamentary Constituency	Total 2016/17	Total 2017/18	Total 2018/19	Overall Total
East Antrim	109	8	22	139
East Belfast	214	113	45	372
East Londonderry	69	149	23	241
Fermanagh & South Tyrone	97	63		160
Foyle	611	433	498	1,542
Lagan Valley	163	46	85	294
Mid Ulster	34	10	6	50
Newry & Armagh	150	85	86	321
North Antrim	137	107	80	324
North Belfast	268	109	146	523
North Down	76	10		86
South Antrim	176	97	65	338
South Belfast	268	8	80	356
South Down	59	31	15	105
Strangford	188	5	10	203
Upper Bann	32	28	10	70
West Belfast	519	276	130	925
West Tyrone	71	14	28	113
<b>Overall Total</b>	<b>3,241</b>	<b>1,592</b>	<b>1,329</b>	<b>6162</b>

You may however, wish to note that programmed schemes may be lost or slip to future programme years for a variety of reasons relating to e.g. site acquisition / achieving Planning Permission. Additional schemes may also be added to the SHDP through the purchase of Existing Satisfactory / Off-the-shelf properties in-year, and through the annual housing association bidding round / programme formulation (which is currently underway).

## Department of Agriculture and Rural Development

*In this Bound Volume, page WA 96 please replace AQW 54283/11-16 with:*

**Mr McNarry** asked the Minister of Agriculture and Rural Development to detail the amount of EU farm subsidies funding available to farmers in each of the last ten years; and the number of active farmers in each of the last ten years.

**(AQW 54283/11-16)**

**Mrs O'Neill:** The amount of Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) and Forestry Scheme payments, paid to farmers in each of the last ten financial years is detailed in the table below. These figures also include Agri-environment Schemes payments:-

Financial Year	EU farm subsidies funding Euros
2005/2006	418,783,673
2006/2007	421,079,411
2007/2008	413,267,639
2008/2009	383,527,449
2009/2010	374,927,226
2010/2011	375,556,222
2011/2012	369,274,653
2012/2013	375,162,502
2013/2014	375,129,791
2014/2015	382,126,496
<b>Total</b>	<b>3,888,835,063</b>

According to the Agricultural Census the number of active farms in the north of Ireland, during 2006 – 2015 is detailed in the table below:-

('000 farms)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Total Farms	26.7	26.1	26.0	25.3	24.5	24.4	24.3	24.5	24.2	24.9

## Department of Health, Social Services and Public Safety

*In this Bound Volume, page WA 74 please replace AQW 54038/11-16 with:*

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the number of assaults on staff in Emergency Departments, broken down by hospital, in each of the last twelve months.

**(AQW 54038/11-16)**

**Mr Hamilton:** Incidents of verbal and physical attacks on HSC staff are recorded by the Department on a six monthly basis ending 31 March and 30 September in each calendar year.

The table below details the total number of physical and verbal assaults on staff in Emergency Departments, broken down by hospital for the last twelve months ending 30 September 2015.

**Period Covered – 1 October 2014 to 30 September 2015**

	Total of Verbal & Physical Attacks
Craigavon Area Hospital	43
Daisy Hill Hospital	23
Antrim Area Hospital	64
Causeway Hospital	11
Mater Hospital	30
Royal Victoria Hospital	68

	<b>Total of Verbal &amp; Physical Attacks</b>
Altnagelvin Hospital	13
South West Acute Hospital	10
Lagan Valley Hospital	4
Ulster Hospital	25
Bangor Community Hospital	1
<b>Total</b>	<b>292</b>



# Journal of Proceedings



# Minutes of Proceedings



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# Northern Ireland Assembly

**Monday 22 February 2016**

*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 – Public Services Ombudsman Act (Northern Ireland) 2016

The Speaker informed Members that Royal Assent had been signified, on 19 February 2016, to the Public Services Ombudsman Act (Northern Ireland) 2016.

## 3. Assembly Business

### 3.1 Motion – Suspension of Standing Orders

**Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 22 February 2016.

*Mr P Weir  
Ms C Ruane  
Mrs K McKevitt  
Mr R Swann  
Mr S Dickson*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

## 4. Executive Committee Business

### 4.1 Statement – Bombardier Announcement

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, made a statement regarding the announcement by Bombardier about its global restructuring, following which he replied to questions.

*The Principal Deputy Speaker (Mr Newton) in the Chair.*

### 4.2 First Stage – Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16)

The Minister for Regional Development, Miss Michelle McIlveen, introduced a Bill to amend the Land Acquisition and Compensation (Northern Ireland) Order 1973 to provide for additional payments for loss following the compulsory acquisition of land.

The Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16) passed First Stage and ordered to be printed.

### 4.3 Further Consideration Stage – Employment Bill (NIA Bill 73/11-16)

*A valid Petition of Concern, under Standing Order 28, was presented in relation to amendments 26 and 27, on Monday 22 February 2016 (Appendix 1).*

The Minister for Employment and Learning, Dr Stephen Farry, moved the Further Consideration Stage of the Employment Bill (NIA Bill 73/11-16).

Twenty nine amendments were tabled to the Bill and selected for debate.

**Clauses**

After debate, amendment 1 to Clause 9 was **made** without division.

After debate, amendment 2 inserting new Clause 9A 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 Speaker in the Chair.*

## 5. Question Time

### 5.1 Justice

Questions were put to, and answered by, the Minister of Justice, Mr David Ford.

### 5.2 Regional Development

Questions were put to, and answered by, the Minister for Regional Development, Miss Michelle McIlveen.

*The Deputy Speaker (Mr Beggs) in the Chair.*

## 6. Executive Committee Business (cont'd)

### 6.1 Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (cont'd)

*Debate resumed.*

After debate, amendment 3 inserting new Clause 16A was **made** without division, and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 4 inserting new Clause 16A was **made** without division, and it was **agreed** that the new clause stand part of the Bill.

*As amendment 3 was made, amendment 5 was not called.*

After debate, amendment 6 inserting new Clause 16B was **negatived** on division (Division 1).

After debate, amendment 7 inserting new Clause 16C was **negatived** without division.

After debate, amendment 9, as an amendment to amendment 8, was **negatived** without division.

After debate, amendment 8 inserting new Clause 16D was **negatived** without division.

After debate, amendment 10 inserting new Clause 16E was **negatived** without division.

After debate, amendment 11 inserting new Clause 16F was **negatived** without division.

After debate, amendment 12 inserting new Clause 16G was **negatived** on division (Division 2).

After debate, amendment 13 inserting new Clause 16H was **negatived** without division.

After debate, amendment 14 inserting new Clause 16I was **negatived** without division.

*Amendment 15 was not moved.*

After debate, amendment 16 inserting new Clause 16K was **negatived** without division.

*Amendment 17 was not moved.*

After debate, amendment 18 inserting new Clause 16A was **negatived** without division.

*As amendment 18 was not made, amendments 19 to 22 were not called.*

*The Deputy Speaker (Mr Dallat) in the Chair.*

After debate, amendment 23 inserting new Clause 16A was **negatived** on division (Division 3).

After debate, amendment 24 to Clause 21 was **made** without division.

After debate, amendment 25 to Clause 25 was **made** without division.

Further Consideration Stage of the Employment Bill (NIA Bill 73/11-16) was suspended until Tuesday 23 February 2016.

**6.2 Consideration Stage – Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16)**

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Consideration Stage of the Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16).

There were no amendments tabled to the Bill.

**Clauses**

The question being put, it was **agreed** without division that Clauses 1 to 9 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.

The Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16) stood referred to the Speaker.

**6.3 Consideration Stage – Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16)**

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Consideration Stage of the Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16).

Eight amendments were tabled to the Bill and selected for debate.

**Clauses**

The question being put, it was **agreed** without division that Clauses 1 to 4 stand part of the Bill.

*The Speaker in the Chair.*

After debate, amendment 1 inserting new Clause 4A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

*As amendment 1 was made, amendment 2 was not called.*

*As amendment 2 was not called, amendment 3 was not called.*

The question being put, it was **agreed** without division that Clause 5 stand part of the Bill.

After debate, amendment 4 inserting new Clause 5A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 5 inserting new Clause 5A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 6 to 11 stand part of the Bill.

After debate, amendment 6 inserting new Clause 11A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 7 inserting new Clause 11B was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 12 to 16 stand part of the Bill.

**Schedules**

The question being put, it was **agreed** without division that Schedules 1 and 2 stand part of the Bill.

**Long Title**

After debate, amendment 8 to the Long Title was **made** without division.

The question being put, it was **agreed** without division that the Long Title, as amended, stand part of the Bill.

The Health (Miscellaneous Provisions) Bill (NIA Bill NIA 72/11-16) stood referred to the Speaker.

**6.4 Consideration Stage – Addressing Bullying in Schools Bill (NIA Bill 71/11-16)**

The Minister of Education, Mr John O'Dowd, moved the Consideration Stage of the Addressing Bullying in Schools Bill (NIA Bill 71/11-16).

Fourteen amendments were tabled to the Bill and selected for debate.

**Clauses**

After debate, amendment 2, as an amendment to amendment 1, was **negatived** on division (Division 4).

After debate, amendment 1 to Clause 1 was **made** without division.

The question being put, it was **agreed** without division that Clause 1, as amended, stand part of the Bill.

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.

After debate, amendment 7 to Clause 2 was **made** without division.

*As amendment 7 was made, amendment 8 was not called.*

The question being put, it was **agreed** without division that Clause 2, as amended, stand part of the Bill.

After debate, amendment 9 to Clause 3 was **made** without division.

After debate, amendment 10 to Clause 3 was **made** without division.

After debate, amendment 11 to Clause 3 was **made** without division.

After debate, amendment 12 to Clause 3 was **made** without division.

After debate, amendment 13 to Clause 3 was **made** without division.

*After debate, amendment 14 to Clause 3 was not moved.*

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 and 5 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.

The Addressing Bullying in Schools Bill (NIA Bill 71/11-16) stood referred to the Speaker.

**6.5 Motion – Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016****Proposed:**

That the Rates (Exemption for Automatic Telling Machines in Rural Areas) Order (Northern Ireland) 2016 be affirmed.

*Minister of Finance and Personnel*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**6.6 Motion – Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016****Proposed:**

That the Rates (Temporary Rebate) (Amendment) Order (Northern Ireland) 2016 be affirmed.

*Minister of Finance and Personnel*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**6.7 Motion – Rates (Regional Rates) Order (Northern Ireland) 2016****Proposed:**

That the Rates (Regional Rates) Order (Northern Ireland) 2016 be affirmed.

*Minister of Finance and Personnel*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

**7. Adjournment****Proposed:**

That the Assembly do now adjourn.

*The Speaker*

*The Assembly adjourned at 11.14pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

22 February 2016

## 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 22 February 2016, in relation to amendments 26 and 27 of the Further Consideration Stage of the Employment Bill (NIA Bill 73/11-16):

- |                          |                        |
|--------------------------|------------------------|
| ■ Mr Martin McGuinness   | ■ Ms Bronwyn McGahan   |
| ■ Mr John O'Dowd         | ■ Mr Daithí McKay      |
| ■ Mrs Michelle O'Neill   | ■ Ms Maeve McLaughlin  |
| ■ Ms Carál Ní Chuilín    | ■ Mr Ian Milne         |
| ■ Ms Jennifer McCann     | ■ Mr Conor Murphy      |
| ■ Mr Cathal Boylan       | ■ Mr Oliver McMullan   |
| ■ Mr Chris Hazzard       | ■ Mr Alex Maskey       |
| ■ Ms Caitríona Ruane     | ■ Mr Cathal Ó Hoisín   |
| ■ Mr Phil Flanagan       | ■ Ms Megan Fearon      |
| ■ Mr Máirtín Ó Muilleoir | ■ Mr Alex Attwood      |
| ■ Mr Gerry Kelly         | ■ Mrs Karen McKeivitt  |
| ■ Mr Seán Lynch          | ■ Mr Gerard Diver      |
| ■ Mr Declan McAleer      | ■ Mr Fearghal McKinney |
| ■ Mr Fra McCann          | ■ Mr Seán Rogers       |
| ■ Mr Raymond McCartney   | ■ Mr Patsy McGlone     |
| ■ Ms Rosie McCorley      | ■ Mr Daniel McCrossan  |
| ■ Mr Barry McElduff      |                        |

# Northern Ireland Assembly

22 February 2016  
Division 1

**Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 6)**

The Question was put and the Assembly divided.

**Ayes:** 38

**Noes:** 55

**AYES**

*Mr Agnew, Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, 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 Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Flanagan, Ms McGahan.*

**NOES**

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCreagh, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Dickson, Ms Lo.*

Amendment 6 was **negatived**.

# Northern Ireland Assembly

22 February 2016  
Division 2

**Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 12)**

The Question was put and the Assembly divided.

**Ayes:** 38

**Noes:** 56

**AYES**

*Mr Agnew, Mr Attwood, Mr Boylan, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, 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 Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Flanagan, Mr F McCann.*

**NOES**

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Dickson, Ms Lo.*

Amendment 12 was **negatived**.

# Northern Ireland Assembly

22 February 2016  
Division 3

**Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 23)**

The Question was put and the Assembly divided.

**Ayes:** 37

**Noes:** 55

**AYES**

*Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, 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 Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr F McCann, Ms McGahan.*

**NOES**

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCreagh, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Lunn, Mr McCarthy.*

Amendment 23 was **negatived**.

# Northern Ireland Assembly

22 February 2016  
Division 4

**Consideration Stage – Addressing Bullying in Schools Bill (NIA Bill 71/11-16) (Amendment 2)**

The Question was put and the Assembly divided.

**Ayes:** 19

**Noes:** 62

**AYES**

*Mr Allen, Mr Attwood, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr McCrossan, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Rogers, Mr Swann.*

*Tellers for the Ayes: Mr Kennedy, Mr Patterson.*

**NOES**

*Mr Agnew, Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lunn, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Newton, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Pengelly, Mr Poots, Mr G Robinson, Ms Ruane, Mr Sheehan, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Hazzard, Ms Meave McLaughlin.*

Amendment 2 was **negatived**.

# Employment Bill

## Marshalled List of Amendments Further Consideration Stage

Monday 22 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

### Amendment 1

#### Clause 9, Page 9, Line 9

Leave out from ‘dealt’ to end of line 10 and insert ‘of cases dealt with by early conciliation, the average length of time taken to deal with cases and the outcome of cases;’

*Chair, Committee for Employment and Learning*

### Amendment 2

#### New Clause

After Clause 9 insert -

#### ‘Review of section 8: Assessment of matters relating to tribunal proceedings

9A.—(1) The Department must review the operation of section 8 at the end of the period of one year beginning with the commencement of that section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

- (a) a synopsis of consultation responses;
- (b) an assessment and evaluation of the effectiveness of section 8;
- (c) the number of cases overall, the number dealt with in accordance with regulations under section 8, the average length of time taken to deal with cases and the outcomes of the cases;
- (d) any savings directly attributable to the introduction of regulations under section 8.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of section 8.’

*Chair, Committee for Employment and Learning*

### Amendment 3

#### New Clause

After Clause 16 insert -

#### ‘Zero hours workers

16A. After Article 59 of the Employment Rights (Northern Ireland) Order 1996 (meaning of “wages” etc.) insert—

#### “PART IVA

#### ZERO HOURS WORKERS

#### Zero hours workers

59A.—(1) The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—

- (a) zero hours contracts;
- (b) non-contractual zero hours arrangements; or
- (c) worker’s contracts of a kind specified by the regulations.

(2) In this Article—

“non-contractual zero hours arrangement” means an arrangement other than a worker’s contract under which—

- (a) an employer and an individual agree terms on which the individual will do any work where the employer makes it available to the individual and the individual agrees to do it, but
  - (b) the employer is not required to make any work available to the individual, nor the individual required to accept it;
- and in this Article “employer”, in relation to a non-contractual zero hours arrangement, is to be read accordingly;

“zero hours contract” means a contract of employment or other worker’s contract under which—

- (a) the undertaking to do or perform work is an undertaking to do so conditionally on the employer making work available to the worker; and
- (b) there is no certainty that any such work will be made available to the worker.

(3) For the purposes of this Article—

- (a) an employer makes work available to a worker if the employer requests or requires the worker to do the work; and
- (b) references to work and doing work include references to services and performing them.

(4) The worker’s contracts which may be specified under paragraph (1)(c) are those in relation to which the Department considers it appropriate for provision made by the regulations to apply, having regard, in particular, to provision made by the worker’s contracts as to income, rate of pay or working hours.

(5) Regulations under this Article may amend or repeal any statutory provision (including paragraphs (2) to (4)).”.’

*Ms Anna Lo*

*Mr Stewart Dickson*

#### **Amendment 4**

##### **New Clause**

After Clause 16 insert -

#### *‘Gender pay and disclosure of information*

##### **Gender pay gap information**

**16A.—**(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

- (a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and
- (b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) The Department may prescribe by regulations a limit to the total number of employees and workers in an organisation below which this section does not apply.

(5) Regulations under subsection (4) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The regulations must prescribe—

- (a) descriptions of employer;
- (b) descriptions of employee;
- (c) how to calculate the number of employees that an employer has;
- (d) a standardised method for calculating any differences in the pay of male and female employees;
- (e) descriptions of information;
- (f) a requirement that information include statistics on workers within each pay band in relation to—
  - (i) ethnicity, and
  - (ii) disability;
- (g) the time at which information is to be published; and
- (h) the form and manner in which it is to be published.

(7) The first regulations under this section must be made by 30 June 2017.

(8) Regulations under subsection (6)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(9) The regulations shall make provision for a failure to comply with the regulations—

- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;
- (b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(10) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(11) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.

(12) For the purposes of this section, the ‘Department’ means the Office of the First Minister and deputy First Minister.’

*Ms Bronwyn McGahan*

*Mr Phil Flanagan*

*Mr Fra McCann*

*Ms Megan Fearon*

**Amendment 5****New Clause**

After Clause 16 insert -

**‘Zero hours contract**

**16A.**—(1) Zero hours contracts means a contract of employment or other worker’s contract under which—

- (a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and
- (b) there is no certainty that any such work or services will be made available to the worker.

(2) For the purposes of subsection (1) the Department may by regulations vary the definition.

(3) Regulations under subsection (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 6****New Clause**

After Clause 16 insert -

**‘Contract information**

**16B.**—(1) Employers shall be required to give notice in writing of the minimum hours of their workers’ employment.

(2) The notice shall be given before the commencement of the contract. If it is given orally, it must be given in writing within seven days from the commencement of the contract.

(3) The requirement under this section is without prejudice to the obligations of employers in respect of employees under section 33 of the Employment Rights (Northern Ireland) Order 1996.

(4) A worker who does not receive a notice under subsection (1) shall be regarded for the purposes of this Act as if he or she were a zero hours contract worker.

(5) In complying with the duty under section 33 of the Employment Rights (Northern Ireland) Order 1996, an employer may refer to any document issued under subsection (1).’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 7****New Clause**

After Clause 16 insert -

**‘Equal treatment**

**16C.**—(1) Employers shall be required to treat zero hours contract workers on the same basis as comparable workers engaged by their employer on fixed and regular working hours contracts.

(2) The requirement of equal treatment shall be an implied term of any contract between a zero hours contract worker and his or her employer, and the implied term shall apply to all matters relating to terms and conditions of employment.

(3) A comparable worker is a worker selected by the zero hours contract worker on the grounds that the worker in question is engaged on the same or broadly similar work having regard, where relevant, to whether the worker selected has a similar level of qualification and skills.

(4) For the avoidance of doubt, subsection (2) applies to the overtime rates payable when the worker exceeds the minimum hours of work under the terms of his or her contract.

(5) Subsection (2) shall not apply to the allocation of working time.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 8****New Clause**

After Clause 16 insert -

**‘Reasonable notice**

**16D.**—(1) The Department must by regulations require employers to give zero hours contract workers reasonable notice of—

- (a) any request or requirement to undertake a period of employment; and

(b) any cancellation of a period of employment already agreed.

(2) A period of notice shall not be reasonable if given less than 72 hours before the period of employment referred to in subsection (1).'

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

#### **Amendment 9**

##### **As an amendment to amendment 8**

At end insert -

‘(3) If a zero hours contract worker accepts employment offered contrary to the requirements of subsections (1) and (2), the employer shall be required to pay the zero hours contract worker at a rate of 150% of the rate they would normally be paid for the period in question.

(4) An employer who has cancelled a period of employment of a zero hours contract worker contrary to the requirements of subsections (1) and (2) shall be required to pay the zero hours contract worker for the period of employment in question, even though no work has been done.

(5) For the purposes of subsection (4), the amount of payment shall be made up of—

- (a) the payment the zero hours contract worker would normally be paid by his or her employer for the period in question; and
- (b) a sum equivalent to any other monetary loss incurred as a result of the cancellation.”.

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

#### **Amendment 10**

##### **New Clause**

After Clause 16 insert -

##### **‘Requests for fixed and regular employment**

**16E.—**(1) There shall be a duty on employers to consider at any time a request by a zero hours contract worker for fixed and regular working hours unless a request has been made in the previous 12 weeks.

(2) An employer to whom a request under subsection (1) is made shall deal with the application within ten working days.

(3) In considering a request, the employer shall give overriding consideration to the interest of the worker in having fixed and regular working hours.

(4) An application by a worker under this section shall be refused only where there are compelling business reasons to do so.

(5) The employer’s desire to use zero hours contracts is not a compelling business reason for using such contracts.

(6) An application shall be treated as having been refused if the provisions of subsection (2) have not been complied with.

(7) A zero hours contract worker whose request under subsection (1) has been refused may make an application to an employment tribunal.

(8) An employment tribunal shall not consider a complaint under this section unless it is presented—

- (a) before the end of the period of three months commencing ten working days after the application for fixed and regular employment was made, or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(9) Where an employment tribunal finds a complaint under subsection (7) well founded it shall make a declaration to that effect and may—

- (a) make an order for reconsideration of the application, or
- (b) make an order that the application has been successful and make an award of compensation to be paid by the employer to the worker.

(10) The amount of compensation under subsection (9) shall be such amount, not exceeding the permitted maximum, as the tribunal considers just and equitable in all the circumstances.

(11) For the purposes of subsection (10), the permitted maximum is such number of weeks’ pay as the Department may specify by regulations.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 11****New Clause**

After Clause 16 insert -

**‘Fixed and regular employment**

**16F.**—(1) There shall be a duty on employers who have continuously employed a zero hours contract worker for a period of 12 weeks to offer the zero hours contract worker fixed and regular working hours contract from the date commencing 12 weeks from his or her first engagement with his or her employer.

(2) Where a zero hours contract worker has not been continuously employed for a period of 12 weeks, there shall be a duty on employers to offer a fixed and regular working hours contract to any such zero hours contract worker who has been employed in at least 12 of the preceding 26 weeks (the reference period).

(3) For the purposes of subsection (1) and (2) the Department must by regulations make provision to establish—

- (a) a rate of pay;
- (b) a minimum period of hours; and
- (c) any other relevant terms and conditions of employment.

(4) The Department must by regulations provide for a zero hours contract worker to make an application to an employment tribunal where a fixed and regular contract under this section is not offered.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 12****New Clause**

After Clause 16 insert -

**‘Prohibition of exclusivity Clauses**

**16G.**—(1) Any term or understanding, written or oral, of a contract or engagement (whether express or implied, and whether formal or informal) that requires a zero hours contract worker to work exclusively for one employer shall be void.

(2) The provisions of subsection (1) shall not apply where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify a contractual requirement that the zero hours contract worker shall work exclusively for the employer in question.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 13****New Clause**

After Clause 16 insert -

**‘Detriment**

**16H.**—(1) It shall be unlawful for an employer to subject a zero hours contract worker to a detriment by any act or any deliberate failure to act on the ground that the zero hours contract worker—

- (a) is or has been a zero hours contract worker; or
- (b) any other condition prescribed by the Department.

(2) A zero hours contract worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of subsection (1).’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 14****New Clause**

After Clause 16 insert -

**‘Unfair dismissal**

**16I.** The dismissal of an employee shall be unfair for the purposes of The Employment Rights (Northern Ireland) Order 1996 if the reason or principal reason for the dismissal is that the employee—

- (a) is or has been a zero hours contract worker; or
- (b) any other condition prescribed by the Department.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 15****New Clause**

After Clause 16 insert -

**‘Continuously employed**

**16J.**—(1) References in this Act to a period of continuous employment are to a period computed in accordance with Chapter III of The Employment Rights (Northern Ireland) Order 1996.

(2) This is subject to the proviso that the words “employee” and “employer” as they appear in Chapter II of The Employment Rights (Northern Ireland) Order 1996 are substituted by the words “worker” and “employer”, as these terms are defined in this Order.

(3) In section 8 of The Employment Rights (Northern Ireland) Order 1996 (weeks counted in computing period), after subsection (4) insert—

“(5) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is performed shall count in computing the worker’s period of employment.

(6) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is not provided by the employer shall be treated as a week falling within subsection (3)(c).

(7) For the purposes of subsections (5) and (6), the terms worker and zero hours contract have the same meaning as in the Employment Act 2016.”.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 16****New Clause**

After Clause 16 insert -

**‘Proportion of zero hour contracts**

**16K.**—(1) The Department must by regulations set a limit on the number of zero hours contract workers as a proportion of the total number of those employed by an employer.

(2) Regulations under subsection (1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 17****New Clause**

After Clause 16 insert -

**‘Interpretation for zero hours provisions**

**16L.**—(1) A person is employed for the purposes of this Act if he or she is engaged by another to provide labour and is not genuinely operating a business on his or her own account.

(2) For the avoidance of doubt, a zero hours contract worker shall be regarded as being employed by an employer on days on which—

- (a) he or she works for that employer, and
- (b) he or she does not work for that employer

(3) It shall be for the respondent to show in any legal proceedings that the applicant is not employed.

(4) A person is an employer for the purposes of this Act if he or she engages another to provide labour, and the person engaged is not genuinely operating a business on his or her own account.

(5) A fixed and regular working hours contract is a contract that specifies working hours, and does not require the worker to be available for work for a period that exceeds by 20% the minimum hours specified in the contract.

(6) A worker is a person who is employed.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 18**

##### **New Clause**

After Clause 16 insert -

##### **'Living Wage Agency**

**16A.** The Department must, by 1 November 2017, establish an unincorporated body of persons known as "the Living Wage Agency" for the purpose of measuring, researching and advancing a living wage.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 19**

##### **New Clause**

After Clause 16 insert -

##### **'Reporting**

**16B.—**(1) The Living Wage Agency shall, on an annual basis, publish a report, in which it shall—

- (a) determine what single hourly rate shall be deemed to be a living wage, which is to be calculated based on the minimum income standard;
- (b) identify barriers that impede employers within sectors from paying the living wage;
- (c) bring forward recommendations to address the barriers identified in subsection (b);
- (d) bring forward recommendations to reduce the proportion of employees and workers paid less than the living wage;
- (e) set targets to reduce the proportion of employees and workers paid less than the living wage;
- (f) monitor progress in reducing the proportion of employees and workers paid less than the living wage; and
- (g) undertake any other related matters as the Department shall determine.

(2) The minimum income standard is the income that people need in order to reach a minimum socially acceptable standard of living.

(3) The Living Wage Agency shall determine how the minimum income standard is to be calculated.

(4) Before arriving at the recommendations to be included in their report, the Living Wage Agency shall consult—

- (a) such organisations representative of employers as they think fit;
- (b) such organisations representative of workers as they think fit; and
- (c) if they think fit, any other body or person.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 20**

##### **New Clause**

After Clause 16 insert -

##### **'Membership**

**16C.—**(1) The Living Wage Agency shall consist of a chairperson and members appointed by the Minister.

(2) In appointing members, the Minister shall have regard to the desirability of securing that there is such a balance as the Minister considers appropriate between—

- (a) members with knowledge or experience of, or interest in, trade unions or matters relating to workers generally;
- (b) members with knowledge or experience of, or interest in, employers' associations or matters relating to employers generally;
- (c) members with expertise in labour market analysis; and
- (d) members with other relevant knowledge or experience.

(3) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.

(4) A member may resign his or her membership by giving notice to the Minister.

(5) A person who ceases to be a member shall be eligible for re-appointment.

(6) The Minister may by notice to the member concerned remove from office a member who is in the opinion of the Minister unable or unfit to perform his duties as member.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 21**

##### **New Clause**

After Clause 16 insert -

##### **'Operational considerations**

**16D.** The Minister shall provide the Living Wage Agency with—

- (a) such staff from within the Department,
- (b) such accommodation, equipment and other facilities, and
- (c) such sums,

as the Minister may reasonably determine are required by the Living Wage Agency for carrying out their duties in preparing any report on matters referred to them under this Act.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 22**

##### **New Clause**

After Clause 16 insert -

##### **'Remuneration**

**16E.** The Minister may pay the members of the Living Wage Agency such allowances in respect of travel or other expenses properly incurred by them, or in respect of loss of remuneration sustained by them, in the performance of their duties, as the Minister may determine.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 23**

##### **New Clause**

After Clause 16 insert -

##### **'Blacklists**

**16A.—**(1) Article 5 of the Employment Relations (Northern Ireland) Order 1999 is amended as follows.

(2) Leave out subsection (4) and insert—

“(4) Regulations under this Article shall create an offence, which shall provide for it to be punishable—

- (a) by a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months, or both, in the case of an offence triable only summarily;
- (b) by a fine or imprisonment for a term not exceeding 3 years, or both, in the case of summary conviction for an offence triable either on indictment or summarily.

(4A) The first regulations under this subsection must be made by 31 December 2017.”'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 24**

**Clause 21**, Page 14, Line 37

After 'Article' insert '59A or'

*Ms Anna Lo*  
*Mr Stewart Dickson*

**Amendment 25****Clause 25**, Page 16, Line 10

After 'Act' insert ', except in section (Gender pay and disclosure of information),'

*Ms Bronwyn McGahan**Mr Phil Flanagan**Mr Fra McCann**Ms Megan Fearon***Amendment 26****Clause 26**, Page 16, Line 14

At end insert -

'(1A) The repeal of Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 as set out in Schedule 3 comes into operation one year after this Act receives Royal Assent.'

*Mrs Sandra Overend**Mr Danny Kennedy [R]***Amendment 27****Schedule 3**, Page 25, Line 23, Column 2

At end insert -

‘

Article 71.

,’

*Mrs Sandra Overend**Mr Danny Kennedy [R]***Amendment 28****Long Title**

After 'disclosure;' insert -

'to make provision for disclosure of gender pay information;'

*Mr Phil Flanagan**Ms Bronwyn McGahan**Mr Fra McCann***Amendment 29****Long Title**

After 'disclosure;' insert -

'to make provision for zero hours contracts; '

*Mr Phil Flanagan**Ms Bronwyn McGahan**Mr Fra McCann*

# Health (Miscellaneous Provisions) Bill

## Annotated Marshalled List of Amendments Consideration Stage

Monday 22 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.  
The Bill will be considered in the following order  
Clauses, Schedules and Long Title

### **Amendment 1** [Made]

#### **New Clause**

After Clause 4 insert -

#### **‘Prohibition: use of nicotine products or tobacco in enclosed vehicles**

**4A.**—(1) The Department may by regulations make provisions prohibiting the use of nicotine products or tobacco in an enclosed vehicle at a time when a person aged under 18 is in the vehicle.’

*Ms Rosaleen McCorley*

*Mr Daithí McKay*

*Ms Maeve McLaughlin*

### **Amendment 2** [Not called]

#### **New Clause**

After Clause 4 insert -

#### **‘Prohibition: use of nicotine products or tobacco in enclosed vehicles**

**4A.**—(1) The Department may by regulations make provisions prohibiting the use of nicotine products or tobacco in an enclosed vehicle at a time when a person aged under 18 is in the vehicle.

(2) The Department must, beginning with the coming into operation of subsection (1), raise public awareness of the change in the law to be effected by that subsection.’

*Mr Fearghal McKinney*

### **Amendment 3** [Not called]

#### **New Clause**

After Clause 4 insert -

#### **‘Fixed penalties**

**4B.**—(1) Where a police constable has reason to believe that a person has committed an offence under section 4A(1) the police constable may give that person a fixed penalty notice in respect of the offence.

(2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a penalty in accordance with this section.

(3) The form of a notice under this section shall be such as may be prescribed.

(4) The fixed penalty payable under this section shall be such amount as may be prescribed.’

*Mr Fearghal McKinney*

### **Amendment 4** [Made]

#### **New Clause**

After Clause 5 insert -

#### **‘Levy on sugar sweetened drinks**

**5A.**—(1) The Department must consult on a levy on sugar sweetened drinks within a year of enactment of the Act.

(2) The consultation required by subsection (1) should include—

- (a) a definition of sugar sweetened drinks;
- (b) which sugar sweetened drinks should be subject to a levy;
- (c) factors to be considered in determining and administering a levy;
- (d) the financial rate at which a levy may be set;
- (e) the anticipated health and economic impacts of the levy; and

- (f) the options for funding measures to address adverse health conditions associated with the consumption of sugary drinks derived from the levy revenue.
- (3) The persons consulted under subsection (1) should include—
- (a) members of the public;
  - (b) such organisations as appear to the Department to be representative of persons substantially affected by the making of the proposed regulations; and
  - (c) such other persons as the Department considers appropriate.
- (4) The Department must publish notice of its consultation in such manner as the Department thinks is most likely to bring the consultation to the attention of any persons listed in subsection (3).'

*Ms Rosaleen McCorley*

*Mr Daithi McKay*

*Ms Maeve McLaughlin*

#### **Amendment 5 [Made]**

##### **New Clause**

After Clause 5 insert -

##### **‘Review**

**5A.**—(1) The Department must not later than 3 years after the commencement of this Act review and publish a report on the implementation of Part one.

(2) Regulations under this section shall set out the terms of the review.’

*Mr Fearghal McKinney*

#### **Amendment 6 [Made]**

##### **New Clause**

After Clause 11 insert -

### **‘PART 3**

### **HUMAN TRANSPLANTATION AND ORGAN DONATION**

#### **Duty to promote transplantation**

**11A.**—(1) The Department of Health, Social Services and Public Safety (“the Department”) must—

- (a) promote transplantation, and
- (b) provide information and increase awareness about transplantation.

(2) The duty under subsection (1)(a) includes in particular a duty to promote a campaign informing the public at least once a year.’

*Ms Maeve McLaughlin*

*Ms Rosaleen McCorley*

*Mr Daithi McKay*

#### **Amendment 7 [Made]**

##### **New Clause**

After Clause 11 insert -

##### **‘Annual report on transplantation**

**11B.**—(1) The Department must lay before the Assembly, in each financial year, a report about transplantation activities in that year.

(2) The report must include—

- (a) the steps taken by the Department to fulfil the duties set out in section 11A, and
- (b) the number and nature of transplantation activities carried.

(3) At least once every five financial years, the report must include—

- (a) the opinion of the Department as to whether this Act has been effective in promoting transplantation activities, and
- (b) any recommendations the Department considers appropriate for amending the law so as to promote transplantation activities.’

*Ms Maeve McLaughlin*

*Ms Rosaleen McCorley*

*Mr Daithi McKay*

**Amendment 8** [*Made*]

**Long Title**

After 'care' insert ', to raise awareness of human transplantation'

*Ms Maeve McLaughlin*

*Ms Rosaleen McCorley*

*Mr Daithi McKay*

# Addressing Bullying in Schools Bill

## Annotated Marshalled List of Amendments Consideration Stage

Monday 22 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

The Bill will be considered in the following order

Clauses and Long Title

### **Amendment 1** [*Made*]

**Clause 1**, Page 1, Line 2

Leave out from beginning to end of line 8 and insert -

‘In this Act “bullying” includes (but is not limited to) the repeated use of—

- (a) any verbal, written or electronic communication,
- (b) any other act, or
- (c) any combination of those,

by a pupil or a group of pupils against another pupil or group of pupils, with the intention of causing physical or emotional harm to that pupil or group of pupils.’

*Minister of Education*

### **Amendment 2** [*Negatived on division*]

**As an amendment to amendment 1**

**At end insert-**

‘and where there is an imbalance of power’.

*Mrs Sandra Overend*

*Mr Danny Kennedy*

### **Amendment 3** [*Made*]

**Clause 2**, Page 1, Line 12

Leave out from ‘among pupils registered’ and insert ‘involving a registered pupil’

*Minister of Education*

### **Amendment 4** [*Made*]

**Clause 2**, Page 1, Line 16

Leave out ‘registered pupils’ and insert ‘a registered pupil’

*Minister of Education*

### **Amendment 5** [*Made*]

**Clause 2**, Page 1, Line 20

At end insert -

‘or

- (iv) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.’

*Minister of Education*

### **Amendment 6** [*Made*]

**Clause 2**, Page 1, Line 22

Leave out sub-paragraph (i) and insert -

‘(i) at intervals of no more than 4 years; and’

*Chair; Committee for Education*

**Amendment 7 [Made]****Clause 2**, Page 2, Line 16

At end insert -

‘(1A) The Board of Governors of a grant-aided school may, to such extent as it thinks reasonable, consider measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying involving a registered pupil at the school which—

- (a) involves the use of electronic communication;
- (b) takes place in circumstances other than those listed in subsection (1)(b); and
- (c) is likely to have a detrimental effect on that pupil’s education at the school.’

*Minister of Education***Amendment 8 [Not called]****Clause 2**, Page 2, Line 16

At end insert -

‘(1A) The Board of Governors of a grant-aided school may, to such an extent as is reasonable, consider measures to be taken by the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying by means of electronic communication, in circumstances other than those listed in section 2(1)(b), where that bullying is likely to have a detrimental effect on a registered pupil’s education.’

*Chair, Committee for Education***Amendment 9 [Made]****Clause 3**, Page 2, Line 26

Leave out ‘or alleged incidents of’ and insert ‘of bullying or alleged’

*Minister of Education***Amendment 10 [Made]****Clause 3**, Page 2, Line 31

At end insert -

‘or

- (d) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.’

*Minister of Education***Amendment 11 [Made]****Clause 3**, Page 2, Line 34

At end insert -

- ‘(aa) state the methods of bullying, as defined by section 1;’

*Mrs Sandra Overend**Mr Danny Kennedy***Amendment 12 [Made]****Clause 3**, Page 2, Line 36

Leave out from ‘may’ to end of line 4 on page 3 and insert -

‘may, for example, relate to—

- (a) differences of religious belief, political opinion, racial group, age, sex, sexual orientation or marital status;
- (b) differences between persons with a disability and persons without;
- (c) differences between persons with dependants and persons without;
- (d) differences between persons based on gender reassignment;
- (e) differences between persons based on pregnancy.’

*Minister of Education***Amendment 13 [Made]****Clause 3**, Page 3, Line 4

At end insert -

- ‘(3A) The Department may by order subject to negative resolution amend subsection (3).’

*Chair, Committee for Education*

**Amendment 14** [*Not moved*]

**Clause 3**, Page 3, Line 9

Leave out subsection (5)

*Minister of Education*

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 17 - 22 February 2016**

### **1. Acts of the Northern Ireland Assembly**

The Public Services Ombudsman Act (Northern Ireland) 2016.

### **2. Bills of the Northern Ireland Assembly**

Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16).

### **3. Orders in Council**

### **4. Publications Laid in the Northern Ireland Assembly**

Memorandum of Understanding between The Department for Regional Development and The General Consumer Council for Northern Ireland – The Water and Sewerage Services (Northern Ireland) Order 2006 and the Transport Act (Northern Ireland) 2011 (the Transport Act) (DRD).

Access NI - Code of Practice For Registered Persons and other recipients of Disclosure Information (DOJ).

Fermanagh and Omagh District Council Records Retention and Disposal Schedule (DCAL/PRONI).

Antrim and Newtownabbey Borough Council Retention and Disposal Schedule (DCAL/PRONI).

Armagh City, Banbridge & Craigavon District Council Retention and Disposal Schedule 2016 (DCAL/PRONI).

Derry City and Strabane District Council Retention and Disposal Policy and Schedule January 2016 (DCAL/PRONI).

Ards and North Down Borough Council Retention and Disposal Schedule January 2016 (DCAL/PRONI).

Newry, Mourne and Down and District Council Retention and Disposal Schedule (DCAL/PRONI).

Belfast Education and Library Board Annual Report and Accounts 2014-15 (DE).

### **5. Assembly Reports**

Committee for Employment and Learning – Report on its Inquiry into post Special Educational Need (SEN) Provision in Education, Employment and Training for those with Learning Disabilities in Northern Ireland (NIA 306/11-16).

Public Accounts Committee – Report on Sustainability of Schools (NIA 314/11-16).

Committee for Justice – Report on the Legislative Consent Motion: The Criminal Cases Review Commission (Information) Bill (NIA 304/11-16).

### **6. Statutory Rules**

S.R. 2016/35 The Salaries (Assembly Ombudsman and Commissioner for Complaints) Order (Northern Ireland) 2016 (OFMDFM).

S.R. 2016/50 The Public Service Pensions Revaluation (Earnings) Order (Northern Ireland) 2016 (DFP).

S.R. 2016/57 The Mental Health Review Tribunal (Amendment) Rules (Northern Ireland) 2016 (DOJ).

S.R. 2016/00 (Draft) The Public Service Pensions Revaluation (Prices) Order (Northern Ireland) 2016 (DFP).

S.R. 2016/00 (Draft) The Driver and Vehicle Agency Trading Order (Northern Ireland) 2016 (DOE).

#### **For Information Only**

S.R. 2016/51 The Parking Places, Loading Bays and Waiting Restrictions Amendments (Lisburn) Order (Northern Ireland) 2016 (DRD).

7. Written Ministerial Statements

8. Consultation Documents

NISRA - Output Geography for the Updated Multiple Deprivation Measure (NIMDM 2017) (DFP).

9. Departmental Publications

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications



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# Northern Ireland Assembly

**Tuesday 23 February 2016**

*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 Consideration of business not concluded on Monday 22 February 2016

The Speaker informed the Assembly that the Further Consideration Stage of the Employment Bill (NIA Bill 73/11-16), suspended on Monday 22 February 2016, would resume.

## 3. Executive Committee Business

### 3.1 Further Consideration Stage – Employment Bill (NIA Bill 73/11-16)

*A valid Petition of Concern, under Standing Order 28, was presented in relation to amendments 26 and 27, on Monday 22 February 2016 (Appendix 1).*

#### **Clauses**

After debate, amendment 26 to Clause 26 was **negatived** on division by a cross-community vote (Division 1).

After debate, amendment 27 to Schedule 3 was **negatived** on division by a cross-community vote (Division 2).

After debate, amendment 28 to the Long Title was **made** without division.

After debate, amendment 29 to the Long Title was **made** without division.

The Employment Bill (NIA Bill 73/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### 3.2 Consideration Stage – Fisheries Bill (NIA Bill 74/11-16)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved the Consideration Stage of the Fisheries Bill (NIA Bill 74/11-16).

Three amendments were tabled to the Bill, as well as the Minister's intention to oppose the question that Clauses 1 to 5 and 7 to 18 stand part.

#### **Clauses**

The question being put, it was **negatived** without division that Clauses 1 to 5 stand part of the Bill.

After debate, amendment 1 to Clause 6 was **made** without division.

After debate, amendment 2 to Clause 6 was **made** without division.

After debate, amendment 3 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.

The question being put, it was **negatived** without division that Clauses 7 to 18 stand part of the Bill.

The question being put, it was **agreed** without division that Clause 19 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.

The Fisheries Bill (NIA Bill 74/11-16) stood referred to the Speaker.

**3.3 Consideration Stage – Houses in Multiple Occupation Bill (NIA Bill 60/11-16)**

The Minister for Social Development, the Lord Morrow of Clogher Valley, moved the Consideration Stage of the Houses in Multiple Occupation Bill (NIA Bill 60/11-16).

53 amendments were tabled to the Bill, as well as the Minister's intention to oppose the question that Clause 83 stand part.

**Clauses**

The question being put, it was **agreed** without division that Clauses 1 and 2 stand part of the Bill.

After debate, amendment 1 to Clause 3 was **made** without division.

After debate, amendment 2 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.

The question being put, it was **agreed** without division that Clauses 4 to 8 stand part of the Bill.

After debate, amendment 3 to Clause 9 was **made** without division.

After debate, amendment 4 to Clause 9 was **made** without division.

The question being put, it was **agreed** without division that Clause 9 as amended stand part of the Bill.

After debate, amendment 5 to Clause 10 was **made** without division.

After debate, amendment 6 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 being put, it was **agreed** without division that Clauses 11 to 17 stand part of the Bill.

After debate, amendment 7 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 being put, it was **agreed** without division that Clause 19 stand part of the Bill.

After debate, amendment 8 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 9 to Clause 21 was **made** without division.

After debate, amendment 10 to Clause 21 was **made** without division.

After debate, amendment 11 to Clause 21 was **made** without division.

After debate, amendment 12 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 being put, it was **agreed** without division that Clauses 22 to 25 stand part of the Bill.

After debate, amendment 13 to Clause 26 was **made** without division.

After debate, amendment 14 to Clause 26 was **made** without division.

After debate, amendment 15 to Clause 26 was **made** without division.

After debate, amendment 16 to Clause 26 was **made** without division.

After debate, amendment 17 to Clause 26 was **made** without division.

After debate, amendment 18 to Clause 26 was **made** without division.

After debate, amendment 19 to Clause 26 was **made** without division.

The question being put, it was **agreed** without division that Clause 26 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clause 27 stand part of the Bill.

After debate, amendment 20 to Clause 28 was **made** without division.

After debate, amendment 21 to Clause 28 was **made** without division.

The question being put, it was **agreed** without division that Clause 28 as amended stand part of the Bill.

After debate, amendment 22 to Clause 29 was **made** without division.

After debate, amendment 23 to Clause 29 was **made** without division.

The question being put, it was **agreed** without division that Clause 29 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 30 to 32 stand part of the Bill.

After debate, amendment 24 to Clause 33 was **made** without division.

After debate, amendment 25 to Clause 33 was **made** without division.

After debate, amendment 26 to Clause 33 was **made** without division.

The question being put, it was **agreed** without division that Clause 33 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 34 to 61 stand part of the Bill.

After debate, amendment 27 to Clause 62 was **made** without division.

After debate, amendment 28 to Clause 62 was **made** without division.

After debate, amendment 29 to Clause 62 was **made** without division.

After debate, amendment 30 to Clause 62 was **made** without division.

After debate, amendment 31 to Clause 62 was **made** without division.

The question being put, it was **agreed** without division that Clause 62 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 63 to 66 stand part of the Bill.

After debate, amendment 32 to Clause 67 was **made** without division.

The question being put, it was **agreed** without division that Clause 67 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 68 to 73 stand part of the Bill.

After debate, amendment 33 inserting a new Clause 73A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, amendment 34 to Clause 74 was **made** without division.

The question being put, it was **agreed** without division that Clause 74 as amended stand part of the Bill.

After debate, amendment 35 to Clause 75 was **made** without division.

The question being put, it was **agreed** without division that Clause 75 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 76 and 77 stand part of the Bill.

After debate, amendment 36 to Clause 78 was **made** without division.

After debate, amendment 37 to Clause 78 was **made** without division.

The question being put, it was **agreed** without division that Clause 78 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 79 to 82 stand part of the Bill.

After debate, the question that Clause 83 stand part of the bill was **negatived** without division.

The question being put, it was **agreed** without division that Clauses 84 and 85 stand part of the Bill.

After debate, amendment 38 to Clause 86 was **made** without division.

The question being put, it was **agreed** without division that Clause 86 as amended stand part of the Bill.

After debate, amendment 39 to Clause 87 was **made** without division.

The question being put, it was **agreed** without division that Clause 87 as amended stand part of the Bill.

After debate, amendment 40 to Clause 88 was **made** without division.

After debate, amendment 41 to Clause 88 was **made** without division.

After debate, amendment 42 to Clause 88 was **made** without division.

After debate, amendment 43 to Clause 88 was **made** without division.

The question being put, it was **agreed** without division that Clause 88 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Clauses 89 to 91 stand part of the Bill.

After debate, amendment 44 to Schedule 1 was **made** without division.

After debate, amendment 45 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 46 to Schedule 2 was **made** without division.

After debate, amendment 47 to Schedule 2 was **made** without division.

After debate, amendment 48 to Schedule 2 was **made** without division.

After debate, amendment 49 to Schedule 2 was **made** without division.

After debate, amendment 50 to Schedule 2 was **made** without division.

After debate, amendment 51 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.

The question being put, it was **agreed** without division that Schedule 3 stand part of the Bill.

After debate, amendment 52 to Schedule 4 was **made** without division.

The question being put, it was **agreed** without division that Schedule 4 as amended stand part of the Bill.

After debate, amendment 53 to Schedule 5 was **made** without division.

The question being put, it was **agreed** without division that Schedule 5 as amended stand part of the Bill.

The question being put, it was **agreed** without division that Schedules 6 to 8 stand part of the Bill.

### **Long Title**

The question being put, the Long Title was **agreed** without division.

The Houses in Multiple Occupation Bill (NIA Bill 60/11-16) stood referred to the Speaker.

*The sitting was suspended at 1.04pm.*

*The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Beggs) in the Chair.*

## **4. Question Time**

### **4.1 Social Development**

Questions were put to, and answered by, the Minister for Social Development, the Lord Morrow of Clogher Valley.

### **4.2 Agriculture and Rural Development**

Questions were put to, and answered by, the Minister of Agriculture and Rural Development, Mrs Michelle O'Neill.

*The Speaker in the Chair.*

## 5. Executive Committee Business (cont'd)

### 5.1 Final Stage – Housing (Amendment) Bill (NIA Bill 58/11-16)

The Minister for Social Development, the Lord Morrow of Clogher Valley, moved that the Final Stage of the Housing (Amendment) Bill (NIA Bill 58/11-16) do now pass.

*Debate ensued.*

The Housing (Amendment) Bill (NIA Bill 58/11-16) passed Final Stage.

### 5.2 Motion – The Draft Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016 Proposed:

That the draft Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016 be approved.

*Minister for Social Development*

*Debate ensued.*

The Question being put, the Motion on the draft Charities Act 2008 (Designated Religious Charities) Order (Northern Ireland) 2016 was **carried** without division.

### 5.3 Further Consideration Stage – Shared Education Bill (NIA Bill 66/11-16)

The Minister of Education, Mr John O'Dowd, moved the Further Consideration Stage of the Shared Education Bill (NIA Bill 66/11-16).

14 amendments were tabled to the Bill and selected for debate.

*The Principal Deputy Speaker (Mr Newton) in the Chair.*

#### Clauses

After debate, amendment 1, inserting a new clause before Clause 1, was **made** without division and it was **agreed** that the new clause stand part of the Bill.

*After debate, amendment 2 was not moved.*

After debate, amendment 3 to Clause 1 was **negatived** without division.

After debate, amendment 4 to Clause 1 was **made** without division.

After debate, amendment 5 to Clause 1 was **made** without division.

After debate, amendment 6 to Clause 1 was **made** without division.

After debate, amendment 7 to Clause 2 was **made** without division.

After debate, amendment 8 to Clause 2 was **negatived** without division.

After debate, amendment 9 to Clause 3 was **made** without division.

After debate, amendment 10 to Clause 5 was **negatived** without division.

*After debate, amendment 11 was not moved.*

After debate, amendment 12 to Clause 6 was **made** without division.

After debate, amendment 13 to Clause 6 was **made** without division.

After debate, amendment 14, inserting a new Clause 7A, was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The Shared Education Bill (NIA Bill NIA 66/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

**5.4 Final Stage – Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16)**

The junior Minister, Mrs Emma Pengelly, moved that the Final Stage of the Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16) do now pass.

*Debate ensued.*

The Assembly Members (Reduction of Numbers) Bill (NIA Bill 76/11-16) passed Final Stage with cross-community support *nemine contradicente*.

**5.5 Final Stage – Budget Bill (NIA Bill 77/11-16)**

The Minister of Finance and Personnel, Mr Mervyn Storey, moved that the Final Stage of the Budget Bill (NIA Bill 77/11-16) do now pass.

*Debate ensued.*

*The Deputy Speaker (Mr Dallat) in the Chair.*

The Budget Bill (NIA Bill 77/11-16) passed Final Stage on a cross-community vote (Division 3).

**6. Adjournment****Proposed:**

That the Assembly do now adjourn.

*The Deputy Speaker (Mr Dallat)*

*The Assembly adjourned at 8.06pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

23 February 2016

## 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 22 February 2016, in relation to amendments 26 and 27 of the Further Consideration Stage of the Employment Bill (NIA Bill 73/11-16):

- |                          |                        |
|--------------------------|------------------------|
| ■ Mr Martin McGuinness   | ■ Ms Bronwyn Mcgahan   |
| ■ Mr John O'Dowd         | ■ Mr Daithí McKay      |
| ■ Mrs Michelle O'Neill   | ■ Ms Maeve McLaughlin  |
| ■ Ms Carál Ní Chuilín    | ■ Mr Ian Milne         |
| ■ Ms Jennifer McCann     | ■ Mr Conor Murphy      |
| ■ Mr Cathal Boylan       | ■ Mr Oliver McMullan   |
| ■ Mr Chris Hazzard       | ■ Mr Alex Maskey       |
| ■ Ms Caitríona Ruane     | ■ Mr Cathal Ó Hoisín   |
| ■ Mr Phil Flanagan       | ■ Ms Megan Fearon      |
| ■ Mr Máirtín Ó Muilleoir | ■ Mr Alex Attwood      |
| ■ Mr Gerry Kelly         | ■ Mrs Karen McKeivitt  |
| ■ Mr Seán Lynch          | ■ Mr Gerard Diver      |
| ■ Mr Declan McAleer      | ■ Mr Fearghal McKinney |
| ■ Mr Fra McCann          | ■ Mr Seán Rogers       |
| ■ Mr Raymond McCartney   | ■ Mr Patsy McGlone     |
| ■ Ms Rosie McCorley      | ■ Mr Daniel McCrossan  |
| ■ Mr Barry McElduff      |                        |

# Northern Ireland Assembly

23 February 2016  
Division 1

## Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 26)

The Question was put and the Assembly divided.

**Ayes:** 45

**Noes:** 32

### AYES

#### Unionist

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Lyons, Mr McCallister, Mr I McCrea, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

#### Other

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Ms Lo, Mr McCarthy.*

*Tellers for the Ayes: Mrs Overend, Mr Patterson.*

### NOES

#### Nationalist

*Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, 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 Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan, Ms McGahan.*

Total Votes	77	Total Ayes	45	[58.4%]
Nationalist Votes	32	Nationalist Ayes	0	[0.0%]
Unionist Votes	39	Unionist Ayes	39	[100.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Amendment 26 was **negatived** on a cross-community vote.

# Northern Ireland Assembly

23 February 2016  
Division 2

## Further Consideration Stage – Employment Bill (NIA Bill 73/11-16) (Amendment 27)

The Question was put and the Assembly divided.

**Ayes:** 46

**Noes:** 33

### AYES

#### Unionist

*Mr Allen, Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Lyons, Mr McCallister, Mr I McCrea, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

#### Other

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

*Tellers for the Ayes: Mrs Overend, Mr Patterson.*

### NOES

#### Nationalist

*Mr Attwood, Mr Boylan, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, 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 Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr Flanagan, Mr F McCann.*

Total Votes	79	Total Ayes	46	[58.2%]
Nationalist Votes	33	Nationalist Ayes	0	[0.0%]
Unionist Votes	39	Unionist Ayes	39	[100.0%]
Other Votes	7	Other Ayes	7	[100.0%]

Amendment 27 was **negatived** on a cross-community vote.

# Northern Ireland Assembly

23 February 2016  
Division 3

## Final Stage – Budget Bill (NIA Bill 77/11-16)

The Question was put and the Assembly divided.

**Ayes:** 61

**Noes:** 26

### AYES

#### Nationalist

*Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, 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, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Storey, Mr Weir, Mr Wells*

#### Other

*Mr Dickson, Dr Farry*

*Tellers for the Ayes: Mr Mc Quillan, Mr G Robinson*

### NOES

#### Nationalist

*Mr Attwood, Mr Diver, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr Rogers*

#### Unionist

*Mr Allen, Mr Allister, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann*

*Tellers for the Noes: Mr Cree, Mr McCrossan*

Total Votes	87	Total Ayes	61	[70.1%]
Nationalist Votes	37	Nationalist Ayes	27	[73.0%]
Unionist Votes	48	Unionist Ayes	32	[66.7%]
Other Votes	2	Other Ayes	2	[100.0%]

The Motion was **carried** on a cross-community vote.

# Employment Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 22 and Tuesday 23 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

### **Amendment 1** [Made]

#### **Clause 9**, Page 9, Line 9

Leave out from ‘dealt’ to end of line 10 and insert ‘of cases dealt with by early conciliation, the average length of time taken to deal with cases and the outcome of cases;’

*Chair, Committee for Employment and Learning*

### **Amendment 2** [Made]

#### **New Clause**

After Clause 9 insert -

#### **‘Review of section 8: Assessment of matters relating to tribunal proceedings**

**9A.**—(1) The Department must review the operation of section 8 at the end of the period of one year beginning with the commencement of that section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

- (a) a synopsis of consultation responses;
- (b) an assessment and evaluation of the effectiveness of section 8;
- (c) the number of cases overall, the number dealt with in accordance with regulations under section 8, the average length of time taken to deal with cases and the outcomes of the cases;
- (d) any savings directly attributable to the introduction of regulations under section 8.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of section 8.’

*Chair, Committee for Employment and Learning*

### **Amendment 3** [Made]

#### **New Clause**

After Clause 16 insert -

#### **‘Zero hours workers**

**16A.** After Article 59 of the Employment Rights (Northern Ireland) Order 1996 (meaning of “wages” etc.) insert—

#### “PART IVA

#### ZERO HOURS WORKERS

#### **Zero hours workers**

**59A.**—(1) The Department may by regulations make such provision as the Department considers appropriate for the purpose of preventing abuses arising out of or in connection with the use of—

- (a) zero hours contracts;
- (b) non-contractual zero hours arrangements; or
- (c) worker’s contracts of a kind specified by the regulations.

(2) In this Article—

“non-contractual zero hours arrangement” means an arrangement other than a worker’s contract under which—

- (a) an employer and an individual agree terms on which the individual will do any work where the employer makes it available to the individual and the individual agrees to do it, but
  - (b) the employer is not required to make any work available to the individual, nor the individual required to accept it;
- and in this Article “employer”, in relation to a non-contractual zero hours arrangement, is to be read accordingly;

“zero hours contract” means a contract of employment or other worker’s contract under which—

- (a) the undertaking to do or perform work is an undertaking to do so conditionally on the employer making work available to the worker; and
- (b) there is no certainty that any such work will be made available to the worker.

(3) For the purposes of this Article—

- (a) an employer makes work available to a worker if the employer requests or requires the worker to do the work; and
- (b) references to work and doing work include references to services and performing them.

(4) The worker’s contracts which may be specified under paragraph (1)(c) are those in relation to which the Department considers it appropriate for provision made by the regulations to apply, having regard, in particular, to provision made by the worker’s contracts as to income, rate of pay or working hours.

(5) Regulations under this Article may amend or repeal any statutory provision (including paragraphs (2) to (4)).”.’

*Ms Anna Lo*

*Mr Stewart Dickson*

#### **Amendment 4 [Made]**

##### **New Clause**

After Clause 16 insert -

#### *‘Gender pay and disclosure of information*

##### **Gender pay gap information**

**16A.—**(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

- (a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and
- (b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) The Department may prescribe by regulations a limit to the total number of employees and workers in an organisation below which this section does not apply.

(5) Regulations under subsection (4) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The regulations must prescribe—

- (a) descriptions of employer;
- (b) descriptions of employee;
- (c) how to calculate the number of employees that an employer has;
- (d) a standardised method for calculating any differences in the pay of male and female employees;
- (e) descriptions of information;
- (f) a requirement that information include statistics on workers within each pay band in relation to—
  - (i) ethnicity, and
  - (ii) disability;
- (g) the time at which information is to be published; and
- (h) the form and manner in which it is to be published.

(7) The first regulations under this section must be made by 30 June 2017.

(8) Regulations under subsection (6)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(9) The regulations shall make provision for a failure to comply with the regulations—

- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;
- (b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(10) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(11) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.

(12) For the purposes of this section, the ‘Department’ means the Office of the First Minister and deputy First Minister.’

*Ms Bronwyn McGahan*

*Mr Phil Flanagan*

*Mr Fra McCann*

*Ms Megan Fearon*

**Amendment 5 [Not called]**

**New Clause**

After Clause 16 insert -

**‘Zero hours contract**

**16A.—**(1) Zero hours contracts means a contract of employment or other worker’s contract under which—

- (a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and
- (b) there is no certainty that any such work or services will be made available to the worker.

(2) For the purposes of subsection (1) the Department may by regulations vary the definition.

(3) Regulations under subsection (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 6 [Negatived on division]**

**New Clause**

After Clause 16 insert -

**‘Contract information**

**16B.—**(1) Employers shall be required to give notice in writing of the minimum hours of their workers’ employment.

(2) The notice shall be given before the commencement of the contract. If it is given orally, it must be given in writing within seven days from the commencement of the contract.

(3) The requirement under this section is without prejudice to the obligations of employers in respect of employees under section 33 of the Employment Rights (Northern Ireland) Order 1996.

(4) A worker who does not receive a notice under subsection (1) shall be regarded for the purposes of this Act as if he or she were a zero hours contract worker.

(5) In complying with the duty under section 33 of the Employment Rights (Northern Ireland) Order 1996, an employer may refer to any document issued under subsection (1).’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 7 [Negatived]**

**New Clause**

After Clause 16 insert -

**‘Equal treatment**

**16C.—**(1) Employers shall be required to treat zero hours contract workers on the same basis as comparable workers engaged by their employer on fixed and regular working hours contracts.

(2) The requirement of equal treatment shall be an implied term of any contract between a zero hours contract worker and his or her employer, and the implied term shall apply to all matters relating to terms and conditions of employment.

(3) A comparable worker is a worker selected by the zero hours contract worker on the grounds that the worker in question is engaged on the same or broadly similar work having regard, where relevant, to whether the worker selected has a similar level of qualification and skills.

(4) For the avoidance of doubt, subsection (2) applies to the overtime rates payable when the worker exceeds the minimum hours of work under the terms of his or her contract.

(5) Subsection (2) shall not apply to the allocation of working time.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 8 [Negatived]****New Clause**

After Clause 16 insert -

**‘Reasonable notice**

**16D.**—(1) The Department must by regulations require employers to give zero hours contract workers reasonable notice of—

- (a) any request or requirement to undertake a period of employment; and
- (b) any cancellation of a period of employment already agreed.

(2) A period of notice shall not be reasonable if given less than 72 hours before the period of employment referred to in subsection (1).’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 9 [Negatived]****As an amendment to amendment 8**

At end insert -

‘(3) If a zero hours contract worker accepts employment offered contrary to the requirements of subsections (1) and (2), the employer shall be required to pay the zero hours contract worker at a rate of 150% of the rate they would normally be paid for the period in question.

(4) An employer who has cancelled a period of employment of a zero hours contract worker contrary to the requirements of subsections (1) and (2) shall be required to pay the zero hours contract worker for the period of employment in question, even though no work has been done.

(5) For the purposes of subsection (4), the amount of payment shall be made up of—

- (a) the payment the zero hours contract worker would normally be paid by his or her employer for the period in question; and
- (b) a sum equivalent to any other monetary loss incurred as a result of the cancellation.”.

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 10 [Negatived]****New Clause**

After Clause 16 insert -

**‘Requests for fixed and regular employment**

**16E.**—(1) There shall be a duty on employers to consider at any time a request by a zero hours contract worker for fixed and regular working hours unless a request has been made in the previous 12 weeks.

(2) An employer to whom a request under subsection (1) is made shall deal with the application within ten working days.

(3) In considering a request, the employer shall give overriding consideration to the interest of the worker in having fixed and regular working hours.

(4) An application by a worker under this section shall be refused only where there are compelling business reasons to do so.

(5) The employer’s desire to use zero hours contracts is not a compelling business reason for using such contracts.

(6) An application shall be treated as having been refused if the provisions of subsection (2) have not been complied with.

(7) A zero hours contract worker whose request under subsection (1) has been refused may make an application to an employment tribunal.

(8) An employment tribunal shall not consider a complaint under this section unless it is presented—

- (a) before the end of the period of three months commencing ten working days after the application for fixed and regular employment was made, or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(9) Where an employment tribunal finds a complaint under subsection (7) well founded it shall make a declaration to that effect and may—

- (a) make an order for reconsideration of the application, or
- (b) make an order that the application has been successful and make an award of compensation to be paid by the employer to the worker.

(10) The amount of compensation under subsection (9) shall be such amount, not exceeding the permitted maximum, as the tribunal considers just and equitable in all the circumstances.

(11) For the purposes of subsection (10), the permitted maximum is such number of weeks' pay as the Department may specify by regulations.'

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 11 [Negatived]**

**New Clause**

After Clause 16 insert -

**'Fixed and regular employment**

**16F.**—(1) There shall be a duty on employers who have continuously employed a zero hours contract worker for a period of 12 weeks to offer the zero hours contract worker fixed and regular working hours contract from the date commencing 12 weeks from his or her first engagement with his or her employer.

(2) Where a zero hours contract worker has not been continuously employed for a period of 12 weeks, there shall be a duty on employers to offer a fixed and regular working hours contract to any such zero hours contract worker who has been employed in at least 12 of the preceding 26 weeks (the reference period).

(3) For the purposes of subsection (1) and (2) the Department must by regulations make provision to establish—

- (a) a rate of pay;
- (b) a minimum period of hours; and
- (c) any other relevant terms and conditions of employment.

(4) The Department must by regulations provide for a zero hours contract worker to make an application to an employment tribunal where a fixed and regular contract under this section is not offered.'

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 12 [Negatived on division]**

**New Clause**

After Clause 16 insert -

**'Prohibition of exclusivity clauses**

**16G.**—(1) Any term or understanding, written or oral, of a contract or engagement (whether express or implied, and whether formal or informal) that requires a zero hours contract worker to work exclusively for one employer shall be void.

(2) The provisions of subsection (1) shall not apply where the employer can demonstrate a compelling business reason, such as confidentiality or the protection of trade secrets, to justify a contractual requirement that the zero hours contract worker shall work exclusively for the employer in question.'

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 13 [Negatived]**

**New Clause**

After Clause 16 insert -

**'Detriment**

**16H.**—(1) It shall be unlawful for an employer to subject a zero hours contract worker to a detriment by any act or any deliberate failure to act on the ground that the zero hours contract worker—

- (a) is or has been a zero hours contract worker; or
- (b) any other condition prescribed by the Department.

(2) A zero hours contract worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of subsection (1).'

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 14 [Negatived]****New Clause**

After Clause 16 insert -

**‘Unfair dismissal**

**16I.** The dismissal of an employee shall be unfair for the purposes of The Employment Rights (Northern Ireland) Order 1996 if the reason or principal reason for the dismissal is that the employee—

- (a) is or has been a zero hours contract worker; or
- (b) any other condition prescribed by the Department.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 15 [Not moved]****New Clause**

After Clause 16 insert -

**‘Continuously employed**

**16J.**—(1) References in this Act to a period of continuous employment are to a period computed in accordance with Chapter III of The Employment Rights (Northern Ireland) Order 1996.

(2) This is subject to the proviso that the words “employee” and “employer” as they appear in Chapter II of The Employment Rights (Northern Ireland) Order 1996 are substituted by the words “worker” and “employer”, as these terms are defined in this Order.

(3) In section 8 of The Employment Rights (Northern Ireland) Order 1996 (weeks counted in computing period), after subsection (4) insert—

“(5) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is performed shall count in computing the worker’s period of employment.

(6) In the case of an employee who is engaged by an employer on a zero hours contract or contracts, any week in which work is not provided by the employer shall be treated as a week falling within subsection (3)(c).

(7) For the purposes of subsections (5) and (6), the terms worker and zero hours contract have the same meaning as in the Employment Act 2016.”.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 16 [Negatived]****New Clause**

After Clause 16 insert -

**‘Proportion of zero hour contracts**

**16K.**—(1) The Department must by regulations set a limit on the number of zero hours contract workers as a proportion of the total number of those employed by an employer.

(2) Regulations under subsection (1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Phil Flanagan*

*Ms Bronwyn McGahan*

*Mr Fra McCann*

**Amendment 17 [Not moved]****New Clause**

After Clause 16 insert -

**‘Interpretation for zero hours provisions**

**16L.**—(1) A person is employed for the purposes of this Act if he or she is engaged by another to provide labour and is not genuinely operating a business on his or her own account.

(2) For the avoidance of doubt, a zero hours contract worker shall be regarded as being employed by an employer on days on which—

- (a) he or she works for that employer, and
- (b) he or she does not work for that employer

(3) It shall be for the respondent to show in any legal proceedings that the applicant is not employed.

(4) A person is an employer for the purposes of this Act if he or she engages another to provide labour, and the person engaged is not genuinely operating a business on his or her own account.

(5) A fixed and regular working hours contract is a contract that specifies working hours, and does not require the worker to be available for work for a period that exceeds by 20% the minimum hours specified in the contract.

(6) A worker is a person who is employed.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 18 [Negatived]**

##### **New Clause**

After Clause 16 insert -

##### **'Living Wage Agency**

**16A.** The Department must, by 1 November 2017, establish an unincorporated body of persons known as "the Living Wage Agency" for the purpose of measuring, researching and advancing a living wage.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 19 [Not called]**

##### **New Clause**

After Clause 16 insert -

##### **'Reporting**

**16B.—**(1) The Living Wage Agency shall, on an annual basis, publish a report, in which it shall—

- (a) determine what single hourly rate shall be deemed to be a living wage, which is to be calculated based on the minimum income standard;
- (b) identify barriers that impede employers within sectors from paying the living wage;
- (c) bring forward recommendations to address the barriers identified in subsection (b);
- (d) bring forward recommendations to reduce the proportion of employees and workers paid less than the living wage;
- (e) set targets to reduce the proportion of employees and workers paid less than the living wage;
- (f) monitor progress in reducing the proportion of employees and workers paid less than the living wage; and
- (g) undertake any other related matters as the Department shall determine.

(2) The minimum income standard is the income that people need in order to reach a minimum socially acceptable standard of living.

(3) The Living Wage Agency shall determine how the minimum income standard is to be calculated.

(4) Before arriving at the recommendations to be included in their report, the Living Wage Agency shall consult—

- (a) such organisations representative of employers as they think fit;
- (b) such organisations representative of workers as they think fit; and
- (c) if they think fit, any other body or person.'

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

#### **Amendment 20 [Not called]**

##### **New Clause**

After Clause 16 insert -

##### **'Membership**

**16C.—**(1) The Living Wage Agency shall consist of a chairperson and members appointed by the Minister.

(2) In appointing members, the Minister shall have regard to the desirability of securing that there is such a balance as the Minister considers appropriate between—

- (a) members with knowledge or experience of, or interest in, trade unions or matters relating to workers generally;
- (b) members with knowledge or experience of, or interest in, employers' associations or matters relating to employers generally;
- (c) members with expertise in labour market analysis; and
- (d) members with other relevant knowledge or experience.

(3) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.

(4) A member may resign his or her membership by giving notice to the Minister.

(5) A person who ceases to be a member shall be eligible for re-appointment.

(6) The Minister may by notice to the member concerned remove from office a member who is in the opinion of the Minister unable or unfit to perform his duties as member.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 21 [Not called]**

**New Clause**

After Clause 16 insert -

**‘Operational considerations**

**16D.** The Minister shall provide the Living Wage Agency with—

- (a) such staff from within the Department,
- (b) such accommodation, equipment and other facilities, and
- (c) such sums,

as the Minister may reasonably determine are required by the Living Wage Agency for carrying out their duties in preparing any report on matters referred to them under this Act.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 22 [Not called]**

**New Clause**

After Clause 16 insert -

**‘Remuneration**

**16E.** The Minister may pay the members of the Living Wage Agency such allowances in respect of travel or other expenses properly incurred by them, or in respect of loss of remuneration sustained by them, in the performance of their duties, as the Minister may determine.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 23 [Negatived on Division]**

**New Clause**

After Clause 16 insert -

**‘Blacklists**

**16A.—**(1) Article 5 of the Employment Relations (Northern Ireland) Order 1999 is amended as follows.

(2) Leave out subsection (4) and insert—

“(4) Regulations under this Article shall create an offence, which shall provide for it to be punishable—

- (a) by a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months, or both, in the case of an offence triable only summarily;
- (b) by a fine or imprisonment for a term not exceeding 3 years, or both, in the case of summary conviction for an offence triable either on indictment or summarily.

(4A) The first regulations under this subsection must be made by 31 December 2017.”.’

*Mr Phil Flanagan*  
*Ms Bronwyn McGahan*  
*Mr Fra McCann*

**Amendment 24 [Made]**

**Clause 21, Page 14, Line 37**

After ‘Article’ insert ‘59A or’

*Ms Anna Lo*  
*Mr Stewart Dickson*

**Amendment 25 [Made]****Clause 25**, Page 16, Line 10

After 'Act' insert ', except in section (Gender pay and disclosure of information),'

*Ms Bronwyn McGahan**Mr Phil Flanagan**Mr Fra McCann**Ms Megan Fearon***Amendment 26 [Negated on division on cross-community vote]****Clause 26**, Page 16, Line 14

At end insert -

'(1A) The repeal of Article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998 as set out in Schedule 3 comes into operation one year after this Act receives Royal Assent.'

*Mrs Sandra Overend**Mr Danny Kennedy [R]***Amendment 27 [Negated on division on cross-community vote]****Schedule 3**, Page 25, Line 23, Column 2

At end insert -

‘

Article 71.

,’

*Mrs Sandra Overend**Mr Danny Kennedy [R]***Amendment 28 [Made]****Long Title**

After 'disclosure;' insert -

‘to make provision for disclosure of gender pay information;’

*Mr Phil Flanagan**Ms Bronwyn McGahan**Mr Fra McCann***Amendment 29 [Made]****Long Title**

After 'disclosure;' insert -

‘to make provision for zero hours contracts;’

*Mr Phil Flanagan**Ms Bronwyn McGahan**Mr Fra McCann*

# Fisheries Bill

## Annotated Marshalled List of Amendments Consideration Stage

Tuesday 23 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

The Bill will be considered in the following order

Clauses, Schedules and Long Title

### Clause 1 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 1 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Clause 2 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 2 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Clause 3 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 3 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Clause 4 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 4 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Clause 5 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 5 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Amendment 1 [Made]

Clause 6, Page 8, Line 17

Leave out second 'boat' and insert 'vessel'

*Minister of Agriculture and Rural Development*

### Amendment 2 [Made]

Clause 6, Page 8, Line 18

Leave out 'United Kingdom under Part 2' and insert 'register maintained under section 8'

*Minister of Agriculture and Rural Development*

### Amendment 3 [Made]

Clause 6, Page 8, Line 20

Leave out 'boat' and insert 'vessel'

*Minister of Agriculture and Rural Development*

### Clause 7 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 7 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

### Clause 8 [Question that clause stand part negated without division]

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 8 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 9 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 9 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 10 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 10 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 11 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 11 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 12 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 12 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 13 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 13 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 14 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 14 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 15 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 15 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 16 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 16 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 17 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 17 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

**Clause 18 [Question that clause stand part negated without division]**

*The Minister of Agriculture and Rural Development gives notice of her intention to oppose the question that Clause 18 stand part of the Bill.*

*Minister of Agriculture and Rural Development  
Chair, Committee for Agriculture and Rural Development*

# Houses in Multiple Occupation Bill

## Annotated Marshalled List of Amendments Consideration Stage

Tuesday 23 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

The Bill will be considered in the following order

Clauses, Schedules and Long Title

### **Amendment 1** [Made]

**Clause 3**, Page 2, Line 35

After 'residence' insert 'there'

*Minister for Social Development*

### **Amendment 2** [Made]

**Clause 3**, Page 2, Line 36

At end insert -

'(2A) A person who occupies living accommodation for the purpose of engaging in seasonal work is to be treated, at all times during that person's residence there, as occupying that accommodation as the person's only or main residence.'

*Minister for Social Development*

### **Amendment 3** [Made]

**Clause 9**, Page 6, Line 37

Leave out paragraph (b)

*Minister for Social Development*

### **Amendment 4** [Made]

**Clause 9**, Page 6, Line 39

Leave out 'and (i)'

*Minister for Social Development*

### **Amendment 5** [Made]

**Clause 10**, Page 7, Line 34

Leave out from 'living' to end of line 35 and insert 'relevant living accommodation whilst in the accommodation, or'

*Minister for Social Development*

### **Amendment 6** [Made]

**Clause 10**, Page 7, Line 37

Leave out subsection (7) and insert -

'(7) In subsection (6)—

"anti-social behaviour" means—

(i) acting or threatening to act in a manner causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises, or

(ii) using or threatening to use residential premises for immoral or illegal purposes;

"relevant living accommodation" means living accommodation of which P is or was the owner or managing agent.'

*Minister for Social Development*

### **Amendment 7** [Made]

**Clause 18**, Page 12, Line 11

Leave out 'under section 67' and insert 'in accordance with section 67(4)'

*Minister for Social Development*

### **Amendment 8** [Made]

**Clause 20**, Page 13, Line 10

Leave out from 'sections' to end of line 11 and insert -

'the following provisions do not apply to applications to renew—

- (a) sections 8(2)(a) and 9 and paragraphs 8 to 10 of Schedule 2 (breach of planning control);
- (b) sections 8(2)(d) and 12 (overprovision).'

*Minister for Social Development*

**Amendment 9 [Made]**

**Clause 21**, Page 13, Line 19

Leave out paragraph (b)

*Minister for Social Development*

**Amendment 10 [Made]**

**Clause 21**, Page 13, Line 25

Leave out 'if the council refuses the application on any other ground' and insert 'if the application is refused'

*Minister for Social Development*

**Amendment 11 [Made]**

**Clause 21**, Page 13, Line 28

Leave out 'under section 67' and insert 'in accordance with section 67(4)'

*Minister for Social Development*

**Amendment 12 [Made]**

**Clause 21**, Page 13, Line 33

Leave out subsection (3)

*Minister for Social Development*

**Amendment 13 [Made]**

**Clause 26**, Page 15, Line 21

Leave out '(2)(b)' and insert '(2)'

*Minister for Social Development*

**Amendment 14 [Made]**

**Clause 26**, Page 15, Line 22

After second 'the' insert 'owner or'

*Minister for Social Development*

**Amendment 15 [Made]**

**Clause 26**, Page 15, Line 23

After 'particular' insert ', in a case falling within subsection (2)(b)'

*Minister for Social Development*

**Amendment 16 [Made]**

**Clause 26**, Page 15, Line 28

Leave out from first 'in' to end of line 32 and insert -

- '(a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer one or more joint licensees (but not all of them) cease to be an owner of the HMO,'

*Minister for Social Development*

**Amendment 17 [Made]**

**Clause 26**, Page 15, Line 35

Leave out subsection (5) and insert -

'(5) Where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer there is a new owner (or more than one), and
- (c) at least one person who was a licensee before the transfer continues to be an owner after it,

the new owner (or any of them) may apply to the council to be added as a joint licensee.

(5A) The council must—

- (a) treat an application under subsection (5) as an application to renew the licence made jointly by the existing licensee and the new owner, and
- (b) if it decides to grant the application, vary the licence accordingly.'

*Minister for Social Development*

**Amendment 18 [Made]****Clause 26**, Page 15, Line 41

After 'subsection' insert '(5A) or'

*Minister for Social Development***Amendment 19 [Made]****Clause 26**, Page 15, Line 43

At end insert -

'(8) In this section—

"transfer of ownership" includes the creation of a new estate;

"new owner" means a person who is an owner after the transfer but was not an owner before it.'

*Minister for Social Development***Amendment 20 [Made]****Clause 28**, Page 16, Line 7

Leave out subsections (1) and (2) and insert -

'28.—(1) A licence may be transferred to another person only in accordance with this section.

(2) Accordingly, except as set out in subsection (2A), where—

(a) there is a transfer of ownership of a licensed HMO,

(b) as a result of the transfer there is a new owner (or more than one), and

(c) no person who was a licensee before the transfer continues to be an owner after it,

the licence ceases to have effect on the date of the transfer.

(2A) If—

(a) there is a transfer of ownership of a licensed HMO, and

(b) before the date of the transfer, the proposed new owner (or any of them) applies for a licence in respect of the HMO (a "new licence"),

the licence which is already in effect in respect of the HMO ("the existing licence") is to be treated as being held, from the date of the transfer, by the person or persons who made the application for the new licence ("the transferee").

(2B) But the existing licence ceases to have effect on the date mentioned in subsection (2C).

(2C) That date is—

(a) if the transferee's application is granted, the date from which the new licence has effect (determined in accordance with section 19(1) or (4)(a));

(b) if the transferee's application is refused—

(i) one month after the last date on which the decision to refuse the transferee's application may be appealed in accordance with section 67(4), or

(ii) if such an appeal is made, one month after the date on which the appeal is finally determined.

(2D) Subsection (2B) and (2C) are subject—

(a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and

(b) if the transferee dies, to section 29, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.'

*Minister for Social Development***Amendment 21 [Made]****Clause 28**, Page 16, Line 12

Leave out 'subsection (2)' and insert 'this section'

*Minister for Social Development***Amendment 22 [Made]****Clause 29**, Page 16, Line 22

After 'period' insert 'for which the licence has effect beyond the date'

*Minister for Social Development*

**Amendment 23 [Made]****Clause 29**, Page 16, Line 28

Leave out subsection (5) and insert -

‘(5) Subsections (1)(b) and (2) are subject—

(a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and

(b) if the personal representatives of the licensee transfer ownership of the HMO, to section 28, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.’

*Minister for Social Development***Amendment 24 [Made]****Clause 33**, Page 18, Line 23

Leave out from ‘do’ to end of line 24 and insert ‘act as a managing agent in relation to the HMO, and’

*Minister for Social Development***Amendment 25 [Made]****Clause 33**, Page 18, Line 28

Leave out paragraph (a) and insert -

‘(a)A, on behalf of the owner of a licensed HMO, acts as a managing agent in relation to the HMO,’

*Minister for Social Development***Amendment 26 [Made]****Clause 33**, Page 18, Line 32

At end insert -

‘(2A) For the purposes of this section, a person acts as a managing agent in relation to an HMO if the person—

(a) does, in relation to the HMO, any of the acts mentioned in paragraph (i), (ii) or (iv) of the definition of “managing agent” in section 88(1), or

(b) engages in any other activity or course of activity which constitutes, or assists in, the management of the HMO.’

*Minister for Social Development***Amendment 27 [Made]****Clause 62**, Page 32, Line 32

Leave out ‘its register available for public inspection’ and insert ‘any entry relating to an HMO available for inspection, by any person who falls within subsection (8A) in relation to that entry,’

*Minister for Social Development***Amendment 28 [Made]****Clause 62**, Page 32, Line 35

Leave out from second ‘a’ to ‘who’ on line 36 and insert ‘an entry relating to an HMO to any person who falls within subsection (8A) in relation to that entry and’

*Minister for Social Development***Amendment 29 [Made]****Clause 62**, Page 32, Line 36

At end insert -

‘(8A) A person falls within this subsection in relation to an entry if the person appears to the council—

(a) to have an interest or prospective interest in the HMO,

(b) to be a resident of the HMO, or

(c) to be otherwise sufficiently concerned with the information contained in the entry.

(8B) In subsection (8A), an “interest” is—

(a) a freehold or leasehold estate;

(b) a mortgage, charge or lien.

(8C) The council must, on the request of any statutory authority—

(a) make its register available for inspection by the authority;

(b) supply a certified copy of its register, or of an extract from it, to the authority.’

*Minister for Social Development*

**Amendment 30 [Made]****Clause 62**, Page 32, Line 38

After '(8)' insert 'or (8C)'

*Minister for Social Development***Amendment 31 [Made]****Clause 62**, Page 32, Line 39

After 'an' insert 'entry in or other'

*Minister for Social Development***Amendment 32 [Made]****Clause 67**, Page 36, Line 14

Leave out from 'unless' to end of line 16

*Minister for Social Development***Amendment 33 [Made]****New Clause**

After Clause 73 insert -

**'Sharing of information between councils****73A.**—(1) A council may provide to any other council any information held by the council in connection with its functions under this Act.

(2) Information may be provided under subsection (1) only on the request of the other council; and may be used by that council only in connection with its functions under this Act.

(3) This section—

(a) has effect notwithstanding any restriction on the disclosure of information imposed by any statutory provision or rule of law, and

(b) does not limit the circumstances in which information may be used or provided apart from this section.'

*Minister for Social Development***Amendment 34 [Made]****Clause 74**, Page 41, Line 17

After '73' insert 'or a request under section 73A'

*Minister for Social Development***Amendment 35 [Made]****Clause 75**, Page 41, Line 31

After '73' insert 'or 73A'

*Minister for Social Development***Amendment 36 [Made]****Clause 78**, Page 43, Line 15

Leave out 'the' and insert 'any'

*Minister for Social Development***Amendment 37 [Made]****Clause 78**, Page 43, Line 18

Leave out 'the' and insert 'any'

*Minister for Social Development***Clause 83 [Question that Clause 83 stand part negatived]***The Minister for Social Development gives notice of his intention to oppose the question that Clause 83 stand part of the Bill.**Minister for Social Development***Amendment 38 [Made]****Clause 86**, Page 47, Line 8

After '14(3)' insert 'or paragraph 2 of Schedule 2'

*Minister for Social Development*

**Amendment 39 [Made]****Clause 87**, Page 47, Line 21

Leave out 'or paragraph 2(4)'

*Minister for Social Development***Amendment 40 [Made]****Clause 88**, Page 48, Line 16

After 'accommodation' insert '(but this is subject to subsection (7))'

*Minister for Social Development***Amendment 41 [Made]****Clause 88**, Page 48, Line 18

Leave out sub-paragraph (iii)

*Minister for Social Development***Amendment 42 [Made]****Clause 88**, Page 49, Line 5

Leave out ', niece or cousin' and insert 'or niece'

*Minister for Social Development***Amendment 43 [Made]****Clause 88**, Page 49, Line 26

At end insert -

'(7) Where—

- (a) a person ("the agent") has introduced a prospective tenant or other occupier to the owner of accommodation,
- (b) the prospective tenant or other occupier enters into a tenancy or other occupation agreement under which periodical payments are to be made in respect of the occupation, and
- (c) the agent (acting on behalf of the owner) receives the first of those periodical payments,

then, for the purposes of the definition of "managing agent" in subsection (1), the receipt by the agent of that payment is not to be regarded as the receipt of rent or another payment from that occupier.'

*Minister for Social Development***Amendment 44 [Made]****Schedule 1**, Page 50, Line 12

Leave out heads (a) and (b)

*Minister for Social Development***Amendment 45 [Made]****Schedule 1**, Page 50, Line 18

At end insert -

'(2) A building where the person managing it is—

- (a) the Northern Ireland Housing Executive, or
- (b) a housing association registered under Part 2 of the Housing (Northern Ireland) Order 1992.'

*Minister for Social Development*

**Amendment 46 [Made]****Schedule 2**, Page 52, Line 36

Leave out paragraphs 2 to 6 and insert -

- ‘2.—(1) The Department must make regulations providing for the giving of notice of the making of HMO applications.
- (2) Regulations under sub-paragraph (1) may in particular—
- (a) require the applicant to cause notice of an application to be displayed on or near the HMO in question, or to cause such notice to be published in one or more newspapers circulating in the locality of the HMO;
  - (b) permit or require the council to cause such notice to be displayed or published, either at the council’s expense or at the applicant’s expense;
  - (c) specify information which must be displayed or published in or together with notice of an application, which may include notice of a right to make representations about the application and of the manner and period in which such representations must be made;
  - (d) specify requirements as to the form and manner of notice of an application, and the period for which it must be displayed or published;
  - (e) provide (subject to such conditions as may be specified in the regulations) for exceptions from any requirement to display or publish notice, in particular where the council is satisfied that displaying or publishing a notice would be likely to jeopardise the safety or welfare of any persons or the security of any premises;
  - (f) provide for the consequences of failing to comply with requirements imposed by the regulations (and such consequences may include permitting or requiring the council to cease to consider the application in question).
3. The council must send a copy of any application for an HMO licence to the statutory authorities.’

*Minister for Social Development***Amendment 47 [Made]****Schedule 2**, Page 54, Line 29

Leave out ‘paragraph 2, 3 or 5’ and insert ‘regulations under paragraph 2’

*Minister for Social Development***Amendment 48 [Made]****Schedule 2**, Page 54, Line 34

Leave out from ‘is—’ to end of line 39 and insert ‘is to be set out in, or determined under, regulations made by the Department’

*Minister for Social Development***Amendment 49 [Made]****Schedule 2**, Page 56, Line 10

Leave out ‘paragraph 2, 3 or 5’ and insert ‘regulations under paragraph 2’

*Minister for Social Development***Amendment 50 [Made]****Schedule 2**, Page 56, Line 32

Leave out ‘paragraph 2, 3 or 5’ and insert ‘regulations under paragraph 2’

*Minister for Social Development***Amendment 51 [Made]****Schedule 2**, Page 57, Line 1

Leave out from ‘paragraph’ to ‘5’ on line 2 and insert ‘regulations under paragraph 2’

*Minister for Social Development***Amendment 52 [Made]****Schedule 4**, Page 64, Line 37

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

*Minister for Social Development***Amendment 53 [Made]****Schedule 5**, Page 67, Line 12

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

*Minister for Social Development*

# Shared Education Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Tuesday 23 February 2016

Amendments tabled up to 9.30am Wednesday, 17 February 2016 and selected for debate.

### **Amendment 1** [*Made*]

#### **New Clause**

Before Clause 1 insert -

#### **‘Purpose of this Act**

- .—(1) This Act makes provision in relation to shared education.
- (2) The purpose of shared education is—
- (a) to deliver educational benefits to children and young persons;
  - (b) to promote the efficient and effective use of resources;
  - (c) to promote equality of opportunity;
  - (d) to promote good relations; and
  - (e) to promote respect for identity, diversity and community cohesion.’

*Minister of Education*

### **Amendment 2** [*Not moved*]

#### **Clause 1**, Page 1, Line 8

After ‘belief’ insert ‘(which includes an absence of religious belief)’

*Mr Trevor Lunn*

### **Amendment 3** [*Negatived*]

#### **Clause 1**, Page 1, Line 8

Leave out from ‘both’ to ‘Catholic’ on line 9 and insert ‘Protestant, Roman Catholic or other’

*Mr Trevor Lunn*

### **Amendment 4** [*Made*]

#### **Clause 1**, Page 1, Line 14

Leave out subsection (3)

*Minister of Education*

### **Amendment 5** [*Made*]

#### **Clause 1**, Page 1, Line 23

Leave out ‘or which are ancillary to education’

*Minister of Education*

### **Amendment 6** [*Made*]

#### **Clause 1**, Page 2, Line 1

Leave out subsection (5)

*Minister of Education*

### **Amendment 7** [*Made*]

#### **Clause 2**, Page 2, Line 6

After ‘Education’ insert ‘(so far as its powers extend)’

*Minister of Education*

### **Amendment 8** [*Negatived*]

#### **Clause 2**, Page 2, Line 7

After ‘education’ insert ‘and integrated education’

*Mr Trevor Lunn*

**Amendment 9 [Made]****Clause 3**, Page 2, Line 20

Leave out from ‘Article’ to end of line 23 and insert ‘section 4 of the Education Act (Northern Ireland) 2014.’

*Minister of Education***Amendment 10 [Negatived]****Clause 5**, Page 2, Line 33

After ‘consider’ insert ‘integrated and’

*Mr Steven Agnew***Amendment 11 [Not moved]****Clause 5**, Page 2, Line 33

After ‘education’ insert ‘and integrated education’

*Mr Trevor Lunn***Amendment 12 [Made]****Clause 6**, Page 3, Line 14

At end insert -

‘( ) the extent to which the Department of Education has complied with its duty under section 2;’

*Minister of Education***Amendment 13 [Made]****Clause 6**, Page 3, Line 21

Leave out paragraphs (d) and (e) and insert -

‘(d) the extent to which the purpose of shared education set out in section (Purpose of this Act)(2) has been achieved.’

*Minister of Education***Amendment 14 [Made]****New Clause**

After Clause 7 insert -

**‘Interpretation****7A.** In this Act—

- (a) “equality of opportunity” and “religious belief” have the same meaning as in the Fair Employment and Treatment (Northern Ireland) Order 1998;
- (b) words and expressions which are defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in that Order.’

*Minister of Education*

# Northern Ireland Assembly

## Papers Presented to the Assembly on 23 February 2016

### 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

Overview of initial findings of a report on an announced inspection of Maghaberry Prison 4-15 January 2016 (DOJ).

### 5. Assembly Reports

### 6. Statutory Rules

S.R. 2016/34 The Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 (DFP).

S.R. 2016/41 The Police (Conduct) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/42 The Police (Performance and Attendance) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/43 The Police Appeals Tribunals Regulations (Northern Ireland) 2016 (DOJ).

### 7. Written Ministerial Statements

### 8. Consultation Documents

Draft Special Educational Needs (SEN) Regulations (DE).

### 9. Departmental Publications

### 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 24 February 2016

### 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	Bill fell at Final Stage on 26.05.15	
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	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	24.07.15
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	01.12.15	12.01.16	
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	30.06.15	24.07.15
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	06.10.15	08.12.15	29.01.16
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	30.11.15	08.12.15	29.01.16
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	Minister not planning to move Bill			

<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>
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16	16.02.16			
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16	15.02.16	
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16	08.02.16	
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16	09.02.16	
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16	08.02.16		
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16	10.02.16			
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16	15.02.16	23.02.16	
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16	04.02.16	23.02.16			

<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>
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16	23.02.16		
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16	15.02.16			
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16	03.02.16	22.02.16			
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16	08.02.16	22.02.16			
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16	03.02.16	22.02.16			
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16	09.02.16	22.02.16 / 23.02.16		
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16	23.02.16			
Rates (Amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16	16.02.16	23.02.16	
Budget Bill 77/11-16	08.02.16	09.02.16	/	/	15.02.16	16.02.16	23.02.16	
Land Acquisition and Compensation (Amendment) Bill 78/11-16	22.02.16	/	/	/				

**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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 /01.02.16	10.02.16	19.02.16
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16	02.02.16 / 08.02.16	16.02.16		

<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>
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16	03.02.16	Member not planning to move Bill			
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16	11.02.16				
Licensing Bill 69/11-16	24.11.15	07.12.15	19.02.16	16.02.16				

/ 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 February 2016**

*The Assembly met at noon, the Principal Deputy Speaker (Mr Newton) in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Speaker's Business

### 2.1 Royal Assent – Departments Act (Northern Ireland) 2016

The Principal Deputy Speaker informed Members that Royal Assent had been signified, on 29 February 2016, to the Departments Act (Northern Ireland) 2016.

## 3. Assembly Business

### 3.1 Motion – Suspension of Standing Orders

#### **Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 29 February 2016.

*Mr P Weir  
Ms C Ruane  
Mrs K McKeivitt  
Mr R Swann  
Mr S Dickson*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

## 4. Executive Committee Business

### 4.1 Further Consideration Stage – Rural Needs Bill (NIA Bill 67/11-16)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved the Further Consideration Stage of the Rural Needs Bill (NIA Bill 67/11-16).

Seven amendments were tabled to the Bill and selected for debate.

#### **Clauses**

After debate, amendment 1 to Clause 1 was **made** without division.

After debate, amendment 2 to Clause 1 was **made** without division.

After debate, amendment 3 to Clause 1 was **made** without division.

After debate, amendment 4 to Clause 1 was **made** without division.

After debate, amendment 5 to Clause 1 was **made** without division.

After debate, amendment 6 to Clause 3 was **made** without division.

After debate, amendment 7 to Clause 5 was **made** without division.

The Rural Needs Bill (NIA Bill 67/11-16) stood referred to the Speaker in accordance with section 10 of the Northern Ireland Act 1998.

**4.2 Legislative Consent Motion – Criminal Cases Review Commission (Information) Bill****Proposed:**

That that this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Criminal Cases Review Commission (Information) Bill.

*Minister of Justice*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**4.3 Motion – Draft Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016****Proposed:**

That the draft Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 be approved.

*Minister of Education*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**4.4 Final 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, moved that the Final Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16) do now pass.

*Debate ensued.*

The Credit Unions and Co-operative and Community Benefit Societies Bill (NIA Bill 56/11-16) passed Final Stage.

**4.5 Legislative Consent Motion – Enterprise Bill: Small Business Commissioner Provisions****Proposed:**

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions in the Enterprise Bill dealing with the Small Business Commissioner.

*Minister of Enterprise, Trade and Investment*

*Debate ensued.*

*The Deputy Speaker (Mr Beggs) in the Chair.*

The Question being put, the Motion was **carried** without division.

**4.6 Motion – Draft Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016****Proposed:**

That the draft Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 be approved.

*Minister of Enterprise, Trade and Investment*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

**4.7 Motion – Draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016****Proposed:**

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2016 be approved.

*Minister of Enterprise, Trade and Investment*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

*The sitting was suspended at 1.17pm.*

*The sitting resumed at 1.30pm, with the Principal Deputy Speaker (Mr Newton) in the Chair.*

## 5. Private Members' Business

### 5.1 Consideration Stage – Licensing Bill (NIA Bill 69/11-16)

The sponsor of the Bill, Mrs Judith Cochrane, moved the Consideration Stage of the Licensing Bill (NIA Bill 69/11-16).

13 amendments were tabled to the Bill.

#### **Clauses**

The question being put, it was agreed without division that Clause 1 stand part of the Bill.

*The debate was suspended for Question Time.*

*The Deputy Speaker (Mr Beggs) in the Chair.*

## 6. Question Time

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

Questions were put to, and answered by, the deputy First Minister, Mr Martin McGuinness. The junior Minister, Ms Jennifer McCann, also answered a number of questions.

*The Speaker in the Chair.*

### 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) in the Chair.*

## 7. Private Members' Business (cont'd)

### 7.1 Consideration Stage – Licensing Bill (NIA Bill 69/11-16) (cont'd)

*Debate resumed.*

After debate, amendment 1 to Clause 2 was **made** without division.

After debate, amendment 2 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 3 to Clause 3 was **made** without division.

After debate, amendment 4 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 5 to Clause 4 was **made** without division.

After debate, amendment 6 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 7 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.

The question being put, it was **agreed** without division that Clause 6 stand part of the Bill.

After debate, amendment 8 to Clause 7 was **made** without division.

After debate, amendment 9 to Clause 7 was **made** without division.

After debate, amendment 10 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.

After debate, amendment 11 to Clause 8 was **made** without division.

After debate, amendment 12 to Clause 8 was **made** without division.

After debate, amendment 13 to Clause 8 was **made** without division.

The question being put, it was **agreed** without division that Clause 8, 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.

The Licensing Bill (NIA Bill 69/11-16) stood referred to the Speaker.

## **7.2 Final Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)**

The sponsor of the Bill, Mr John McCallister, moved that the Final Stage of the Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) do now pass.

*Debate ensued.*

The Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16) passed Final Stage (Division 1).

## **7.3 Consideration Stage – Scrap Metal Dealers Bill (NIA Bill 65/11-16)**

The sponsor of the Bill, Mr Roy Beggs, moved the Consideration Stage of the Scrap Metal Dealers Bill (NIA Bill 65/11-16).

Fifty-eight amendments were tabled to the Bill.

*The Principal Deputy Speaker (Mr Newton) in the Chair.*

### **Clauses**

After debate, the question that Clause 1 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 2 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 3 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 4 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 5 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 6 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 7 stand part of the Bill, was **negatived** without division.

After debate, amendment 1 to Clause 8 was **negatived** without division.

After debate, amendment 2 to Clause 8 was **negatived** without division.

After debate, amendment 3 to Clause 8 was **negatived** on division (Division 2).

*As amendment 3 was not made, amendment 4 was not called.*

After debate, amendment 5 to Clause 8 was **negatived** without division.

*As amendment 5 was not made, amendment 6 was not called.*

*As amendment 6 was not made, amendment 7 was not called.*

*As neither amendment 3 nor amendment 5 was made, amendment 8 was not called.*

After debate, the question that Clause 8 stand part of the Bill, was **negatived** without division.

After debate, amendment 9 to Clause 9 was **negatived** without division.

After debate, amendment 10 to Clause 9 was **negatived** without division.

After debate, the question that Clause 9 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 10 stand part of the Bill, was **negatived** without division.

After debate, amendment 11 inserting a new Clause 10A was **negatived** without division.

After debate, amendment 12 to Clause 11 was **negatived** without division.

*Amendment 13 was not moved.*

After debate, the question that Clause 11 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 12 stand part of the Bill, was **negatived** without division.

*As Clause 11 did not stand part, amendment 14 was not called.*

*Amendment 15 was not moved.*

*As Clause 11 did not stand part, amendment 16 was not called.*

*Amendment 17 was not moved.*

*Amendment 18 was not moved.*

*As Clause 11 did not stand part, amendment 19 was not called.*

*As amendment 14 was not made, amendment 20 was not called.*

*Amendment 21 was not moved.*

After debate, the question that Clause 13 stand part of the Bill, was **negatived** without division.

After debate, amendment 22 to Clause 14 was **negatived** without division.

*Amendment 23 was not moved.*

After debate, amendment 24 to Clause 14 was **negatived** without division.

*As amendment 22 was not made, amendment 25 was not called.*

*Amendment 26 was not moved.*

*As amendment 24 was not made, amendment 27 was not called.*

After debate, amendment 28 to Clause 14 was **negatived** without division.

*As amendment 22 was not made, amendments 29 to 32 were not called.*

*Amendment 33 was not moved.*

*As amendment 22 was not made, amendments 34 to 39 were not called.*

After debate, the question that Clause 14 stand part of the Bill, was **negatived** without division.

After debate, amendment 40 inserting new Clause 14A was **negatived** without division.

After debate, the question that Clause 15 stand part of the Bill, was **negatived** without division.

*Amendment 41 was not moved.*

*Amendment 42 was not moved.*

*Amendment 43 was not moved.*

*Amendment 44 was not moved.*

After debate, the question that Clause 16 stand part of the Bill, was **negatived** without division.

*Amendment 45 was not moved.*

*As amendment 40 was not made, amendment 46 was not called.*

After debate, the question that Clause 17 stand part of the Bill, was **negatived** without division.

*As Clauses 1 to 17 did not stand part, amendments 47 to 54 were not called.*

After debate, the question that Clause 18 stand part of the Bill, was **negatived** without division.

*As Clauses 1 to 17 did not stand part, amendments 55 and 56 were not called.*

After debate, the question that Clause 19 stand part of the Bill, was **negatived** without division.

*As Clauses 1 to 17 were not made, amendments 57 and 58 were not called.*

After debate, the question that Clause 20 stand part of the Bill, was **negatived** without division.

After debate, the question that Clause 21 stand part of the Bill, was **negatived** without division.

#### **Schedules**

After debate, the question that Schedule 1 stand part of the Bill, was **negatived** without division.

After debate, the question that Schedule 2 stand part of the Bill, was **negatived** without division.

#### **Long Title**

The question that the Long Title be agreed to, was **negatived** without division.

## **8. Adjournment**

#### **Proposed:**

That the Assembly do now adjourn.

*The Principal Deputy Speaker (Mr Newton)*

*The Assembly adjourned at 8.00pm*

**Mr Mitchel McLaughlin**

**The Speaker**

29 February 2016

# Northern Ireland Assembly

29 February 2016  
Division 1

**Final Stage – Assembly and Executive Reform (Assembly Opposition) Bill (NIA Bill 62/11-16)**

The Question was put and the Assembly divided.

**Ayes:** 63

**Noes:** 25

**AYES**

*Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Agnew, Mr McCallister.*

**NOES**

*Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McMullan, Mr Ó hOisín.*

The Motion was **carried**.

# Northern Ireland Assembly

29 February 2016  
Division 2

**Consideration Stage – Scrap Metal Dealers Bill (NIA Bill 65/11-16) (Amendment 3)**

The Question was put and the Assembly divided.

**Ayes:** 18

**Noes:** 43

**AYES**

*Mr Agnew, Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Kennedy, Mr McCallister, Mr McGimpsey, Mr McGlone, Mrs McKevitt, Mr A Maginness, Mrs Overend, Mr Patterson, Mr Swann.*

*Tellers for the Ayes: Mr Beggs, Mr Patterson.*

**NOES**

*Mr Anderson, Mr Boylan, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Ms Lo, Mr Lyons, Mr F McCann, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr D McIlveen, Mr Maskey, Mr Milne, Lord Morrow, Mr Moutray, Mr Ó Muilleoir, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Sheehan, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Milne, Mr G Robinson.*

Amendment 3 was **negatived**.

# Rural Needs Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 29 February 2016

Amendments tabled up to 9.30am Wednesday, 24 February 2016 and selected for debate.

**Amendment 1** [*Made*]

**Clause 1**, Page 1, Line 10

After 'appropriate,' insert 'by order'

*Minister of Agriculture and Rural Development*

**Amendment 2** [*Made*]

**Clause 1**, Page 1, Line 14

After first 'a' insert 'body or'

*Minister of Agriculture and Rural Development*

**Amendment 3** [*Made*]

**Clause 1**, Page 1, Line 17

After first 'a' insert 'body or'

*Minister of Agriculture and Rural Development*

**Amendment 4** [*Made*]

**Clause 1**, Page 1, Line 18

After first 'the' insert 'body or'

*Minister of Agriculture and Rural Development*

**Amendment 5** [*Made*]

**Clause 1**, Page 1, Line 18

After first 'a' insert 'body or'

*Minister of Agriculture and Rural Development*

**Amendment 6** [*Made*]

**Clause 3**, Page 2, Line 16

After '(1)' insert '(c)'

*Minister of Agriculture and Rural Development*

**Amendment 7** [*Made*]

**Clause 5**, Page 2, Line 29

Leave out '2017' and insert '2018'

*Minister of Agriculture and Rural Development*

# Licensing Bill

## Annotated Marshalled List of Amendments Consideration Stage

Monday 29 February 2016

Amendments tabled up to 9.30am Wednesday, 24 February 2016 and selected for debate.

### **Amendment 1** [Made]

**Clause 2**, Page 1, Line 12

Leave out subsection (3)

*Mrs Judith Cochrane*

### **Amendment 2** [Made]

**Clause 2**, Page 1, Line 12

Leave out subsection (4) and insert -

‘(4) After Article 2A of the principal Order insert—

#### **“Meaning of “outdoor stadium”**

2AA. In this Order “outdoor stadium” means any premises—

- (a) which are structurally adapted and used, or intended to be used, for the purpose of providing a venue primarily for a variety of outdoor sporting events and other activities,
- (b) which include one or more areas for indoor events and activities, and
- (c) which are designated in regulations as a stadium which the Department considers to be of importance to the whole of Northern Ireland.”.’

*Mrs Judith Cochrane*

### **Amendment 3** [Made]

**Clause 3**, Page 2, Line 10

Leave out ‘paragraphs’ and insert ‘subsections’

*Mrs Judith Cochrane*

### **Amendment 4** [Made]

**Clause 3**, Page 2, Line 14

Leave out subsection (4) and insert -

‘(4) In each of the following provisions of the principal Order, for “(k)” there shall be substituted “(l)”—

- (a) Article 2(4) (meaning of references to premises);
- (b) Article 15(2)(e)(ii) (renewal of licences);
- (c) Article 22(6)(c)(ii) (transfer of licences).’

*Mrs Judith Cochrane*

### **Amendment 5** [Made]

**Clause 4**, Page 2, Line 21

Leave paragraph (a)

*Mrs Judith Cochrane*

### **Amendment 6** [Made]

**Clause 4**, Page 2, Line 26

Leave out subsection (3) and insert -

‘(3) In Article 77A of the principal Order (the cross-heading before which becomes “Indoor arenas and outdoor stadia” and the title to which becomes “Attachment of conditions to licences for indoor arenas or outdoor stadia”), in paragraph (1), after “indoor arena” insert “or outdoor stadium”.’

*Mrs Judith Cochrane*

**Amendment 7 [Made]****Clause 5**, Page 3, Line 4

Leave out 'an'

*Mrs Judith Cochrane***Amendment 8 [Made]****Clause 7**, Page 3, Line 10

Leave out subsections (1) and (2) and insert-

'(1) In Article 52A of the principal Order (the title to which becomes "Indoor arenas and outdoor stadia"), in paragraph (1), after "indoor arena" insert "or outdoor stadium".'

*Mrs Judith Cochrane***Amendment 9 [Made]****Clause 7**, Page 3, Line 15

Leave out "inserted—" and insert "inserted; "or"

*Mrs Judith Cochrane***Amendment 10 [Made]****Clause 7**, Page 3, Line 18

At end insert -

'(4) In Part 1 of Schedule 10A to the principal Order (penalty points for offences punishable with level 3 fine on the standard scale), in the entry for Article 52A(2), after "indoor arenas" insert "or outdoor stadia".'

*Mrs Judith Cochrane***Amendment 11 [Made]****Clause 8**, Page 3, Line 20

Leave out subsections (1) and (2) and insert-

'(1) This Act comes into operation on 1 September 2016.'

*Mrs Judith Cochrane***Amendment 12 [Made]****Clause 8**, Page 3, Line 24

Leave out 'is made by negative resolution and'

*Mrs Judith Cochrane***Amendment 13 [Made]****Clause 8**, Page 3, Line 27

After 'order' insert '; and an order under this section containing such provision or such modifications is subject to negative resolution.'

*Mrs Judith Cochrane*

# Scrap Metal Dealers Bill

## Annotated Marshalled List of Amendments Consideration Stage

Monday 29 February 2016

Amendments tabled up to 9.30am Wednesday, 24 February 2016 and selected for debate.  
The Bill will be considered in the following order  
Clauses, Schedules and Long Title

**Clause 1 [Question that Clause 1 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 1 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 2 [Question that Clause 2 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 2 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 3 [Question that Clause 3 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 3 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 4 [Question that Clause 4 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 4 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 5 [Question that Clause 5 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 5 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 6 [Question that Clause 6 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 6 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 7 [Question that Clause 7 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 7 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Amendment 1 [Negatived]****Clause 8**, Page 4, Line 17

Leave out 'site' and insert 'waste management'

*Mr Roy Beggs***Amendment 2 [Negatived]****Clause 8**, Page 4, Line 18

Leave out 'each site identified' and insert 'the site specified'

*Mr Roy Beggs***Amendment 3 [Negatived on Division]****Clause 8**, Page 4, Line 18

At end insert -

'(1A) A scrap metal dealer who is a registered waste dealer must display the required particulars of the registration at any premises used by the dealer in the course of that business.'

*Mr Roy Beggs***Amendment 4 [Not called]****Clause 8**, Page 4, Line 19

Leave out 'referred to in section 8(1)' and insert 'and particulars referred to in subsections (1) and (1A)'

*Mr Roy Beggs***Amendment 5 [Negatived]****Clause 8**, Page 4, Line 21

Leave out from 'holds' to 'licence' on line 22 and insert 'is a registered waste carrier must display the required particulars of the registration'

*Mr Roy Beggs***Amendment 6 [Not called]****Clause 8**, Page 4, Line 23

Leave out 'copy licence' and insert 'particulars'

*Mr Roy Beggs***Amendment 7 [Not called]****Clause 8**, Page 4, Line 24

Leave out 'it' and insert 'them'

*Mr Roy Beggs***Amendment 8 [Not called]****Clause 8**, Page 4, Line 24

At end insert -

'(4A) In this section—

(a) a "registered waste dealer" is a person registered as a dealer in waste in the register established and maintained under Schedule 4 to the Waste Management Licensing Regulations (Northern Ireland) 2003 ("the 2003 Regulations");

(b) a "registered waste carrier" is a person registered in the register established and maintained under regulations under Article 39 of the 1997 Order.

(4B) The required particulars are—

(a) in the case of a registered waste dealer, a copy of any document showing details of the dealer's entry in the register (provided to the dealer under the 2003 Regulations);

(b) in the case of a registered waste carrier, a copy of any certificate of registration issued under regulations under Article 39(2)(c) of the 1997 Order;

(c) in either case, such alternative or additional particulars as may be prescribed in regulations made by the Department.'

*Mr Roy Beggs***Clause 8 [Question that Clause 8 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 8 stand part of the Bill.*

*Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff*

**Amendment 9 [Negatived]****Clause 9, Page 4, Line 31**

Leave out from 'by' to end of line 34 and insert -

'—

- (a) in the case of the person's full name, by reference to a document falling within subsection (3) or prescribed under subsection (4)(a);
- (b) in the case of the person's address, by reference to a document falling within subsection (3A) or (3B) or to documents, data or other information prescribed under subsection (4)(b).'

*Mr Roy Beggs*

**Amendment 10 [Negatived]****Clause 9, Page 4, Line 35**

Leave out subsections (3) and (4) and insert -

'(3) The following documents fall within this subsection (verification of full name)—

- (a) a United Kingdom passport, within the meaning of section 33(1) of the Immigration Act 1971;
- (b) a passport issued by the Government of an EEA state;
- (c) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;
- (d) a driving licence issued by the Government of an EEA state if the licence bears the photograph of the person to whom it is issued;
- (e) an electoral identity card issued under section 13C of the Representation of the People Act 1983;
- (f) a 60+ or Senior SmartPass, a Registered Blind SmartPass or a War Disablement SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (g) a biometric immigration document issued in accordance with regulations made under section 5 of the UK Borders Act 2007.

(3A) The following documents fall within this subsection (verification of address)—

- (a) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;
- (b) a driving licence issued by the Government of an EEA state if the licence bears the name and address of the person to whom it is issued.

(3B) A document falls within this subsection (verification of address) if bears both the name and the address of the person in question, was issued within the period of 3 months ending with the date on which the address is verified and is any of the following—

- (a) a bill or statement of account issued in respect of the supply of gas, water, electricity or telecommunications services to premises at the address in question;
- (b) a statement issued by a bank or building society relating to—
  - (i) an account held at the bank or building society, or
  - (ii) a loan secured on a mortgage held by the bank or building society;
- (c) a bill or statement of account issued by a bank or building society in respect of a debit or credit card;
- (d) a bill or statement of account, issued by the Department of Finance and Personnel, relating to a rate payable under the Rates (Northern Ireland) Order 1977 in respect of premises at the address in question;
- (e) a bill or statement issued by a credit union (within the meaning of Article 2 of the Credit Unions (Northern Ireland) Order 1985) relating to an account with the credit union.

(4) The Department may prescribe in regulations—

- (a) documents, bearing a photograph of the person concerned, which are sufficient for the purpose of verifying a person's full name;
- (b) other documents, data or other information which are sufficient for the purpose of verifying a person's address.

(4A) The Department may by regulations make such changes to subsections (3), (3A) and (3B) as it considers necessary in consequence of any change to the name or form of any document mentioned in those subsections, or to any legislation or scheme under which any such document is issued'

*Mr Roy Beggs*

**Clause 9 [Question that Clause 9 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 9 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

**Clause 10 [Question that Clause 10 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 10 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Amendment 11 [Negatived]****New Clause**

After Clause 10 insert -

**‘Power to make it an offence to buy scrap metal for cash etc.**

**10A.—**(1) The Department may make regulations that—

- (a) prohibit scrap metal dealers from paying for scrap metal by means specified in the regulations;
- (b) prohibit scrap metal dealers from paying for scrap metal by any means except those specified in the regulations.

(2) Regulations under subsection (1)(a) may, in particular, prohibit payment for scrap metal with cash.

(3) Regulations under subsection (1)(b) may, in particular, specify payment by cheques (or a specified description of cheque) or payment by an electronic transfer of funds.

(4) Regulations under subsection (1) may—

- (a) provide for the meaning of “paying” for scrap metal;
- (b) provide for exceptions from any prohibition imposed by the regulations;
- (c) provide for it to be an offence to breach any such prohibition.

(5) Before making regulations under this section the Department must consult—

- (a) the Department of Justice,
- (b) the Chief Constable, and
- (c) such representatives of scrap metal dealers as the Department considers appropriate.’

*Mr Roy Beggs*

**Amendment 12 [Negatived]****Clause 11, Page 6, Line 30**

After ‘1994’ insert ‘or identification mark (within the meaning of section 131 of the Finance Act, 1992 (an Act of the Oireachtas))’

*Mr Roy Beggs*

**Amendment 13 [Not Moved]****Clause 11, Page 7, Line 5**

Leave out subsections (7) to (9)

*Mr Roy Beggs*

**Clause 11 [Question that Clause 11 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 11 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 12 [Question that Clause 12 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 12 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Amendment 14 [Not Called]****Clause 13, Page 8, Line 7**

Leave out from ‘sections’ to ‘(4)’ on line 8 and insert ‘section 11(2), (5) and (6)’

*Mr Roy Beggs*

**Amendment 15 [Not Moved]****Clause 13**, Page 8, Line 11

Leave out paragraph (b)

*Mr Roy Beggs***Amendment 16 [Not Called]****Clause 13**, Page 8, Line 16

Leave out 'sections 11(2) to (6) and 12(3) and (4)' and insert 'section 11(2) to (6)'

*Mr Roy Beggs***Amendment 17 [Not Moved]****Clause 13**, Page 8, Line 16

Leave out '1 year' and insert '2 years'

*Mr Roy Beggs***Amendment 18 [Not Moved]****Clause 13**, Page 8, Line 17

Leave out 'or (as the case may be) disposed of'

*Mr Roy Beggs***Amendment 19 [Not Called]****Clause 13**, Page 8, Line 17

At end insert -

'(3A) The Department may in regulations make such provision as it thinks appropriate to enable or require the information or other records mentioned in section 11(2) to (6) to be recorded in, or kept together with, any document that is required to be made or retained under regulations under Article 5(7) of the 1997 Order (duty of care: waste transfer notes).'

*Mr Roy Beggs***Amendment 20 [Not Called]****Clause 13**, Page 8, Line 18

Leave out 'or 12'

*Mr Roy Beggs***Amendment 21 [Not Moved]****Clause 13**, Page 8, Line 21

Leave out 'or (as the case may be) despatched from'

*Mr Roy Beggs***Clause 13 [Question that Clause 13 stand part negatived]***The Members listed below give notice of their intention to oppose the question that Clause 13 stand part of the Bill.**Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff***Amendment 22 [Negatived]****Clause 14**, Page 8, Line 33

At beginning' insert 'An authorised official or'

*Mr Roy Beggs***Amendment 23 [Not Moved]****Clause 14**, Page 8, Line 33

Leave out 'a licensed site' and insert 'premises within subsection (3)'

*Mr Roy Beggs***Amendment 24 [Negatived]****Clause 14**, Page 8, Line 34

At end insert '(in the case of a licensed site) or any person who appears to be in charge of the premises (in any other case)'

*Mr Roy Beggs*

**Amendment 25 [Not Called]****Clause 14**, Page 8, Line 35

At beginning insert 'An authorised official or'

*Mr Roy Beggs***Amendment 26 [Not Moved]****Clause 14**, Page 8, Line 35

Leave out 'a licensed site' and insert 'premises within subsection (3)'

*Mr Roy Beggs***Amendment 27 [Not Called]****Clause 14**, Page 8, Line 36

After 'manager' insert 'or other person who appears to be in charge of the premises (as the case may be)'

*Mr Roy Beggs***Amendment 28 [Negatived]****Clause 14**, Page 8, Line 42

Leave out subsection (3) and insert -

'(3) Premises are within this subsection if they are not residential premises and—

(a) are a licensed site, or

(b) are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.'

*Mr Roy Beggs***Amendment 29 [Not Called]****Clause 14**, Page 9, Line 1

At beginning insert 'An authorised official or'

*Mr Roy Beggs***Amendment 30 [Not Called]****Clause 14**, Page 9, Line 17

After 'authorises' insert 'an authorised official or'

*Mr Roy Beggs***Amendment 31 [Not Called]****Clause 14**, Page 9, Line 19

At beginning insert 'An authorised official or'

*Mr Roy Beggs***Amendment 32 [Not Called]****Clause 14**, Page 9, Line 21

At beginning insert 'An authorised official or'

*Mr Roy Beggs***Amendment 33 [Not Moved]****Clause 14**, Page 9, Line 25

Leave out 'or 12'

*Mr Roy Beggs***Amendment 34 [Not Called]****Clause 14**, Page 9, Line 27

Leave out 'a constable' and insert 'an authorised official or a constable ("the officer")'

*Mr Roy Beggs***Amendment 35 [Not Called]****Clause 14**, Page 9, Line 30

Leave out 'constable' and insert 'officer'

*Mr Roy Beggs*

**Amendment 36 [Not Called]****Clause 14**, Page 9, Line 31

Leave out 'constable's' and insert 'officer's'

*Mr Roy Beggs***Amendment 37 [Not Called]****Clause 14**, Page 9, Line 32

Leave out 'constable's' and insert 'officer's'

*Mr Roy Beggs***Amendment 38 [Not Called]****Clause 14**, Page 9, Line 33

Leave out 'constable' and insert 'officer'

*Mr Roy Beggs***Amendment 39 [Not Called]****Clause 14**, Page 9, Line 38

At end insert -

'(13) In this section an "authorised official" is an officer of the Department who is authorised for the purposes of this section by the Department.'

*Mr Roy Beggs***Clause 14[Question that Clause 14 stand part negated]***The Members listed below give notice of their intention to oppose the question that Clause 14 stand part of the Bill.**Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff***Amendment 40 [Negated]****New Clause**

After Clause 14 insert -

**'Power to make provision for closing unlicensed sites****14A.—**(1) The Department may in regulations make provision for the making of closure orders in respect of premises which—

- (a) are being used by a scrap metal dealer to keep or treat metal in the course of business, but
- (b) are not a licensed site.

(2) A closure order is an order, made by a court, which requires—

- (a) that the premises in respect of which it is made be closed to the public (and remain closed until a specified event), and
- (b) that use of the premises by a scrap metal dealer in the course of business be discontinued immediately.

(3) Regulations under subsection (1) may in particular—

- (a) specify which courts may make a closure order and who may apply for one;
- (b) require a prospective applicant, before applying for a closure order, to issue a notice to specified persons stating its intention to apply for such an order;
- (c) provide for the cancellation of such a notice in specified circumstances;
- (d) provide for the procedure for an application for a closure order;
- (e) specify other conditions which must be satisfied before an application for a closure may be made, or before the court may make an order;
- (f) specify requirements (in addition to those set out in subsection (2)(a) and (b)) which may be imposed by a closure order;
- (g) provide for the termination of a closure order by a person other than a court, or for its discharge by a court;
- (h) provide for appeals against any decision in relation to a closure order;
- (i) provide for how a closure order is to be enforced (including by conferring of powers of entry and by the creation of offences).

(4) "Specify" means specify in the regulations.'

*Mr Roy Beggs*

**Clause 15[Question that Clause 15 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Clause 15 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Amendment 41 [Not Moved]****New Clause**

After Clause 15 insert -

**‘Offences by bodies corporate and partnerships**

**15A.**—(1) For the purposes of an offence under this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (liability of directors, etc, where body corporate commits an offence) applies with the following modifications.

(2) That subsection applies with the omission of the words “the liability of whose members is limited”.

(3) In a case where the affairs of a body corporate are managed by its members, that subsection applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.

(4) Subsection (5) applies if—

(a) an offence under this Act is committed by a partnership (whether or not a limited partnership), and

(b) it is proved that the offence has been committed with the consent or connivance of, or to be attributable to neglect on the part of—

(i) a partner, or

(ii) a person purporting to act as a partner.

(5) The partner, or the person purporting to act as a partner, commits the offence (as well as the partnership).’

*Mr Roy Beggs*

**Amendment 42 [Not Moved]****Clause 16, Page 10, Line 18**

Leave out subsection (3) and insert -

‘(3) Subsection (3A) applies to a person who carries on a business which consists primarily in the manufacture of articles or the supply or fitting of products.

(3A) For the purposes of subsection (2)(a), a person to whom this subsection applies is not to be regarded as selling scrap metal if that person sells scrap metal only—

(a) as a by-product of manufacturing articles or making of products to order,

(b) as surplus materials not required for manufacturing articles or making products to order, or

(c) as discarded articles, or waste materials, which have been received by the person in the course of the business, having been replaced by articles or products supplied in the course of it.’

*Mr Roy Beggs*

**Amendment 43 [Not Moved]****Clause 16, Page 10, Line 34**

After second ‘a’ insert ‘waste management’

*Mr Roy Beggs*

**Amendment 44 [Not Moved]****Clause 16, Page 11, Line 3**

Leave out subsection (8) and insert -

‘(8) The Department may by regulations amend the definition of “scrap metal” and “scrap metal dealer” for the purposes of this Act by amending this section.’

*Mr Roy Beggs*

**Clause 16[Question that Clause 16 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 16 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Amendment 45 [Not Moved]****New Clause**

After Clause 16 insert -

**‘Meaning of “site manager”**

**16A.—**(1) This section makes provision about the meaning of “site manager” for the purposes of this Act.

(2) Where a waste management licence is granted in respect of a site (within the meaning given by section 18(7)), the holder of the licence must nominate an individual as the site manager, who must be the individual who exercises day-to-day control and management of activities at the site.

(3) An individual may be nominated as site manager at more than one site; but no site may have more than one site manager nominated in relation to it.

(4) The Department may in regulations make further provision in connection with nominations made under subsection (2).

(5) Regulations under subsection (4) may, in particular, provide for the procedure for—

- (a) notifying the Department of a nomination under subsection (2);
- (b) replacing a nominee.

(6) Regulations under subsection (4) may, in particular, provide for nominated site managers to be included in the register maintained under Article 34 of the 1997 Order; and Articles 35 and 36 of the 1997 Order apply to such information as they apply to information mentioned in Article 34(1).’

*Mr Roy Beggs*

**Amendment 46 [Not Called]****Clause 17, Page 11, Line 8**

Leave out subsection (2) and insert -

‘(2) Regulations under section 10 or 14A must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Roy Beggs*

**Clause 17[Question that Clause 17 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 17 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

**Amendment 47 [Not Called]****Clause 18, Page 11, Line 16**

At end insert -

‘(1A) “The 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997.’

*Mr Roy Beggs*

**Amendment 48 [Not Called]****Clause 18, Page 11, Line 18**

Leave out ‘a site identified in a scrap metal licence’ and insert ‘land specified in a waste management licence in accordance with Article 6(1) of the 1997 Order’

*Mr Roy Beggs*

**Amendment 49 [Not Called]****Clause 18, Page 11, Line 19**

Leave out subsection (4)

*Mr Roy Beggs*

**Amendment 50 [Not Called]****Clause 18, Page 11, Line 20**

Leave out subsection (5)

*Mr Roy Beggs*

**Amendment 51 [Not Called]****Clause 18, Page 11, Line 26**

Leave out subsection (7) and insert -

‘(7) “Site” means any land where scrap metal is kept or treated in the course of carrying on business as a scrap metal dealer.’

*Mr Roy Beggs*

**Amendment 52 [Not Called]****Clause 18**, Page 11, Line 28

Leave out subsections (8) and (9)

*Mr Roy Beggs***Amendment 53 [Not Called]****Clause 18**, Page 11, Line 33

Leave out subsection (10)

*Mr Roy Beggs***Amendment 54 [Not Called]****Clause 18**, Page 11, Line 35

At end insert -

‘(11) “Waste management licence” means a site licence (within the meaning given by the 1997 Order) granted under Article 6(1) of that Order.’

*Mr Roy Beggs***Clause 18 [Question that Clause 18 stand part negatived]***The Members listed below give notice of their intention to oppose the question that Clause 18 stand part of the Bill.**Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff***Amendment 55 [Not Called]****Clause 19**, Page 12, Line 1

Leave out paragraph (b)

*Mr Roy Beggs***Amendment 56 [Not Called]****Clause 19**, Page 12, Line 3

Leave out ‘under subsection (1)(a)’

*Mr Roy Beggs***Clause 19 [Question that Clause 19 stand part negatived]***The Members listed below give notice of their intention to oppose the question that Clause 19 stand part of the Bill.**Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff***Amendment 57 [Not Called]****Clause 20**, Page 12, Line 9

Leave out paragraphs (a) and (b)

*Mr Roy Beggs***Amendment 58 [Not Called]****Clause 20**, Page 12, Line 12

At end insert -

‘(2) The report under subsection (1) must be laid before the Assembly not later than 18 months after the day on which the last of the provisions of this Act comes into operation.

(3) If, in relation to any provision of this Act, different days are appointed under section 19(2), the provision is to be regarded for the purposes of subsection (2) as coming into operation on the last of those days.’

*Mr Roy Beggs***Clause 20 [Question that Clause 20 stand part negatived]***The Members listed below give notice of their intention to oppose the question that Clause 20 stand part of the Bill.**Mr Cathal Boylan**Mr Ian Milne**Mr Barry McElduff*

**Clause 21 [Question that Clause 21 stand part negatived]**

*The Members listed below give notice of their intention to oppose the question that Clause 21 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Schedule 1 [Question that Schedule 1 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Schedule 1 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Schedule 2 [Question that Schedule 2 stand part negatived]**

*The Member listed below gives notice of his intention to oppose the question that Schedule 2 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne*

# Northern Ireland Assembly

## Papers Presented to the Assembly on 24 - 29 February 2016

### 1. Acts of the Northern Ireland Assembly

The Departments Act (Northern Ireland) 2016.

### 2. Bills of the Northern Ireland Assembly

### 3. Orders in Council

### 4. Publications Laid in the Northern Ireland Assembly

Victims and Survivors Service Data Retention and Disposal Policy and Schedule (DCAL/PRONI).

### 5. Assembly Reports

Report on the Governance of Land and Property in the Northern Ireland Housing Executive (NIA 319/11-16) (Public Accounts Committee).

Eleventh Report of the Examiner of Statutory Rules, Session 2015-16 (Examiner of Statutory Rules).

### 6. Statutory Rules

S.R. 2016/000 (Draft) The Local Government (Community Planning Partners) Order (Northern Ireland) 2016 (DOE).

S.R. 2016/47 The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016 (DETI).

S.R. 2016/48 The Modern Slavery Act 2015 (Duty to co-operate with Commissioner) (Northern Irish Public Authority) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/49 The Working Time Regulations (Northern Ireland) 2016 (DEL).

S.R. 2016/54 The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (DARD).

S.R. 2016/58 The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2016 (DOJ).

S.R. 2016/69 The Rates (Automatic Telling Machines) (Designation of Rural Areas) Order (Northern Ireland) 2016 (DFP).

S.R. 2016/70 The Superannuation (Certification Officer for Northern Ireland) Order (Northern Ireland) 2016 (DFP).

S.R. 2016/71 The Public Service Pensions (Certification Officer for Northern Ireland) Regulations (Northern Ireland) 2016 (DFP).

S.R. 2016/73 The Train Driving Licences and Certificates (Amendment) Regulations (Northern Ireland) 2016 (DRD).

S.R. 2016/74 The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2016 (DOJ).

S.R. 2016/76 The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (OFMDFM).

S.R. 2016/78 The Pensions (2015 Act) (Consequential and Supplementary Amendments) Order (Northern Ireland) 2016 (DSD).

S.R. 2016/79 The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/80 The State Pension (Amendment) Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/81 The Modern Slavery Act 2015 (Power of Arrest: Code of Practice) Order (Northern Ireland) 2016 (DOJ).

**For Information Only**

S.R. 2016/52 The Parking Places, Loading Bays and Waiting Restrictions (Coleraine) (Amendment) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/53 The Parking and Waiting Restrictions (Omagh) (Amendment) Order (Northern Ireland) 2016 (DRD).

**7. Written Ministerial Statements**

A6 Londonderry to Dungiven Dualling (DRD).

**8. Consultation Documents**

The Consumer Council - Draft Corporate Plan 2016-2021 (DETI).

The Consumer Council - Draft Forward Work Programme 2016/2017 (DETI).

**9. Departmental Publications**

Food Standards Agency - Food Law Codes of Practice Northern Ireland (DHSSPS).

**10. Agency Publications****11. Westminster Publications****12. Miscellaneous Publications**

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# Northern Ireland Assembly

**Tuesday 1 March 2016**

*The Assembly met at 10.30am, the Principal Deputy Speaker (Mr Newton) in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Assembly Business

### 2.1 Consideration of business not concluded on Monday 29 February 2016

The Speaker informed the Assembly that all business listed on the Order Paper for 29 February 2016 was concluded.

## 3. Executive Committee Business

### 3.1 Motion – Accelerated Passage: The Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16)

#### **Proposed:**

That the Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16) proceed under the accelerated passage procedure.

*Minister for Regional Development*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

### 3.2 Second Stage – Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16)

The Minister for Regional Development, Miss Michelle McIlveen, moved the Second Stage of the Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16).

*Debate ensued.*

The Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16) passed Second Stage.

### 3.3 Motion – Suspension of Standing Order 42(1)

#### **Proposed:**

That Standing Order 42(1) be suspended in respect of the Final Stage of the Employment Bill (NIA Bill 73/11-16).

*Minister for Employment and Learning*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

### 3.4 Final Stage – Employment Bill (NIA Bill 73/11-16)

The Minister for Employment and Learning, Dr Stephen Farry, moved that the Final Stage of the Employment Bill (NIA Bill 73/11-16) do now pass.

*Debate ensued.*

The Employment Bill (NIA Bill 73/11-16) passed Final Stage.

### 3.5 Further Consideration Stage – Justice (No.2) Bill (NIA Bill 57/11-16)

The Minister of Justice, Mr David Ford, moved the Further Consideration Stage of the Justice (No. 2) Bill.

Nine amendments were tabled to the Bill.

#### Clauses

After debate, amendment 1 to Clause 35 was **made** without division.

After debate, amendment 2 to Clause 39 was **made** without division.

After debate, amendment 3 to Clause 51 was **made** without division.

After debate, amendment 4 to Clause 51 was **made** without division.

After debate, amendment 5 to Clause 51 was **made** without division.

After debate, amendment 6 to Clause 54 was **made** without division.

#### Schedules

After debate, amendment 7 inserting new Schedule 3A was **made** without division and it was **agreed** that the new schedule stand part of the Bill.

#### Long Title

After debate, amendment 8 to the Long Title was **made** without division.

After debate, amendment 9 to the Long Title was **made** without division.

The Justice (No.2) Bill (NIA Bill 57/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

## 4. Committee Business

### 4.1 Motion – Report on Review of Public Petitions Procedures (NIA 305/11-16)

#### Proposed:

That this Assembly approves the report of the Committee on Procedures on its Review of Public Petitions Procedures (NIA 305/11-16).

*Chairperson, Committee on Procedures*

*Debate ensued.*

The Question being put, the Motion was **carried**.

*The sitting was suspended at 12.59pm.*

*The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Beggs) in the Chair.*

## 5. Question Time

### 5.1 Education

Questions were put to, and answered by, the Minister of Education, Mr John O'Dowd.

### 5.2 Employment and Learning

Questions were put to, and answered by, the Minister for Employment and Learning, Dr Stephen Farry.

*The Deputy Speaker (Mr Dallat) in the Chair.*

## 6. Committee Business (cont'd)

### 6.1 Motion – Report on the Inquiry into post Special Educational Need Provision in Education, Employment and Training for those with Learning Disabilities in Northern Ireland (NIA 306/11-16)

**Proposed:**

That this Assembly approves the Report of the Committee for Employment and Learning on the Inquiry into post Special Educational Need (SEN) Provision in Education, Employment and Training for those with Learning Disabilities in Northern Ireland (NIA 306/11-16); and calls on the Minister for Employment and Learning to liaise with his relevant Executive colleagues to implement the recommendations contained in the Report.

*Chairperson, Committee for Employment and Learning*

*Debate ensued.*

The Question being put, the Motion was **carried**.

## 7. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Deputy Speaker (Mr Dallat)*

*The Assembly adjourned at 5.17pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

1 March 2016

# Justice (No. 2) Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Tuesday 1 March 2016

Amendments tabled up to 9.30am Wednesday, 24 February 2016 and selected for debate.

**Amendment 1** [*Made*]

**Clause 35**, Page 29, Line 2

Leave out 'may' and insert 'shall'

*Minister of Justice*

**Amendment 2** [*Made*]

**Clause 39**, Page 32, Line 5

Leave out 'may' and insert 'shall'

*Minister of Justice*

**Amendment 3** [*Made*]

**Clause 51**, Page 39, Line 25

Leave out '12' and insert '6'

*Minister of Justice*

**Amendment 4** [*Made*]

**Clause 51**, Page 39, Line 26

After 'fine' insert 'not exceeding the statutory maximum'

*Minister of Justice*

**Amendment 5** [*Made*]

**Clause 51**, Page 39, Line 26

At end insert -

'(10) Schedule 3A makes special provision in connection with the operation of this section in relation to persons providing information society services.'

*Minister of Justice*

**Amendment 6** [*Made*]

**Clause 54**, Page 40, Line 37

Leave out subsection (1) and (2) and insert -

'(1) A person commits an offence if he or she assaults—

(a) an ambulance worker in the execution of that ambulance worker's duty;

(b) a person who is assisting an ambulance worker in the execution of that ambulance worker's duty.

(2) "Ambulance worker" means a person who provides ambulance services (including air ambulance services) under arrangements made by or at the request of—

(a) the Northern Ireland Ambulance Service Health and Social Care Trust,

(b) St. John Ambulance (NI),

(c) the British Red Cross Society, or

(d) the charity registered in the Republic of Ireland known as the Order of Malta Ireland.'

*Minister of Justice*

**Amendment 7 [Made]****New schedule**

After Schedule 3 insert -

**\*SCHEDULE 3A**

Section 51.

**PRIVATE SEXUAL PHOTOGRAPHS ETC: PROVIDERS OF INFORMATION SOCIETY SERVICES***Exceptions for mere conduits*

1.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in—

- (a) the provision of access to a communication network, or
- (b) the transmission in a communication network of information provided by a recipient of the service,

if the condition in sub-paragraph (2) is satisfied.

(2) The condition is that the service provider does not—

- (a) initiate the transmission,
- (b) select the recipient of the transmission, or
- (c) select or modify the information contained in the transmission.

(3) For the purposes of sub-paragraph (1)—

- (a) the provision of access to a communication network, and
- (b) the transmission of information in a communication network,

includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

*Exception for caching*

2.—(1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider is not capable of committing an offence under section 51 in respect of the automatic, intermediate and temporary storage of information so provided, if—

- (a) the storage of information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
- (b) the condition in sub-paragraph (3) is satisfied.

(3) The condition is that the service provider—

- (a) does not modify the information,
- (b) complies with any conditions attached to having access to the information, and
- (c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.

(4) This sub-paragraph applies if the service provider obtains actual knowledge that—

- (a) the information at the initial source of the transmission has been removed from the network,
- (b) access to it has been disabled, or
- (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

*Exception for hosting*

3.—(1) A service provider is not capable of committing an offence under section 51 in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided—

- (a) that it consisted of or included a private sexual photograph or film,
- (b) that it was provided without the consent of an individual who appears in the photograph or film, or
- (c) that the photograph or film was provided with the intention of causing distress to that individual.

(3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.

- (4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

*Interpretation*

4.—(1) This paragraph applies for the purposes of this Schedule.

(2) “Photograph or film” has the meaning given in section 51.

(3) “Information society service”—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”,

and “the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) “Recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.

(5) “Service provider” means a person providing an information society service.’

*Minister of Justice*

**Amendment 8 [Made]**

**Long Title**

Leave out ‘the possession of extreme pornographic’ and insert ‘extreme pornographic and other sexual’

*Minister of Justice*

**Amendment 9 [Made]**

**Long Title**

After ‘images,’ insert ‘assaults on persons providing ambulance services,’

*Minister of Justice*

# Northern Ireland Assembly

## **Papers Presented to the Assembly on 1 March 2016**

### 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

Ministerial Offices (Number and Functions) Determination 2016 (OFMDFM).

Legislative Consent Memorandum – Enterprise Bill (apprenticeships information sharing provisions) (DEL).

### 5. Assembly Reports

### 6. Statutory Rules

S.R. 2016/24 The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 (DOJ)

S.R. 2016/59 The Agriculture (Student Fees) (Amendment) Regulations (Northern Ireland) 2016 (DARD).

S.R. 2016/82 The Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/88 The State Pension (Amendment No.2) Regulations (Northern Ireland) 2016 (DSD).

#### **For Information Only**

S.R. 2016/61 (C.3) The Human Trafficking and Exploitation (2015 Act) (Commencement No.2) Order (Northern Ireland) 2016 (DOJ).

### 7. Written Ministerial Statements

### 8. Consultation Documents

### 9. Departmental Publications

### 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 2 March 2016

### 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	Bill fell at Final Stage on 26.05.15	
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	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	24.07.15
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	01.12.15	12.01.16	
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	30.06.15	24.07.15
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	06.10.15	08.12.15	29.01.16
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	30.11.15	08.12.15	29.01.16
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	Minister not planning to move Bill			

<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>
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16	16.02.16			
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16	15.02.16	
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16	08.02.16	
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16	09.02.16	
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16	08.02.16	29.02.16	
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16	10.02.16	01.03.16		
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16	15.02.16	23.02.16	
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16	04.02.16	23.02.16			

<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>
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16	23.02.16		
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16	15.02.16	29.02.16		
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16	03.02.16	22.02.16			
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	29.02.16
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16	08.02.16	22.02.16			
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16	03.02.16	22.02.16			
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16	09.02.16	22.02.16 / 23.02.16	01.03.16	
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16	23.02.16			
Rates (Amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16	16.02.16	23.02.16	
Budget Bill 77/11-16	08.02.16	09.02.16	/	/	15.02.16	16.02.16	23.02.16	
Land Acquisition and Compensation (Amendment) Bill 78/11-16	22.02.16	01.03.16	/	/				

**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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 /01.02.16	10.02.16	19.02.16
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16	02.02.16 / 08.02.16	16.02.16	29.02.16	

<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>
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16	03.02.16	Member not planning to move Bill			
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16	11.02.16	29.02.16			
Licensing Bill 69/11-16	24.11.15	07.12.15	19.02.16	16.02.16	29.02.16			

/ 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 7 March 2016**

*The Assembly met at noon, the Speaker in the Chair.*

## 1. Personal Prayer or Meditation

Members observed two minutes' silence.

## 2. Matter of the Day

### 2.1 Attack on Prison Officer in East Belfast

Mr Andy Allen made a statement, under Standing Order 24, in relation to the attack on a prison officer in East Belfast. Other Members were also called to speak on the matter.

## 3. Assembly Business

### 3.1 Motion – Suspension of Standing Orders

#### **Proposed:**

That Standing Orders 10(2) to 10(4) be suspended for 7 March 2016.

*Mr P Weir  
Ms C Ruane  
Mrs K McKeivitt  
Mr R Swann  
Mr S Dickson*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

## 4. Executive Committee Business

### 4.1 Further Consideration Stage – Fisheries Bill (NIA Bill 74/11-16)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved the Further Consideration Stage of the Fisheries Bill (NIA Bill 74/11-16).

There were no amendments tabled to the Bill.

The Fisheries Bill (NIA Bill 74/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### 4.2 Further Consideration Stage – Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Further Consideration Stage of the Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16).

There were no amendments tabled to the Bill.

The Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### 4.3 Further Consideration Stage – Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Further Consideration Stage of the Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16).

Sixteen amendments were tabled to the Bill.

*The Principal Deputy Speaker (Mr Newton) in the Chair.*

#### **Clauses**

After debate, amendment 1 leaving out Clause 5 and inserting new Clause 4A was **made** without division and it was **agreed** that the new Clause be added to the Bill.

After debate, amendment 2 to Clause 6 was **made** without division.

After debate, amendment 3 to Clause 6 was **made** without division.

After debate, amendment 4 to Clause 8 was **made** without division.

After debate, amendment 5 to Clause 8 was **made** on division (Division).

After debate, amendment 6 to Clause 8 was **made** without division.

After debate, amendment 7 to Clause 8 was **made** without division.

After debate, amendment 8 to Clause 15 was **made** without division.

After debate, amendment 9 to Clause 15 was **made** without division.

After debate, amendment 10 to Clause 16 was **made** without division.

After debate, amendment 11 to Clause 16 was **made** without division.

After debate, amendment 12 to Clause 16 was **made** without division.

After debate, amendment 13 to Clause 16 was **made** without division.

After debate, amendment 14 to Clause 16 was **made** without division.

After debate, amendment 15 to the Long Title was **made** without division.

After debate, amendment 16 to the Long Title was **made** without division.

The Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

#### **4.4 Further Consideration Stage – Houses in Multiple Occupation Bill (NIA Bill 60/11-16)**

The Minister for Social Development, Lord Morrow of Clogher Valley, moved the Further Consideration Stage of the Houses in Multiple Occupation Bill (NIA Bill 60/11-16).

Four amendments were tabled to the Bill.

#### **Clauses**

After debate, amendment 1 to Clause 10 was **made** without division.

After debate, amendment 2 to Schedule 5 was **made** without division.

After debate, amendment 3 to Schedule 5 was **made** without division.

After debate, amendment 4 to Schedule 5 was **made** without division.

The Houses in Multiple Occupation Bill (NIA Bill 60/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

#### **4.5 Further Consideration Stage – Addressing Bullying in Schools Bill (NIA Bill 71/11-16)**

The Minister of Education, Mr John O'Dowd, moved the Further Consideration Stage of the Addressing Bullying in Schools Bill (NIA Bill 71/11-16).

Two amendments were tabled to the Bill.

*The debate was suspended for Question Time.*

*The Speaker in the Chair.*

## 5. Question Time

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

Questions were put to, and answered by, the First Minister, Mrs Arlene Foster. The junior Minister, Mrs Emma Pengelly, also answered a number of questions.

### 5.2 Environment

Questions were put to, and answered by, the Minister of the Environment, Mr Mark H Durkan.

*The Deputy Speaker (Mr Beggs) in the Chair.*

## 6. Executive Committee Business (cont'd)

### 6.1 Further Consideration Stage – Addressing Bullying in Schools Bill (NIA Bill 71/11-16) (cont'd)

*Debate resumed.*

#### Clauses

After debate, amendment 1 was withdrawn by leave of the Assembly.

After debate, amendment 2 to Clause 3 was **made** without division.

The Addressing Bullying in Schools Bill (NIA Bill 71/11-16) stood referred to the Speaker in accordance with section 10 of the Northern Ireland Act 1998.

### 6.2 Further Consideration Stage – Mental Capacity Bill (NIA Bill 49/11-16)

The Minister of Health, Social Services, and Public Safety, Mr Simon Hamilton, moved the Further Consideration Stage of the Mental Capacity Bill (NIA Bill 49/11-16).

23 amendments were tabled to the Bill.

#### Clauses

After debate, amendment 1 to Clause 21 was **made** without division.

After debate, amendment 2 to Clause 21 was **made** without division.

After debate, amendment 3 to Clause 21 was **made** without division.

After debate, amendment 4 to Clause 97 was **made** without division.

After debate, amendment 5 to Clause 98 was **made** without division.

After debate, amendment 6 to Clause 107 was **made** without division.

After debate, amendment 7 to Clause 107 was **made** without division.

After debate, amendment 8 to Clause 107 was **made** without division.

After debate, amendment 9 to Clause 117 was **made** without division.

After debate, amendment 10 to Clause 156 was **made** without division.

After debate, amendment 11 to Clause 263 was **made** without division.

After debate, amendment 12 to Clause 268 was **made** without division.

After debate, amendment 13 to Clause 276 was **made** without division.

After debate, amendment 14 to Clause 276 was **made** without division.

After debate, amendment 15 to Clause 285 was **made** without division.

After debate, amendment 16 to Clause 285 was **made** without division.

After debate, amendment 17 to Clause 303 was **made** without division.

After debate, amendment 18 to Clause 306 was **made** without division.

After debate, amendment 19 to Clause 306 was **made** without division.

After debate, amendment 20 to Clause 306 was **made** without division.

After debate, amendment 21 to Clause 307 was **made** without division.

After debate, amendment 22 to Schedule 9 was **made** without division.

After debate, amendment 23 to Schedule 11 was **made** without division.

The Mental Capacity Bill (NIA Bill 49/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### **6.3 Consideration Stage – Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16)**

The Minister for Regional Development, Miss Michelle McIlveen, moved the Consideration Stage of the Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16).

No amendments were tabled to the Bill.

#### **Clauses**

The question being put, it was **agreed** without division that Clauses 1 to 7 stand part of the Bill.

#### **Long Title**

The question being put, the Long Title was **agreed** without division.

The Land Acquisition and Compensation (Amendment) Bill (NIA Bill 78/11-16) stood referred to the Speaker.

## **7. Adjournment**

#### **Proposed:**

That the Assembly do now adjourn.

*The Deputy Speaker (Mr Beggs)*

*The Assembly adjourned at 4.09pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

7 March 2016

# Northern Ireland Assembly

7 March 2016

Division

**Further Consideration Stage – Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16) (Amendment 5)**

The Question was put and the Assembly divided.

**Ayes:** 52

**Noes:** 38

**AYES**

*Mr Agnew, Mr Allen, Mr Anderson, Mr Beggs, Ms P Bradley, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.*

*Tellers for the Ayes: Mr McQuillan, Mr G Robinson.*

**NOES**

*Mr Allister, Mr Attwood, Mr Boylan, Ms Boyle, Mr Diver, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Murphy, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Noes: Mr McKay, Ms M McLaughlin.*

Amendment 5 was **made**.

# Health (Miscellaneous Provisions) Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 7 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate.

### Amendment 1 [Made]

#### Clause 5, Page 2

Leave out Clause 5 and insert -

#### ‘Prohibition of use of tobacco or nicotine products in a private vehicle

4A.—(1) The Smoking (Northern Ireland) Order 2006 is amended in accordance with subsections (2) to (7).

(2) In Article 6 (smoke-free vehicles)—

(a) after paragraph (1) insert—

“(1A) Regulations under this Article may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”;

(b) in paragraph (2), for “The regulations” substitute “Regulations under this Article”.

(3) In Article 10 (fixed penalties)—

(a) for the heading substitute “Fixed penalties”;

(b) in paragraph (1), for “, or in a place or vehicle,” substitute “or in a place”;

(c) after paragraph (1) insert—

“(1A) An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 7(5) or 8(2) in a vehicle in relation to which the authorised officer has functions may give that person a penalty notice in respect of the offence.

(1B) The Department may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 9(3) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”.

(4) In Article 11 (enforcement)—

(a) for the heading substitute “Enforcement”;

(b) in paragraph (1), for “premises, places and vehicles” substitute “premises and places”;

(c) after paragraph (1) insert—

“(1A) The Department may make regulations designating the persons or bodies or descriptions of person or body which are to be enforcement authorities for the purposes of enforcing, as respects vehicles, the provisions of this Order and regulations made under it.

(1B) The regulations—

(a) must specify the descriptions of vehicle in relation to which an enforcement authority has functions,

(b) may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred back) to, and taken over by, another enforcement authority.

(1C) It is the duty of an enforcement authority to enforce, as respects the vehicles in relation to which it has enforcement functions, the provisions of this Order and of regulations made under it.”;

(d) in paragraph (2)—

(i) after “district council” insert “or other enforcement authority”;

(ii) after “the council” insert “or other authority”;

(iii) for “authorised by it” substitute “authorised by that council or other authority”.

(5) In Article 12(1) (obstruction of officers), after “district council” insert “or other enforcement authority”.

(6) In Article 15(3) (regulations subject to affirmative procedure)—

(a) in sub-paragraph (a), for “or 14” substitute “, 10(1B) or 14”;

(b) in sub-paragraph (b), for “or 8” substitute “, 8 or 18”.

(7) In Schedule 1 (fixed penalties), after paragraph 17 add—

*“Power to amend or modify Schedule*

18. The Department may by regulations—

- (a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind,
- (b) provide for this Schedule to apply with modifications in relation to such notices.”

(8) The Department may by regulations make provision prohibiting the use of nicotine products in a private vehicle where a person under the age of 18 is present in the vehicle, and such regulations may for that purpose amend, or apply with modifications, the provisions of the Smoking (Northern Ireland) Order 2006 to nicotine products.’

*Minister of Health, Social Services and Public Safety*

**Amendment 2 [Made]**

**Clause 6**, Page 2, Line 34

Leave out ‘this Act’ and insert ‘this section’

*Minister of Health, Social Services and Public Safety*

**Amendment 3 [Made]**

**Clause 6**, Page 2, Line 35

After ‘Regulations’ insert ‘made by the Department’

*Minister of Health, Social Services and Public Safety*

**Amendment 4 [Made]**

**Clause 8**, Page 3, Line 17

Leave out ‘consult’ and insert ‘carry out a study’

*Minister of Health, Social Services and Public Safety*

**Amendment 5 [Made on division]**

**Clause 8**, Page 3, Line 18

Leave out ‘a year’ and insert ‘two years’

*Minister of Health, Social Services and Public Safety*

**Amendment 6 [Made]**

**Clause 8**, Page 3, Line 19

Leave out ‘consultation’ and insert ‘study’

*Minister of Health, Social Services and Public Safety*

**Amendment 7 [Made]**

**Clause 8**, Page 3, Line 28

Leave out subsections (3) and (4)

*Minister of Health, Social Services and Public Safety*

**Amendment 8 [Made]**

**Clause 15**, Page 8, Line 11

After ‘transplantation’ insert ‘and the donation for transplantation of parts of the human body’

*Minister of Health, Social Services and Public Safety*

**Amendment 9 [Made]**

**Clause 15**, Page 8, Line 12

Leave out ‘subsection (1)(a)’ and insert ‘subsection (1)’

*Minister of Health, Social Services and Public Safety*

**Amendment 10 [Made]**

**Clause 16**, Page 8, Line 15

After ‘in’ insert ‘respect of’

*Minister of Health, Social Services and Public Safety*

**Amendment 11 [Made]**

**Clause 16**, Page 8, Line 16

Leave out ‘activities’

*Minister of Health, Social Services and Public Safety*

**Amendment 12 [Made]**

**Clause 16**, Page 8, Line 20

Leave out 'transplantation activities' and insert 'transplantations'

*Minister of Health, Social Services and Public Safety*

**Amendment 13 [Made]**

**Clause 16**, Page 8, Line 23

Leave out 'activities'

*Minister of Health, Social Services and Public Safety*

**Amendment 14 [Made]**

**Clause 16**, Page 8, Line 25

Leave out 'activities'

*Minister of Health, Social Services and Public Safety*

**Amendment 15 [Made]**

**Long Title**

After 'sale' insert 'or use'

*Minister of Health, Social Services and Public Safety*

**Amendment 16 [Made]**

**Long Title**

After 'tobacco,' insert 'to make provision in relation to sugar sweetened drinks,'

*Minister of Health, Social Services and Public Safety*

# Houses in Multiple Occupation Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 7 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate.

**Amendment 1** [*Made*]

**Clause 10**, Page 8, Line 10

Leave out ‘immoral or’

*Minister for Social Development*

**Amendment 2** [*Made*]

**Schedule 5**, Page 66, Line 25

Leave out ‘21’ and insert ‘28’

*Minister for Social Development*

**Amendment 3** [*Made*]

**Schedule 5**, Page 66, Line 31

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

*Minister for Social Development*

**Amendment 4** [*Made*]

**Schedule 5**, Page 66, Line 33

After ‘and’ insert ‘such’

*Minister for Social Development*

# Addressing Bullying in Schools Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 7 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate.

**Amendment 1** [*Withdrawn*]

**Clause 3**, Page 3, Line 4

Leave out paragraph (b) and insert -

‘(b)include a brief description of the nature of the incident; and’

*Minister of Education*

**Amendment 2** [*Made*]

**Clause 3**, Page 3, Line 20

Leave out subsection (6)

*Minister of Education*

# Mental Capacity Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Monday 7 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate.

### **Amendment 1** [Made]

**Clause 21**, Page 13, Line 33

Leave out from ‘in’ to end of line 37 and insert -

‘where there are one or more treatments (other than the treatment mentioned in subsection (1))—

- (a) that are available and would be appropriate in P’s case; and
- (b) the provision of which would not involve the doing of acts to which section 19 or 22 applies.’

*Minister of Health, Social Services and Public Safety*

### **Amendment 2** [Made]

**Clause 21**, Page 13, Line 38

Leave out ‘in question to P’ and insert ‘mentioned in subsection (1)’

*Minister of Health, Social Services and Public Safety*

### **Amendment 3** [Made]

**Clause 21**, Page 13, Line 40

Leave out ‘the treatment in question’ and insert ‘that treatment’

*Minister of Health, Social Services and Public Safety*

### **Amendment 4** [Made]

**Clause 97**, Page 52, Line 15

Leave out ‘18’ and insert ‘16’

*Minister of Health, Social Services and Public Safety*

### **Amendment 5** [Made]

**Clause 98**, Page 53, Line 42

At end insert -

‘(7A) Where the donor of a lasting power of attorney was under 18 when he or she executed the instrument mentioned in section 97(2)  
(a)—

- (a) the lasting power of attorney has the same effect as it would have if the donor had been 18 or over when he or she executed the instrument; except that
- (b) at any time when the donor is under 18, the authority conferred by the lasting power does not extend to doing anything that the donor could not do at that time (even if the donor had capacity, within the meaning of Part 1, in relation to the matter in question).’

*Minister of Health, Social Services and Public Safety*

### **Amendment 6** [Made]

**Clause 107**, Page 58, Line 25

Leave out ‘or annulment’ and insert ‘, annulment or judicial separation’

*Minister of Health, Social Services and Public Safety*

### **Amendment 7** [Made]

**Clause 107**, Page 59, Line 9

Leave out ‘or annulment’ and insert ‘, annulment or judicial separation’

*Minister of Health, Social Services and Public Safety*

### **Amendment 8** [Made]

**Clause 107**, Page 59, Line 14

At end insert -

‘(11) In this section references to the “judicial separation” of a marriage or civil partnership include—

- (a) the making of a decree of judicial separation in respect of a marriage, and

(b) the making of a separation order in respect of a civil partnership.’

*Minister of Health, Social Services and Public Safety*

**Amendment 9 [Made]**

**Clause 117**, Page 65, Line 25

Leave out from ‘a’ to end of line 28 and insert -

‘—

(a) a decision that is made in accordance with this Act by an attorney under a lasting power of attorney granted by P, and is within the scope of the attorney’s authority; or

(b) a decision that is made in accordance with the Enduring Powers of Attorney (Northern Ireland) Order 1987 by an attorney under an enduring power of attorney granted by P, and is within the scope of the attorney’s authority.’

*Minister of Health, Social Services and Public Safety*

**Amendment 10 [Made]**

**Clause 156**, Page 85, Line 38

At end insert -

‘(2A) Regulations may provide that the records to be kept by virtue of subsection (1)(e) are records of such information, in respect of each child who ceases to be detained under this Part, as may be prescribed; and that subsection (2) is to be read accordingly.’

*Minister of Health, Social Services and Public Safety*

**Amendment 11 [Made]**

**Clause 263**, Page 149, Line 12

After ‘of’ insert ‘this Part or’

*Minister of Health, Social Services and Public Safety*

**Amendment 12 [Made]**

**Clause 268**, Page 151, Line 19

Leave out from ‘or’ to ‘powers’ on line 21 and insert ‘(application for registration of lasting power’

*Minister of Health, Social Services and Public Safety*

**Amendment 13 [Made]**

**Clause 276**, Page 156, Line 36

Leave out ‘, or an enduring power of attorney,’

*Minister of Health, Social Services and Public Safety*

**Amendment 14 [Made]**

**Clause 276**, Page 156, Line 37

At end insert -

‘(ba) is made in accordance with the Enduring Powers of Attorney (Northern Ireland) Order 1987 by an attorney under an enduring power of attorney granted by P, and is within the scope of the attorney’s authority; or’

*Minister of Health, Social Services and Public Safety*

**Amendment 15 [Made]**

**Clause 285**, Page 161, Line 37

After ‘divorce’ insert ‘or judicial separation’

*Minister of Health, Social Services and Public Safety*

**Amendment 16 [Made]**

**Clause 285**, Page 161, Line 39

After ‘order’ insert ‘or separation order’

*Minister of Health, Social Services and Public Safety*

**Amendment 17 [Made]**

**Clause 303**, Page 169, Line 33

After ‘provisions’ insert ‘(passed or made before, or in the same session as, this Act)’

*Minister of Health, Social Services and Public Safety*

**Amendment 18 [Made]****Clause 306**, Page 171, Line 14

Leave out 'has the meaning given by Schedule' and insert 'means a power of attorney that is an enduring power within the meaning of the Enduring Powers of Attorney (Northern Ireland) Order 1987'

*Minister of Health, Social Services and Public Safety*

**Amendment 19 [Made]****Clause 306**, Page 172, Line 17

At end insert -

'but paragraphs (b) and (c) are subject to any regulations made under subsection (5A).'

*Minister of Health, Social Services and Public Safety*

**Amendment 20 [Made]****Clause 306**, Page 173, Line 30

At end insert -

'(5A) Regulations may provide that for the purposes of any prescribed provision of this Act, "the managing authority", in relation to an independent hospital or a care home ("the establishment")—

(a) means the person registered as the person who manages the establishment;

(b) means the person registered as the person who carries on the establishment; or

(c) means both the person mentioned in paragraph (a) and the person mentioned in paragraph (b).

"Registered" here means registered under Part 3 of the 2003 Order.'

*Minister of Health, Social Services and Public Safety*

**Amendment 21 [Made]****Clause 307**, Page 174, Line 6

At end insert -

'(2A) Until the coming into operation of section 1 of the Departments Act (Northern Ireland) 2016—

(a) any reference in this Act to the Department of Health is to be read as a reference to the Department of Health, Social Services and Public Safety;

(b) any reference in this Act to the Department of Finance is to be read as a reference to the Department of Finance and Personnel.'

*Minister of Health, Social Services and Public Safety*

**Amendment 22 [Made]****Schedule 9**, Page 233, Line 5

Leave out 'within the meaning of Schedule' and insert '(as defined by section 306(1))'

*Minister of Health, Social Services and Public Safety*

**Amendment 23 [Made]****Schedule 11**, Page 244, Line 12

Leave out lines 12 to 16

*Minister of Health, Social Services and Public Safety*

# Northern Ireland Assembly

## Papers Presented to the Assembly on 2 - 7 March 2016

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

Continuous Improvement Arrangements in Policing (Northern Ireland Audit Office).

Land and Property Services Trust Statement Year Ended 31 March 2015 (DFP).

## 5. Assembly Reports

Report on Invest to Save Funding in Northern Ireland (NIA 325/11-16) (Public Accounts Committee).

Report on the Legislative Consent Motion: The Northern Ireland (Stormont Agreement and Implementation Plan) Bill (NIA 320/11-16) (Committee for the Office of the First Minister and deputy First Minister).

Report on Justice in the 21st Century: Innovative Approaches for the Criminal Justice System in Northern Ireland (NIA 313/11-16) (Committee for Justice).

## 6. Statutory Rules

S.R. 2016/64 The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 (DOJ).

S.R. 2016/65 The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 (DOJ).

S.R. 2016/66 The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 (DOJ).

S.R. 2016/72 The Social Security Revaluation of Earnings Factors Order (Northern Ireland) 2016 (DSD).

S.R. 2016/75 The Zoonoses (Fees) (Amendment) Regulations (Northern Ireland) 2016 (DARD).

S.R. 2016/87 The Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2016 (DFP).

S.R. 2016/90 The Taxis Act (Northern Ireland) 2008 (Retention and Disposal of Seized Motor Vehicles, Equipment and Items) Regulations (Northern Ireland) 2016 (DOJ).

S.R. 2016/91 The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/92 The Social Security Benefits Up-rating Order (Northern Ireland) 2016 (DSD).

S.R. 2016/93 The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2016 (DOJ).

S.R. 2016/94 The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016 (DOJ).

S.R. 2016/95 The Waste (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/96 The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/97 The Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/98 The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/99 The Pensions (2015 Act) (Pension Sharing on Divorce etc.) (Transitional Provision) Order (Northern Ireland) 2016 (DSD).

S.R. 2016/100 The State Pension (Amendment No. 3) Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/105 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/107 The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/109 The Social Security Benefits Up-rating Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/110 The Social Security Benefits (Adjustment of Amounts and Thresholds) Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/111 The Complaints Tribunal (Curriculum and Related Matters) Regulations (Northern Ireland) 2016 (DE).

S.R. 2016/115 The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016 (DOE).

S.R. 2016/116 The Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/117 The Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/118 The Northern Ireland Poultry Health Assurance Scheme (Fees) (Amendment) Order (Northern Ireland) 2016 (DARD).

S.R. 2016/119 The Groundwater (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/000 (Draft) The Welfare Supplementary Payments Regulations (Northern Ireland) 2016 (DSD).

S.R. 2016/000 (Draft) The Local Government (Standing Orders) Regulations (Northern Ireland) 2016 (DOE).

#### **For Information Only**

S.R. 2016/68 (C.4) The Pensions (2015 Act) (Commencement No. 3) Order (Northern Ireland) 2016 (DSD).

S.R. 2016/83 The Road Races (Mid-Antrim 150) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/85 The Bus Lanes (Upper Newtownards Road, Belfast - between Holywood Road and Sandown Road) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/86 The Control of Traffic (A2, Shore Road, Greenisland) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/101 (C.6) The Tobacco Retailers (2014 Act) (Commencement No. 2) Order (Northern Ireland) 2016 (DHSSPS).

S.R. 2016/123 The Court Files Privileged Access Rules (Northern Ireland) 2016 (DCAL).

## **7. Written Ministerial Statements**

Building a Prosperous and United Community: 2016 Progress Report (OFMDFM).

Closure of the Northern Ireland Renewables Obligation to Onshore Wind (DETI).

## **8. Consultation Documents**

Proposal for Donaghadee (Harbour Area) Order (Northern Ireland) (DRD).

## **9. Departmental Publications**

## **10. Agency Publications**

## **11. Westminster Publications**

## **12. Miscellaneous Publications**

International Fund for Ireland – Annual Report and Accounts 2015.



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# Northern Ireland Assembly

**Tuesday 8 March 2016**

*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 Consideration of business not concluded on Monday 7 March 2016

The Speaker informed the Assembly that all business listed on the Order Paper for 7 March 2016 was concluded.

### 2.2 Motion – Nomination of the Northern Ireland Public Services Ombudsman

#### **Proposed:**

That this Assembly, in accordance with Section 3(1) of the Public Services Ombudsman Act (Northern Ireland) 2016, nominates Marie Anderson for appointment as the Northern Ireland Public Services Ombudsman.

*Ms P Bradley  
Ms C Ruane  
Mrs K McKeivitt  
Mr S Gardiner  
Mrs J Cochrane*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 3. Private Members' Business

### 3.1 Motion – International Women's Day 2016

#### **Proposed:**

That this Assembly supports the celebration of International Women's Day 2016 and Assembly Women's Week 2016; affirms its commitment to encouraging more women into politics and public life; acknowledges the importance of the work of the Speaker's Reference Group on a Gender-Sensitive Assembly; and advocates the establishment of a women's parliamentary caucus.

*Mrs K McKeivitt  
Ms C Ruane  
Ms P Bradley  
Mrs S Overend*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 4. Executive Committee Business

### 4.1 Final Stage – Rural Needs Bill (NIA Bill 67/11-16)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, moved that the Final Stage of the Rural Needs Bill (NIA Bill 67/11-16) do now pass.

*Debate ensued.*

The Rural Needs Bill (NIA Bill 67/11-16) passed Final Stage.

#### **4.2 Final Stage – Shared Education Bill (NIA Bill 66/11-16)**

The Minister of Education, Mr John O'Dowd, moved that the Final Stage of the Shared Education Bill (NIA Bill 66/11-16) do now pass.

*Debate ensued.*

The Shared Education Bill (NIA Bill 66/11-16) passed Final Stage.

#### **4.3 Motion – Suspension of Standing Order 42A(8)**

**Proposed:**

That Standing Order 42A(8) be suspended in respect of the Apprenticeships: Information Sharing provisions of the Enterprise Bill.

*Minister for Employment and Learning*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

#### **4.4 Legislative Consent Motion – Enterprise Bill: Apprenticeships Information Sharing**

**Proposed:**

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Enterprise Bill dealing with Apprenticeships: Information Sharing as contained in clause 26 of the Bill as amended in Committee Stage in the House of Commons.

*Minister for Employment and Learning*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

#### **4.5 Motion – The Draft Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016**

**Proposed:**

That the draft Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 be approved.

*Minister of Justice*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

#### **4.6 Motion – The Draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016**

**Proposed:**

That the draft Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 be approved.

*Minister of Justice*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

#### **4.7 Motion – The Draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016**

**Proposed:**

That the draft Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 be approved.

*Minister of Justice*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

*The sitting was suspended at 1.03pm.*

*The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Beggs) in the Chair.*

## 5. Question Time

### 5.1 Finance and Personnel

Questions were put to, and answered by, the Minister of Finance and Personnel, Mr Mervyn Storey.

### 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) in the Chair.*

## 6. Executive Committee Business (cont'd)

### 6.1 Motion – The Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015

#### **Proposed:**

That the Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 be approved.

*Minister for Social Development*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

### 6.2 Motion – The State Pension Regulations (Northern Ireland) 2015

#### **Proposed:**

That the State Pension Regulations (Northern Ireland) 2015 be approved.

*Minister for Social Development*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

### 6.3 Motion – The Draft General Register Office (Fees) Order (Northern Ireland) 2016

#### **Proposed:**

That the draft General Register Office (Fees) Order (Northern Ireland) 2016 be approved.

*Minister of Finance and Personnel*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

## 7. Committee Business

### 7.1 Motion – Report on Justice in the 21st Century – Innovative Approaches for the Criminal Justice System in Northern Ireland (NIA 313/11-16)

#### Proposed:

That this Assembly notes the Report on Justice in the 21st Century on Innovative Approaches for the Criminal Justice System in Northern Ireland (NIA 313/11-16) by the Committee for Justice; and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for on-line dispute resolution approaches and problem solving courts.

*Chairperson, Committee for Justice*

*Debate ensued.*

The Question being put, the Motion was **carried** without division.

### 7.2 Motion – Report of the Committee for the Environment’s Stakeholder Event on River Pollution (NIA 318/11-16)

#### Proposed:

That this Assembly notes the Report of the Committee for the Environment’s Stakeholder Event on River Pollution (NIA 318/11-16); and calls on the Minister of the Environment to work with his Executive colleagues and key stakeholders to take forward actions to address issues identified in the Report in relation to fully implementing existing legislation, addressing the causes of pollution, monitoring pollution, and enforcement.

*Chairperson, Committee for the Environment*

*The Deputy Speaker (Mr Beggs) in the Chair.*

*Debate ensued.*

*The Principal Deputy Speaker (Mr Newton) in the Chair.*

The Question being put, the Motion was **carried** without division.

## 8. Private Members’ Business

### 8.1 Further Consideration Stage – Licensing Bill (NIA Bill 69/11-16)

Mrs Judith Cochrane, sponsor of the Bill, moved the Further Consideration Stage of the Licensing Bill (NIA Bill 69/11-16).

Four amendments were tabled to the Bill.

#### Clauses

After debate, amendment 1 to Clause 1 was **made** without division.

After debate, amendment 2 to Clause 2 was **made** without division.

After debate, amendment 3 to Clause 4 was **made** without division.

After debate, amendment 4 to Clause 8 was **made** without division.

The Licensing Bill (NIA Bill 69/11-16) stood referred to the Speaker for consideration in accordance with section 10 of the Northern Ireland Act 1998.

### 8.2 Motion – Suspension of Standing Order 42(1) – Licensing Bill (Final Stage)

#### Proposed:

That Standing Order 42(1) be suspended in respect of the Final Stage of the Licensing Bill (NIA Bill 69/11-16).

*Mrs J Cochrane*

*Debate ensued.*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

## 9. Adjournment

**Proposed:**

That the Assembly do now adjourn.

*The Principal Deputy Speaker (Mr Newton)*

*The Assembly adjourned at 6.12pm.*

**Mr Mitchel McLaughlin**

**The Speaker**

8 March 2016

# Licensing Bill

## Annotated Marshalled List of Amendments Further Consideration Stage

Tuesday 8 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate.

**Amendment 1** [*Made*]

**Clause 1**, Page 1

Leave out line 3

*Mrs Judith Cochrane*

**Amendment 2** [*Made*]

**Clause 2**, Page 1, Line 17

Leave out 'other'

*Mrs Judith Cochrane*

**Amendment 3** [*Made*]

**Clause 4**, Page 2, Line 27

At end insert -

‘(b)after paragraph (2) there shall be inserted—

“(2A) In exercising a power under paragraph (2) in the case of a licence for an outdoor stadium, the court shall consider whether there should be attached to the licence conditions which would be appropriate in circumstances in which the outdoor stadium was being used primarily for events designed to appeal to persons under the age of 18 (regardless of whether the application relates to that matter).”

*Mr Jim Allister*

**Amendment 4** [*Made*]

**Clause 8**, Page 3, Line 11

Leave out subsection (2)

*Mrs Judith Cochrane*

# Northern Ireland Assembly

## Papers Presented to the Assembly on 8 March 2016

### 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

Financial Assistance for Political Parties Scheme 2016 (NIA 329/11-16) (Northern Ireland Assembly Commission).

### 5. Assembly Reports

Issues Paper following the Committee for the Environment's Stakeholder event on River Pollution on 18th February 2016 (NIA 318/11-16) (Committee for the Environment).

### 6. Statutory Rules

S.R. 2016/000 (Draft) The Renewables Obligation Closure Order (Northern Ireland) 2016 (DETI).

S.R. 2016/103 The Trunk Road T10 (Cornamuck Realignment) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/112 The River Lagan Foot/Cycle Bridge Order (Northern Ireland) 2016 (DRD).

S.R. 2016/113 The Trunk Roads T7, T17 and T22 (Londonderry to Dungiven) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/114 The River Lagan (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2016 (DRD).

S.R. 2016/128 The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2016 (DOE).

S.R. 2016/129 The Electricity (Single Wholesale Market) Order (Amendment) Regulations (Northern Ireland) 2016 (DETI).

### 7. Written Ministerial Statements

### 8. Consultation Documents

Diabetes Strategic Framework March 2016 (DHSSPS).

### 9. Departmental Publications

### 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 9 March 2016

### 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	Bill fell at Final Stage on 26.05.15	
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	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	24.07.15
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	01.12.15	12.01.16	
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	30.06.15	24.07.15
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	06.10.15	08.12.15	29.01.16
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	30.11.15	08.12.15	29.01.16
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	Minister not planning to move Bill			

<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>
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15	11.01.16	25.01.16	
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16	25.01.16	16.02.16	07.03.16		
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15	09.12.15	18.01.16	26.01.16	15.02.16	
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15	12.01.16	25.01.16	
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15	11.01.16	26.01.16	08.02.16	
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	15.01.16
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15	11.01.16	26.01.16	09.02.16	
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15	12.01.16	08.02.16	29.02.16	
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16	14.01.16	10.02.16	01.03.16		
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16	07.01.16	01.02.16	15.02.16	23.02.16	
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	12.2.16	04.02.16	23.02.16	07.03.16		

<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>
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16	06.01.16	26.01.16	23.02.16	08.03.16	
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16	26.01.16	15.02.16	29.02.16	08.03.16	
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	05.02.16	03.02.16	22.02.16	07.03.16		
Departments Bill 70/11-16	30.11.15	08.12.15	/	/	19.01.16	01.02.16	02.02.16	29.02.16
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16	08.02.16	22.02.16	07.03.16		
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.16	03.02.16	22.02.16	07.03.16		
Employment Bill 73/11-16	07.12.15	12.01.16	23.02.16	27.01.16	09.02.16	22.02.16 / 23.02.16	01.03.16	
Fisheries Bill 74/11-16	07.12.15	11.01.16	22.02.16	02.02.16	23.02.16	07.03.16		
Rates (Amendment) Bill 75/ 11-16	11.01.16	19.01.16	/	/	25.01.16	01.02.16	02.02.16	
Assembly Members (Reduction of Numbers) Bill 76/ 11-16	12.01.16	25.01.16	/	/	02.02.16	16.02.16	23.02.16	
Budget Bill 77/11-16	08.02.16	09.02.16	/	/	15.02.16	16.02.16	23.02.16	
Land Acquisition and Compensation (Amendment) Bill 78/11-16	22.02.16	01.03.16	/	/	07.03.16			

**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	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	09.12.15
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15 /01.02.16	10.02.16	19.02.16
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	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16	20.01.16	02.02.16 / 08.02.16	16.02.16	29.02.16	

<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>
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16	03.02.16	Member not planning to move Bill			
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	19.02.16	11.02.16	29.02.16			
Licensing Bill 69/11-16	24.11.15	07.12.15	19.02.16	16.02.16	29.02.16	08.03.16		

/ Bill progressing by accelerated passage

\*\* Please note that any bills that received Royal Assent in the previous session have been removed from the table.

